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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. 201

January 18, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

1.1 relating to elections; moving the state primary from September to August;
1.2 making conforming changes; amending Minnesota Statutes 2006, sections
1.3 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 204B.33;
1.4 204D.03, subdivision 1; 205.065, subdivision 1; 205A.03, subdivision 2.
1.5

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 10A.31, subdivision 6, is amended to read:

1.8 Subd. 6. **Distribution of party accounts.** As soon as the board has obtained from
1.9 the secretary of state the results of the primary election, but no later than one week after
1.10 certification by the State Canvassing Board of the results of the primary, the board must
1.11 distribute the available money in each party account, as certified by the commissioner of
1.12 revenue ~~on September 1~~ one week before the state primary, to the candidates of that party
1.13 who have signed a spending limit agreement under section 10A.322 and filed the affidavit
1.14 of contributions required by section 10A.323, who were opposed in either the primary
1.15 election or the general election, and whose names are to appear on the ballot in the general
1.16 election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy
1.17 from the party account may not be paid in an amount greater than the expenditure limit
1.18 of the candidate or the expenditure limit that would have applied to the candidate if the
1.19 candidate had not been freed from expenditure limits under section 10A.25, subdivision
1.20 10. If a candidate files the affidavit required by section 10A.323 ~~after September 1 of the~~
1.21 ~~general election year~~ less than one week before the state primary, the board must pay the
1.22 candidate's allocation to the candidate at the next regular payment date for public subsidies
1.23 for that election cycle that occurs at least 15 days after the candidate files the affidavit.

2.1 Sec. 2. Minnesota Statutes 2006, section 10A.321, is amended to read:

2.2 **10A.321 ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.**

2.3 Subdivision 1. **Calculation and certification of estimates.** The commissioner of
 2.4 revenue must calculate and certify to the board one week before ~~July 1~~ the first day for
 2.5 filing for office in each election year an estimate of the total amount in the state general
 2.6 account of the state elections campaign fund and the amount of money each candidate
 2.7 who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the
 2.8 candidate's party account in the state elections campaign fund. This estimate must be
 2.9 based upon the allocations and formulas in section 10A.31, subdivisions 5 and 5a, any
 2.10 necessary vote totals provided by the secretary of state to apply the formulas in section
 2.11 10A.31, subdivisions 5 and 5a, and the amount of money expected to be available after
 2.12 100 percent of the tax returns have been processed.

2.13 Subd. 2. **Publication, certification, and notification procedures.** Before the
 2.14 first day of filing for office, the board must publish and forward to all filing officers
 2.15 the estimates calculated and certified under subdivision 1 along with a copy of section
 2.16 10A.25, subdivision 10. Within ~~seven days~~ one week after the last day for filing for
 2.17 office, the secretary of state must certify to the board the name, address, office sought, and
 2.18 party affiliation of each candidate who has filed with that office an affidavit of candidacy
 2.19 or petition to appear on the ballot. The auditor of each county must certify to the board
 2.20 the same information for each candidate who has filed with that county an affidavit of
 2.21 candidacy or petition to appear on the ballot. ~~By August 15~~ Within two weeks after the last
 2.22 day for filing for office, the board must notify all candidates of their estimated minimum
 2.23 amount. The board must include with the notice a form for the agreement provided in
 2.24 section 10A.322 along with a copy of section 10A.25, subdivision 10.

2.25 Sec. 3. Minnesota Statutes 2006, section 10A.322, subdivision 1, is amended to read:

2.26 Subdivision 1. **Agreement by candidate.** (a) As a condition of receiving a public
 2.27 subsidy, a candidate must sign and file with the board a written agreement in which the
 2.28 candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision
 2.29 10; 10A.31, subdivision 7, paragraph (c); and 10A.324.

2.30 (b) Before the first day of filing for office, the board must forward agreement forms
 2.31 to all filing officers. The board must also provide agreement forms to candidates on
 2.32 request at any time. The candidate must file the agreement with the board by ~~September 1~~
 2.33 ~~preceding the candidate's general election or a special election held at the general election~~
 2.34 at least one week before the candidate's state primary. An agreement may not be filed after
 2.35 that date. An agreement once filed may not be rescinded.

3.1 (c) The board must notify the commissioner of revenue of any agreement signed
3.2 under this subdivision.

3.3 (d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means
3.4 of a special election and the filing period does not coincide with the filing period for the
3.5 general election, a candidate may sign and submit a spending limit agreement not later
3.6 than the day after the candidate files the affidavit of candidacy or nominating petition
3.7 for the office.

3.8 Sec. 4. Minnesota Statutes 2006, section 10A.323, is amended to read:

3.9 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

3.10 In addition to the requirements of section 10A.322, to be eligible to receive a public
3.11 subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit
3.12 with the board stating that during that calendar year the candidate has accumulated
3.13 contributions from persons eligible to vote in this state in at least the amount indicated for
3.14 the office sought, counting only the first \$50 received from each contributor:

- 3.15 (1) candidates for governor and lieutenant governor running together, \$35,000;
3.16 (2) candidates for attorney general, \$15,000;
3.17 (3) candidates for secretary of state and state auditor, separately, \$6,000;
3.18 (4) candidates for the senate, \$3,000; and
3.19 (5) candidates for the house of representatives, \$1,500.

3.20 The affidavit must state the total amount of contributions that have been received
3.21 from persons eligible to vote in this state, disregarding the portion of any contribution in
3.22 excess of \$50.

3.23 The candidate or the candidate's treasurer must submit the affidavit required by
3.24 this section to the board in writing ~~by September 1 of the general election year~~ at least
3.25 one week before the state primary.

3.26 A candidate for a vacancy to be filled at a special election for which the filing period
3.27 does not coincide with the filing period for the general election must submit the affidavit
3.28 required by this section to the board within five days after filing the affidavit of candidacy.

3.29 Sec. 5. Minnesota Statutes 2006, section 204B.33, is amended to read:

3.30 **204B.33 NOTICE OF FILING.**

3.31 (a) ~~Between June 1 and July 1 in each even-numbered year~~ At least 15 weeks before
3.32 the state primary, the secretary of state shall notify each county auditor of the offices to be
3.33 voted for in that county at the next state general election for which candidates file with the
3.34 secretary of state. The notice shall include the time and place of filing for those offices.

4.1 Within ten days after notification by the secretary of state, each county auditor shall notify
4.2 each municipal clerk in the county of all the offices to be voted for in the county at that
4.3 election and the time and place for filing for those offices. The county auditors and
4.4 municipal clerks shall promptly post a copy of that notice in their offices.

4.5 (b) At least two weeks before the first day to file an affidavit of candidacy, the
4.6 county auditor shall publish a notice stating the first and last dates on which affidavits of
4.7 candidacy may be filed in the county auditor's office and the closing time for filing on the
4.8 last day for filing. The county auditor shall post a similar notice at least ten days before
4.9 the first day to file affidavits of candidacy.

4.10 Sec. 6. Minnesota Statutes 2006, section 204D.03, subdivision 1, is amended to read:

4.11 Subdivision 1. **State primary.** The state primary shall be held on the first second
4.12 Tuesday after the second Monday in September August in each even-numbered year to
4.13 select the nominees of the major political parties for partisan offices and the nominees for
4.14 nonpartisan offices to be filled at the state general election, other than presidential electors.

4.15 Sec. 7. Minnesota Statutes 2006, section 205.065, subdivision 1, is amended to read:

4.16 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
4.17 nominating elective officers may be held in any city on the first second Tuesday ~~after the~~
4.18 ~~second Monday in September August~~ of any an odd-numbered year or on the date of the
4.19 state primary in an even-numbered year. The municipal primary must be held in the same
4.20 year in which a municipal general election is to be held for the purpose of electing officers.

4.21 Sec. 8. Minnesota Statutes 2006, section 205A.03, subdivision 2, is amended to read:

4.22 Subd. 2. **Date.** The school district primary must be held on the first second Tuesday
4.23 ~~after the second Monday in September August~~ of an odd-numbered year or on the date of
4.24 the state primary in an even-numbered year. The primary must be held in the year when
4.25 the school district general election is held. The clerk shall give notice of the primary in
4.26 the manner provided in section 205A.07.