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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **654**

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

1.1 A bill for an act  
1.2 relating to elections; permitting fusion candidacies; amending Minnesota Statutes  
2008, sections 204B.03; 204B.04, subdivisions 1, 2; 204B.06, subdivision  
1; 204B.07, subdivision 1; 204C.21, subdivision 1; 204C.24, subdivision 1;  
204C.33, subdivisions 1, 3; 204D.13, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2008, section 204B.03, is amended to read:

1.8 **204B.03 MANNER OF NOMINATION.**

1.9 Candidates of a major political party for any partisan office except presidential  
1.10 elector and all candidates for nonpartisan office shall apply for a place on the primary  
1.11 ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as  
1.12 otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.  
1.13 Candidates for any partisan office who do not seek the nomination of a major political  
1.14 party shall be nominated by nominating petition as provided in sections 204B.07  
1.15 and 204B.08, and, except for presidential elector candidates, shall file an affidavit of  
1.16 candidacy as provided in section 204B.06. Candidates for any partisan office who seek the  
1.17 nomination of a political party or political principle other than the candidate's political  
1.18 party, shall be nominated by nominating petition as provided in sections 204B.07 and  
1.19 204B.08, and except for presidential elector candidates, shall file an affidavit of candidacy  
1.20 as provided in section 204B.06.

1.21 Sec. 2. Minnesota Statutes 2008, section 204B.04, subdivision 1, is amended to read:

1.22 Subdivision 1. **Major party candidates.** No individual shall be named on any  
1.23 ballot as the candidate of more than one major political party. An individual may be

2.1 named on a ballot as a candidate of a major political party and as a candidate of a political  
 2.2 principle or any political party that is not a major political party. No individual who has  
 2.3 been certified by a canvassing board as the nominee of any major political party shall  
 2.4 be named on any ballot as the candidate of any other major political party at the next  
 2.5 ensuing general election.

2.6 Sec. 3. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

2.7 Subd. 2. **Candidates seeking nomination by primary.** No individual who seeks  
 2.8 nomination for any partisan ~~or nonpartisan~~ office as a major political party candidate at  
 2.9 a primary shall be nominated for the same office as a major political party candidate by  
 2.10 nominating petition, except as otherwise provided ~~for partisan offices~~ in section 204D.10,  
 2.11 subdivision 2, ~~and for nonpartisan offices.~~ No individual who seeks nomination for any  
 2.12 nonpartisan office at a primary shall be nominated for the same office except as otherwise  
 2.13 provided in section 204B.13, subdivision 4.

2.14 Sec. 4. Minnesota Statutes 2008, section 204B.06, subdivision 1, is amended to read:

2.15 Subdivision 1. **Form of affidavit.** An affidavit of candidacy shall state the name of  
 2.16 the office sought and, except as provided in subdivision 4, shall state that the candidate:

2.17 (1) is an eligible voter;

2.18 (2) has no other affidavit on file as a candidate for any office at the same primary  
 2.19 or next ensuing general election, except that a candidate for soil and water conservation  
 2.20 district supervisor in a district not located in whole or in part in Anoka, Hennepin,  
 2.21 Ramsey, or Washington County, may also have on file an affidavit of candidacy for  
 2.22 mayor or council member of a statutory or home rule charter city of not more than 2,500  
 2.23 population contained in whole or in part in the soil and water conservation district or for  
 2.24 town supervisor in a town of not more than 2,500 population contained in whole or in part  
 2.25 in the soil and water conservation district; and

2.26 (3) is, or will be on assuming the office, 21 years of age or more, and will have  
 2.27 maintained residence in the district from which the candidate seeks election for 30 days  
 2.28 before the general election.

2.29 An affidavit of candidacy must include a statement that the candidate's name as  
 2.30 written on the affidavit for ballot designation is the candidate's true name or the name by  
 2.31 which the candidate is commonly and generally known in the community.

2.32 An affidavit of candidacy for partisan office shall also state the name of the  
 2.33 candidate's political party or political principle, stated in three words or less. A candidate  
 2.34 who has filed an affidavit of candidacy as a major political party candidate may file an

3.1 affidavit accepting the nomination of the candidate by any other political party, except  
3.2 another major political party, or political principle by stating the name of the other political  
3.3 party or political principle in three words or less.

3.4 Sec. 5. Minnesota Statutes 2008, section 204B.07, subdivision 1, is amended to read:

3.5 Subdivision 1. **Form of petition.** A nominating petition may consist of one or more  
3.6 separate pages each of which shall state:

3.7 (a) the office sought;

3.8 (b) the candidate's name and residence address, including street and number if  
3.9 any; and

3.10 (c) the candidate's political party or political principle, or the political party or  
3.11 political principle of the individual filing the nominating petition, expressed in not more  
3.12 than three words. No candidate who files for a partisan office by nominating petition  
3.13 and no candidate who files an affidavit accepting a nomination by nominating petition  
3.14 shall use the term "nonpartisan" as a statement of political principle or the name of the  
3.15 candidate's political party. No part of the name of a major political party may be used to  
3.16 designate the political party or principle of a candidate who files or accepts the filing for a  
3.17 partisan office by nominating petition, except that the word "independent" may be used  
3.18 to designate the party or principle. A candidate who files by nominating petition to fill a  
3.19 vacancy in nomination for a nonpartisan office pursuant to section 204B.13, shall not state  
3.20 any political principle or the name of any political party on the petition.

3.21 Sec. 6. Minnesota Statutes 2008, section 204C.21, subdivision 1, is amended to read:

3.22 Subdivision 1. **Method.** The election judges shall take all the ballots of the same  
3.23 kind and count the votes cast for each office or question, beginning with the first office  
3.24 or question on the ballot. They shall make one pile of the ballots for ~~each~~ the candidate  
3.25 ~~who~~ of each political party or political principle that received votes for that office, or one  
3.26 pile for the "Yes" votes and one pile for the "No" votes on a question. They shall make a  
3.27 pile of totally defective ballots and a pile of totally blank ballots. They shall make a pile of  
3.28 ballots that are not totally defective but are defective with respect to the office or question  
3.29 being counted and a pile of ballots that are not totally blank but are blank with respect to  
3.30 the office or question being counted. After the separation into piles, the election judges  
3.31 shall examine each pile and remove and place in the proper pile any ballots that are found  
3.32 in the wrong pile. The election judges shall count the totally blank and totally defective  
3.33 ballots and set them aside until the counting is over for that ballot. The election judges  
3.34 may pile ballots crosswise in groups of 25 in the same pile to facilitate counting. When

4.1 their counts agree, the election judges shall announce the number of ballots in each pile,  
4.2 and shall write the number in the proper place on the summary statements.

4.3 The election judges shall then return all the counted ballots, and all the partially  
4.4 defective or partially blank ballots, to the original pile to be separated and counted in the  
4.5 same manner for the next office or question.

4.6 Sec. 7. Minnesota Statutes 2008, section 204C.24, subdivision 1, is amended to read:

4.7 Subdivision 1. **Information requirements.** Precinct summary statements shall be  
4.8 submitted by the election judges in every precinct. For all elections, the election judges  
4.9 shall complete three or more copies of the summary statements, and each copy shall  
4.10 contain the following information for each kind of ballot:

4.11 (a) the number of votes each candidate received or the number of yes and no votes  
4.12 on each question, the number of undervotes or partially blank ballots, and the number of  
4.13 overvotes or partially defective ballots with respect to each office or question;

4.14 (b) the number of totally blank ballots, the number of totally defective ballots, the  
4.15 number of spoiled ballots, and the number of unused ballots;

4.16 (c) the number of individuals who voted at the election in the precinct;

4.17 (d) the number of voters registering on election day in that precinct; and

4.18 (e) the signatures of the election judges who counted the ballots certifying that  
4.19 all of the ballots cast were properly piled, checked, and counted; and that the numbers  
4.20 entered by the election judges on the summary statements correctly show the number of  
4.21 votes cast for each candidate of each political party or political principle and for and  
4.22 against each question.

4.23 At least two copies of the summary statement must be prepared for elections not  
4.24 held on the same day as the state elections.

4.25 Sec. 8. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

4.26 Subdivision 1. **County canvass.** The county canvassing board shall meet at the  
4.27 county auditor's office on or before the seventh day following the state general election.  
4.28 After taking the oath of office, the board shall promptly and publicly canvass the general  
4.29 election returns delivered to the county auditor. Upon completion of the canvass, the board  
4.30 shall promptly prepare and file with the county auditor a report which states:

4.31 (a) the number of individuals voting at the election in the county and in each precinct;

4.32 (b) the number of individuals registering to vote on election day and the number of  
4.33 individuals registered before election day in each precinct;

5.1 (c) the names of the candidates for each office of each political party or political  
 5.2 principle and the number of votes received by each candidate of each political party or  
 5.3 political principle in the county and in each precinct, including write-in candidates for  
 5.4 state and federal office who have requested under section 204B.09 that votes for those  
 5.5 candidates be tallied;

5.6 (d) the number of votes counted for and against a proposed change of county lines  
 5.7 or county seat; and

5.8 (e) the number of votes counted for and against a constitutional amendment or other  
 5.9 question in the county and in each precinct.

5.10 The result of write-in votes cast on the general election ballots must be compiled by  
 5.11 the county auditor before the county canvass, except that write-in votes for a candidate  
 5.12 for state or federal office must not be counted unless the candidate has timely filed a  
 5.13 request under section 204B.09, subdivision 3. The county auditor shall arrange for each  
 5.14 municipality to provide an adequate number of election judges to perform this duty or  
 5.15 the county auditor may appoint additional election judges for this purpose. The county  
 5.16 auditor may open the envelopes or containers in which the voted ballots have been  
 5.17 sealed in order to count and record the write-in votes and must reseal the voted ballots  
 5.18 at the conclusion of this process.

5.19 Upon completion of the canvass, the county canvassing board shall combine the  
 5.20 votes for the same candidate without regard to political party or political principle, and  
 5.21 declare the candidate duly elected who received the highest number of votes for each  
 5.22 county and state office voted for only within the county. The county auditor shall transmit  
 5.23 one of the certified copies of the county canvassing board report for state and federal  
 5.24 offices to the secretary of state by express mail or similar service immediately upon  
 5.25 conclusion of the county canvass.

5.26 Sec. 9. Minnesota Statutes 2008, section 204C.33, subdivision 3, is amended to read:

5.27 Subd. 3. **State canvass.** The State Canvassing Board shall meet at the secretary of  
 5.28 state's office on the second Tuesday following the state general election to canvass the  
 5.29 certified copies of the county canvassing board reports received from the county auditors  
 5.30 and shall prepare a report that states:

5.31 (a) the number of individuals voting in the state and in each county;

5.32 (b) the number of votes received by each of the candidates of each political party  
 5.33 or political principle, and the total number of votes received by each of the candidates  
 5.34 without regard to political party or political principle, specifying the counties in which  
 5.35 they were cast; and

6.1 (c) the number of votes counted for and against each constitutional amendment,  
6.2 specifying the counties in which they were cast.

6.3 All members of the State Canvassing Board shall sign the report and certify its  
6.4 correctness. The State Canvassing Board shall declare the result within three days after  
6.5 completing the canvass.

6.6 Sec. 10. Minnesota Statutes 2008, section 204D.13, subdivision 2, is amended to read:

6.7 Subd. 2. **Order of political parties.** The first name printed for each partisan office  
6.8 on the white ballot shall be that of the candidate of the major political party that received  
6.9 the smallest average number of votes at the last state general election. The succeeding  
6.10 names shall be those of the candidates of the other major political parties that received  
6.11 a succeeding higher average number of votes respectively. For the purposes of this  
6.12 subdivision, the average number of votes of a major political party shall be computed by  
6.13 dividing the total number of votes counted for all of the party's candidates for statewide  
6.14 office at the state general election by the number of those candidates at the election. The  
6.15 succeeding names shall be those of the remaining candidates for the office and their  
6.16 political party or principle.