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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1480**

March 1, 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

relating to elections; changing special primary and special election requirements and provisions; amending Minnesota Statutes 2006, sections 204D.19, subdivision 2, by adding a subdivision; 204D.21, by adding a subdivision; 204D.22, subdivision 3; 204D.24, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 206.

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

Section 1. Minnesota Statutes 2006, section 204D.19, subdivision 2, is amended to read:

Subd. 2. Special election when the Congress or legislature will be in session.

Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the 33rd day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the Congress or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than ~~28~~ 42 days after the issuance of the writ.

Sec. 2. Minnesota Statutes 2006, section 204D.19, is amended by adding a subdivision to read:

Subd. 5. Timing of special election. No special primary or special election may be held on the date of a state holiday, within two days of a state holiday, or between December 24 and January 2 of any year.

2.1 Sec. 3. Minnesota Statutes 2006, section 204D.21, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 4. **Date of special primary.** A special primary may be conducted no earlier
2.4 than 21 days after the last day to file affidavits of candidacy.

2.5 Sec. 4. Minnesota Statutes 2006, section 204D.22, subdivision 3, is amended to read:

2.6 Subd. 3. **Notice of special election.** The county auditor of a county in which a
2.7 special election is to be held shall direct the clerk of each municipality in which the
2.8 election is to be held to post a notice of the special primary and special election at least
2.9 seven days before the special primary and at least 14 days before the special election in
2.10 the manner provided in sections 204B.33 and 204B.34. If the special primary is to be
2.11 held 14 days before the special election, a single notice of both elections may be posted
2.12 seven days before the primary.

2.13 When the special primary or special election is to be held on the same day as any
2.14 other election, notice of the special primary or special election may be included in the
2.15 notice of the other election, if practicable. The notice required by section 206.83 may be
2.16 posted at least two days before the date of the test of voting systems in place of publication.

2.17 Sec. 5. Minnesota Statutes 2006, section 204D.24, is amended by adding a subdivision
2.18 to read:

2.19 Subd. 3. **Replacement absentee ballots.** If a supplemental ballot is required as
2.20 provided in section 204B.41, a replacement ballot must be provided to each absentee
2.21 ballot applicant who requests it.

2.22 Sec. 6. **[206.255] SPECIAL ELECTIONS; ERRORS AND OMISSIONS**
2.23 **PETITIONS.**

2.24 An errors and omissions petition relating to the placement of a candidate on the
2.25 special primary or special election ballot or the manner in which the ballot is prepared
2.26 must be filed with the appropriate court no later than three days after the last day to file
2.27 affidavits of candidacy. No changes to the ballot may be made during the seven days
2.28 prior to a special primary or special election.