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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 655

February 9, 2009

Authored by Kahn; Haws; Lesch; Murphy, M.; Davnie and others
The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

March 5, 2009

Committee Recommendation and Adoption of Report: To Pass as Amended and re-referred to the Committee on Civil Justice

March 18, 2009

Committee Recommendation and Adoption of Report: To Pass Read Second Time

May 18, 2009

Pursuant to Rule 4.20, re-referred to the Committee on Civil Justice

February 11, 2010

Committee Recommendation and Adoption of Report: To Pass Read Second Time

1.1 A bill for an act
1.2 relating to elections; requiring an affidavit of candidacy to state the candidate's
1.3 residence address and telephone number; prohibiting placement of a candidate
1.4 on the ballot if residency requirements are not met; amending Minnesota Statutes
1.5 2008, section 204B.06, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2008, section 204B.06, subdivision 1, is amended to read:

1.8 Subdivision 1. Form of affidavit. (a) An affidavit of candidacy shall state the name
1.9 of the office sought and, except as provided in subdivision 4, shall state that the candidate:

1.10 (1) is an eligible voter;

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

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

1.22 (b) An affidavit of candidacy must include a statement that the candidate's name as
1.23 written on the affidavit for ballot designation is the candidate's true name or the name by
1.24 which the candidate is commonly and generally known in the community.

2.1 (c) Except as provided in paragraph (f), an affidavit of candidacy must state the
2.2 candidate's residence address and a telephone number where the candidate can be
2.3 contacted. The form for the affidavit of candidacy must inform the candidate that the
2.4 candidate's address must be classified as private data if the candidate prefers, and allow
2.5 the candidate to indicate that preference. The address of a candidate who indicates this
2.6 preference on an affidavit of candidacy is classified as private data on individuals as
2.7 defined in section 13.02, subdivision 12.

2.8 (d) For an office whose residency requirement must be satisfied by the close of the
2.9 filing period, a registered voter in this state may request in writing that the filing officer
2.10 receiving the affidavit of candidacy review the address as provided in this paragraph, at
2.11 any time up to one day after the last day for filing for office. If requested, the filing officer
2.12 must determine whether the address provided in the affidavit of candidacy is represented
2.13 by the office the candidate is seeking. If the filing officer determines that the address is not
2.14 represented by the office, the filing officer must immediately notify the candidate and the
2.15 candidate's name must be removed from the ballot for that office. A determination made
2.16 by a filing officer under this paragraph is subject to judicial review under section 204B.44.

2.17 (e) Except as provided in paragraph (f), for an office whose residency requirement
2.18 may be satisfied as of a date after filings close, a candidate who does not reside in the
2.19 district at the time of filing must submit a separate affidavit stating the candidate's residence
2.20 address and a telephone number where the candidate can be contacted. The affidavit must
2.21 be submitted to the filing officer by the deadline for meeting the residency requirement.

2.22 (f) The requirements of paragraphs (c), (d), and (e) do not apply to affidavits of
2.23 candidacy for a candidate for: (1) judicial office; (2) the office of county attorney; or
2.24 (3) county sheriff.

2.25 (g) An affidavit of candidacy for partisan office shall also state the name of the
2.26 candidate's political party or political principle, stated in three words or less.