

CHAPTER 202

PRIMARY ELECTIONS, NOMINATIONS

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202.01 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.01 DEFINITIONS. The words used in this chapter have the meanings prescribed to them in chapter 200.

[1959 c 675 art 3 s 1]

202.011 M.S. 1957 [Renumbered 205.18]

202.02 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.02 PRIMARY ELECTION, DATE. On the first Tuesday after the second Monday in September preceding any general election an election of nominees hereinafter designated as the "primary election" shall be held in each election precinct for the selection of party and other candidates for all elective offices to be filled at the general election except presidential electors.

[1959 c 675 art 3 s 2; 1965 c 3 s 1]

202.03 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.03 NONPARTISAN NOMINATION. Subdivision 1. **Offices, ballot.** The chief justice and the associate justices of the supreme court, judges of the district and probate courts, all members of the state legislature, and all elective county officers shall be nominated upon separate nonpartisan ballots, as hereinafter provided. The ballot shall be designated "ballot of candidates to be nominated without party designation."

Subd. 2. **Nonpartisan primary ballot.** No party or other designation, except as stated in subdivision 1, shall be placed on the ballot, nor shall any candidate filing for nomination on said ballot be permitted or required to state his party affiliation on his filing affidavit. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of these officers. Each voter is entitled to vote a nonpartisan primary ballot without reference to his party affiliation.

Subd. 3. **Candidates to be nominated, number.** When only two persons file for the nomination for any nonpartisan office, or when not more than twice the number of persons to be elected to a nonpartisan office file for the nomination thereof, their names may not be placed upon the nonpartisan primary ballot, but these persons shall be considered and shall be the nominees for the office, and their names shall be placed upon the general election ballot as the nonpartisan nominees.

Subd. 4. **Nominating petitions.** Nothing herein shall prevent the nomination of candidates by groups, individuals, or so-called political parties that cannot be recognized as such, by nominating petitions to the number hereafter specified. The names of candidates nominated by nominating petitions for offices herein designated as nonpartisan shall have no party or other designation on the petition or on the election ballot.

[1959 c 675 art 3 s 3]

202.04 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.04 AFFIDAVIT OF CANDIDACY. Subdivision 1. **Filing, date.** Not more than 70 nor less than 56 days before the primary election any eligible person who desires to have his name placed on the primary ballot as a candidate for any elective office to be filled at the general election, except presidential

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electors, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county stating the following:

(a) That he is a qualified voter in the subdivision where he seeks nomination;

(b) The name of his political party if for a partisan office;

(c) The office for which he desires to be a candidate;

(d) That he has not filed as a candidate for any other office at the same primary election;

(e) If for a partisan office, that he affiliated with his political party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of the political party at the election, and intends to so vote at the ensuing election.

Subd. 2. United States senator, candidates, designation of term. When two persons are to be elected United States senators in congress from this state at the same general election, each person filing for the nomination, as provided in this chapter, in addition to all other matters necessary to be stated in his affidavit, shall designate the term for which he desires to be a candidate by stating the date of the expiration of such term, and such designation shall be printed opposite the name of the candidate on the primary ballot and opposite the name of the successful candidates upon the general election ballot. The designation of terms shall be observed by all the election officials and canvassing boards at both the primary and general elections.

Subd. 3. Associate or district judge, candidates, designation of term. In addition to the statements required to be set forth in subdivision 1 any person who files as a candidate for the office of associate justice of the supreme court or as a candidate for the office of judge of the district court, shall state in his affidavit of candidacy the office of the particular justice or judge for which he is a candidate. The filing of the affidavit of candidacy and a compliance with all other requirements of this section and section 202.05 makes the person a candidate for that nonpartisan office only.

[1959 c 675 art 3 s 4; 1961 c 606 s 16; 1965 c 515 s 1]

202.05 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.05 CANDIDATES, FILING FEES. Subdivision 1. **Amount.** Each candidate at the time of filing his affidavit shall pay to the secretary of state or the county auditor a filing fee as follows:

(a) If for the office of governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, commissioner of the railroad and warehouse commission, judge of the supreme court, representative in congress, or judge of the district court, the sum of \$100;

(b) If for the office of senator in congress, the sum of \$150;

(c) If for the office of senator or representative in the legislature, the sum of \$20;

(d) If for a county office, the sum of \$20;

(e) If no compensation is provided by law for the office or if the office is that of presidential elector, no filing fee is required.

Subd. 2. Filing fees, not returned. If an affidavit of candidacy has been filed and a filing fee has been paid, no filing officer may refund the filing fee.

[1959 c 675 art 3 s 5]

202.06 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.06 CANDIDATES, WITHDRAWAL. Subdivision 1. **Affidavit of withdrawal.** No candidate may withdraw his name from the primary ballot unless he files an affidavit with the secretary of state or with the county auditor, as the case may be, within six days after the last day for filing for the office, requesting the officer to withdraw affiant's name from the ballot.

Subd. 2. Filing or withdrawal, time limit. No affidavit of filing by any candidate, or affidavit of withdrawal by any candidate, may be accepted by the secretary of state or county auditor later than 5:00 o'clock P.M. of the last day for filing or withdrawal as provided in this chapter.

[1959 c 675 art 3 s 6; 1961 c 606 s 17]

202.07 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.07 PRIMARY ELECTION BALLOT. Subdivision 1. **Placing of name on ballot.** Except as provided in section 202.03, subdivision 3, upon proper filing of

affidavit and payment of filing fee, the county auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated or on the nonpartisan ballot as the case may be.

Subd. 2. **Partisan primary ballot, one candidate.** If only one person files as a candidate for any one office in any one political party the auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated.

Subd. 3. **Secretary of state, candidates names certified by.** At least 32 days before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him, and direct the auditors to place upon the primary election ballots of their respective counties the names so certified.

Subd. 4. **Filing fees, disposition.** The secretary of state and county auditor, respectively, shall number each affidavit and petition in numerical order as received. The auditor shall immediately pay to the county treasurer all fees received by him from candidates. The secretary of state shall immediately pay to the state treasurer all fees received by him from candidates.

[1959 c 675 art 3 s 7]

202.08 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.08 **BALLOTS.** Subdivision 1. **Partisan and nonpartisan candidates.** All voting at the primary election shall be by ballot. There shall be one ballot for all partisan candidates, grouped by parties, and a separate ballot for all candidates to be nominated without party designation.

Subd. 2. **Candidates, nonpartisan offices, who nominated.** The candidates on nonpartisan ballots receiving the highest and the next highest votes shall be the nominees for the office for which they are candidates. When more than one person is to be elected for the same nonpartisan office, the candidates, to a number equal to twice the number of persons to be elected, who receive the highest number of votes, shall be the nominees for that office.

Subd. 3. **Candidates, partisan offices, who nominated.** The candidate for any political party office receiving the highest vote at the primary election shall be the nominee of that political party for the office except as provided in subdivision 4.

Subd. 4. **Party primary, ten percent requirement.** If at the primary election any person seeking a party's nomination for an office receives a number of votes equal to ten percent of the average votes cast at the last general election for state officers of that political party within the district for which the office is voted, then all candidates of that political party who receive the highest vote for an office are the nominees of that political party. If none of the candidates of a political party receive the required ten percent, then no candidates are nominated, and all the candidates of that political party may be nominated, by nominating petitions as provided in sections 202.09 to 202.12. The term "state officers," as used in this section for the purpose of computing the average vote to determine the ten percent as provided in this section, means the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

Subd. 5. **General election, nominees.** The persons certified by canvassing boards to be nominated shall constitute the nominees of the several political parties or the nonpartisan nominees, as the case may be, to be voted for at the next ensuing general election, and their names shall be printed upon the official ballots prepared for the ensuing election.

[1959 c 675 art 3 s 8]

202.09 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.09 **NOMINATING PETITIONS.** Subdivision 1. **Number of signers.** A petition for nomination of a candidate may be signed by electors resident within the district or political division from which the candidate is presented, as follows:

(a) If for a state office on a state ticket, equal to one percent of the entire vote of the state cast at the last preceding general election, or 2,000, whichever is the lesser;

(b) If for a congressional or judicial district office, by five percent of the entire vote cast in the district at the last preceding general election, or 1,000, whichever is the lesser;

(c) If for a county or legislative office, by ten percent of the entire vote cast in the county, ward, or other election district at the last preceding general election,

or 500, whichever is the lesser.

Subd. 2. **Nonpartisan office, vacancy.** No persons may be nominated by nominating petition pursuant to this section for any office now or hereafter designated as nonpartisan except in the case of a vacancy.

Subd. 3. **Candidates ineligible.** A person who has been a candidate for an office at the primary election in any year is not eligible for nomination for the same office in that year by nominating petition under the provisions of this section, except as provided in subdivision 4 of section 202.08.

[1959 c 675 art 3 s 9; 1961 c 564 s 2; 1961 c 606 s 18]

202.10 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.10 **NOMINATING PETITION, FORM.** The nominating petition may consist of one or more writings and shall contain the name of the person nominated, the office for which he is nominated, the party or political principle he represents, expressed in not more than three words, and his place of residence, with street and number thereof, if any. In case of presidential electors, the names of the candidates for president and vice-president shall be added to the party or political designation. Only one petition shall be required for the nomination of each group of presidential electors which shall be the number to which the state is entitled.

[1959 c 675 art 3 s 10; 1961 c 606 s 1]

202.11 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.11 **NOMINATING PETITION, MORE THAN ONE CANDIDATE.** Subdivision 1. **Number of candidates.** All nominating petitions containing the names of more than one candidate are void.

Subd. 2. **Time of signing.** Nominating petitions for partisan offices may be signed and filed during the period allowed by law for the filing of affidavits of candidacy by candidates at the state primary election, and no nominating petition may be signed or filed thereafter except in the case of a vacancy in a nomination. With respect to candidates for presidential electors, nominating petitions may be filed up to and including primary election day.

Subd. 4. **Signers, more than one nominee.** No person may join as a petitioner in nominating more than one candidate for the same office unless more than one person is to be elected thereto. If more than one person is to be elected to the office, the petitioner, if eligible, may petition for as many candidates therefor as there are persons to be chosen.

[1959 c 675 art 3 s 11 subd 1, 2, 4; 1961 c 606 s 19]

202.12 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.12 **NOMINATING PETITION, SIGNER'S ADDRESS, OATH.** After the signature of each signer there shall be written his post office address. Following the facts required to be stated in each petition signed by the voter shall be an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I do not intend to vote at the primary election for the office for which this nominating petition is made, and that I signed the same of my own free will." No signature shall require notarization or certification before any officer, but each signer in so signing shall be guilty of perjury for making a false oath therein.

[1959 c 675 art 3 s 12 subd 1; 1961 c 606 s 20]

202.13 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.13 **NOMINATING PETITIONS, FILED WITH SECRETARY OF STATE, TIME.** Subdivision 1. **Filing, acknowledgment of filing, fee.** Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state. The secretary of state shall give or send to the person filing the petition an acknowledgment thereof on the same day it is received, and he shall file and preserve the nominating petitions, subject to public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered.

Subd. 2. **Filing with auditor.** In the case of names to be placed upon the county and district, canary ballot, whenever the nomination of a candidate to be voted for in any district larger than a single county is made by nominating petition, the original thereof shall be filed with the auditor of the county where the candidate resides and the auditor shall certify as many copies thereof, if presented to him, as there are other counties in the district, one of which certified copies shall be filed with the auditor of the county, and shall be authority for the auditor to place the name upon the county and district, canary ballots.

Subd. 3. **Time.** Except with respect to the nomination of candidates for presidential electors, no nomination for any office may be made either by nominating petition or otherwise later than the last day for filing affidavits of candidacy at the state primary election, except nominations to fill a vacancy in a nomination previously made.

[1959 c 675 art 3 s 13; 1961 c 606 s 21, 22]

202.14 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.14 **VACANCY IN NOMINATION.** Subdivision 1. **Death or withdrawal.** A vacancy in a nomination exists when after the primary election any person who was nominated to a nonpartisan or political party office dies, withdraws or for any other reason ceases to be the nominated candidate for that office. When a vacancy in a nomination occurs a nomination to fill the vacancy may be made in the manner provided in subdivisions 2, 3, and 4.

Subd. 2. **Partisan office.** If a vacancy in a nomination for a partisan office occurs after the primary election, it may be filled at any time before the general election by filing with the proper officer a nomination certificate executed by the chairman and secretary of the proper committee of the political party whose voters made the original nomination, under the direction of the committee; and the chairman and secretary when so filing the certificate shall attach thereto an affidavit to the effect that the candidate has been duly selected by said committee and that the persons signing said certificate and making the affidavit as such are the duly authorized chairman and secretary of said committee.

Subd. 3. **Next highest candidate.** If there is no proper committee to fill the vacancy as provided in subdivision 2, or if a vacancy occurs in a nonpartisan office, then the person receiving the next highest number of votes for the office at the primary election shall be the candidate for the office.

Subd. 4. **Nominating petitions.** If there is no proper committee to fill the vacancy as provided in subdivision 2, or if there is no person who may be nominated under subdivision 3 and a vacancy exists by reason of this fact, the vacancy may be filled by the proper officer placing upon the ballot the name or names of candidates as are nominated by nominating petition in the manner provided in sections 202.09 to 202.12. Every voter is eligible to sign a petition choosing a nominee to fill the vacancy.

[1959 c 675 art 3 s 14]

202.15 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.15 **VACANCY IN NOMINATION, CHANGING BALLOTS** If the ballots have been printed, the officer whose duty it is to have the ballots prepared and printed shall cause to be printed and distributed to the judges to whom the ballots will be distributed a sufficient number of separate paper ballots on which shall be printed the title of the office in which the vacancy in a nomination has occurred and the names of all the candidates for that office. The separate paper ballot shall be designated as, "OFFICIAL SPECIAL BALLOT," and otherwise it shall conform to the provisions governing the printing of ballots, so far as practicable. The office and candidates for the office appearing on the previously printed regular ballots shall be blotted out or stricken by the judges, and the separate paper ballot shall be given to each voter at the time he is given the previously printed regular ballot or is admitted to the voting machine. Nominating petitions to fill a vacancy shall be filed with the proper officer within one week after the day the vacancy in a nomination occurred, except that no nominating petition may be filed during the three calendar days preceding an election, and the ballots may not be changed as provided in this section during the three calendar days preceding an election. Absentee ballots that have been mailed prior to the vacancy shall be counted in the same manner as if the vacancy had not occurred, and the separate ballots provided for in this section may not be mailed to absent voters to whom ballots already have been mailed prior to the vacancy.

[1959 c 675 art 3 s 15]

202.16 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.16 **CANDIDATES NOMINATED BY PETITION, DESIGNATION.** After the name of each candidate nominated by petition shall be placed the words "nominated by petition," and any other designation as may be permitted by law, except that the word "nonpartisan" may not be placed after or to designate any candidate not duly nominated at a primary election on the nonpartisan ballot.

[1959 c 675 art 3 s 16]

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202.17 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.17 PRIMARY ELECTION CONTEST. Any candidate at a primary election who desires to contest the nomination of another candidate for the same office shall proceed in the manner prescribed for general election contests, and the proceedings shall be conducted in the manner prescribed for general election contests, so far as practicable.

[1959 c 675 art 3 s 17]

202.18 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.18 WOMAN CANDIDATE, NAMES USED. Any married woman including a widow who files as a candidate for a public office under the laws of this state may use the prefix "Mrs." and the full name of her husband or, in the case of a widow who has not remarried, her deceased husband, or the initials of her husband or, in the case of a widow who has not remarried, her deceased husband's given name, in stating her own name on her affidavit of candidacy; and the proper state, county, or municipal official in the preparation of the official ballot, shall use the name as written on the affidavit of candidacy, in designating the candidate on the ballot.

[1959 c 675 art 3 s 18]

202.19 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.19 CANDIDATES, WITHDRAWAL. A candidate may withdraw any time after the primary election, but not during the 28 days preceding the general election, by filing an affidavit of withdrawal with the proper filing officer.

[1959 c 675 art 3 s 19]

202.20 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.20 STATE CONVENTION, AUTHORITY OF. Subdivision 1. **Time of convention.** The final authority over the affairs of each political party is vested in the party's state convention to be held at least once every general election year at the call of the state central committee.

Subd. 2. **State central committee.** Subject to the control of the state convention the general management of the affairs of the state party is vested in the party's state central committee.

Subd. 3. **State executive committee.** The state executive committee of the party shall have charge of the administration of the party's affairs, subject to the direction and control of the state convention and the state central committee.

Subd. 4. **Constitution, filing.** The chairman of the state central committee of each party shall file with the secretary of state a copy of the party's constitution and all amendments to the constitution as they are enacted.

[1959 c 675 art 3 s 20]

202.21 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.21 COMMITTEES, CONVENTIONS. Each political party shall also provide for a congressional district executive committee for each congressional district and a county executive committee for each county. The party rules shall provide for conventions to be held at least once every general election year in each congressional district and in each county, and for a chairman and such other officers as may be necessary for each congressional district committee and for each county committee. The party rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits.

[1959 c 675 art 3 s 21]

202.22 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.22 PRECINCT CAUCUS. Subdivision 1. **Time and manner of holding.** At least once every general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202.22 to 202.27.

Subd. 2. **Caucus call.** The county chairman shall issue the call for the precinct caucus at least 20 days before the time set for holding the caucus, and the call shall contain the following:

- (a) Name of party;
- (b) Precinct number;
- (c) Date caucus is to be held;
- (d) Place caucus is to be held;

- (e) Hours during which caucus shall be held;
- (f) Statutory rules governing the caucus;
- (g) A statement of business to be conducted including the election of a chairman and such other officers as may be provided by party rules, and the election of delegates to county or district conventions;
- (h) Number of delegates to be elected;
- (i) Name of the county chairman issuing the call;
- (j) Name of the present precinct chairman or other person who will be the convener of the caucus;
- (k) A space for entering the names of the officers and delegates elected by the caucus.

Subd. 3. **Notice.** The county chairman shall give two weeks' published notice and at least six days' posted notice at the regular polling place of the holding of the precinct caucus, stating the place, date, and time for holding the caucus.

[1959 c 675 art 3 s 22]

202.23 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.23 TIME AND PLACE OF CAUCUS. Subdivision 1. All precinct caucuses within a county shall be held on the same day at a time set by the county executive committee. No caucus shall be convened before 2:00 P.M. nor later than 9:00 P.M., and the caucuses shall remain open for at least one hour.

Subd. 2. The precinct caucuses shall be held at the regular polling places for each precinct or other suitable places designated in the call, and no caucus may be adjourned to any other place or time.

[1959 c 675 art 3 s 23]

202.24 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.24 CAUCUS, WHO MAY PARTICIPATE AND VOTE. Subdivision 1. Only those persons who are qualified voters in the precinct as defined by the Minnesota election law in section 200.02, subdivision 25, or who will be qualified voters at the time of the next general election, may vote or be elected a delegate or officer at the precinct caucus.

Subd. 2. Only those persons who are in agreement with the principles of the party as stated in the party's constitution, and who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party at the next general election, may vote at the precinct caucus.

Subd. 3. In case the right of a person to participate at the caucus is challenged, the question of his right to participate shall be decided by a vote of the whole caucus. A person so challenged may not vote on the question of his right to participate.

Subd. 4. No person may vote or participate at more than one party's caucuses in any one year.

[1959 c 675 art 3 s 24; 1965 c 798 s 1]

202.25 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.25 CAUCUS, BUSINESS. Each precinct caucus shall elect a chairman and such other officers as may be provided by party rules, and the proper number of delegates to county or district conventions as determined by the party's call. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.

[1959 c 675 art 3 s 25]

202.26 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.26 CAUCUS, CHAIRMAN, NOMINATIONS. Subdivision 1. The convener shall be the temporary chairman of the caucus.

Subd. 2. Nominations for the election of officers and delegates shall remain open for at least the first half hour of the caucus.

Subd. 3. All voting shall be by secret ballot.

Subd. 4. Upon completion of the counting of votes the chairman shall announce the names of persons who are elected, and he shall certify the names to the chairman of the county executive committee and to the chairman of the state central committee.

[1959 c 675 art 3 s 26]

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202.27 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.27 CAUCUS, CONDUCT. All questions concerning the manner in which a caucus is conducted or called that are not covered by statute shall be determined by Robert's Rules of Order (revised) unless otherwise specified by party rules.

[1959 c 675 art 3 s 27]

202.28-202.31 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

202.41 M.S. 1957 [Repealed, 1959 c 67 s 1; 1959 c 675 art 13 s 1]

202.42, 202.43 M.S. 1953 [Repealed, 1957 c 404 s 9]

202.44-202.46 M.S. 1957 [Repealed, 1959 c 67 s 1; 1959 c 675 art 13 s 1]

202.47 M.S. 1953 [Repealed, 1957 c 404 s 9]

202.48-202.54 M.S. 1957 [Repealed, 1959 c 67 s 1; 1959 c 675 art 13 s 1]