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State of Minnesota
HOUSE OF REPRESENTATIVES

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SESSION

HOUSE FILE No. 1113

February 26, 2009

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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

March 12, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to elections; authorizing early voting; providing for special elections
1.3 in the case of vacancies in nomination; amending Minnesota Statutes 2008,
1.4 sections 201.022, subdivision 1; 203B.001; 203B.01, by adding a subdivision;
1.5 203B.03, subdivision 1; 203B.05; 203B.11, subdivision 1; 203B.12, subdivision
1.6 2; 204B.04, subdivisions 2, 3; 204B.07, subdivision 1; 204B.09, subdivision 1;
1.7 204B.11, subdivision 2; 204B.13, subdivisions 1, 2, by adding subdivisions;
1.8 204C.10; 206.83; 206.89, subdivision 2; proposing coding for new law in
1.9 Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, sections
1.10 203B.11, subdivision 2; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 5,
1.11 6; 204B.41; 204D.169.

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

1.13 **ARTICLE 1**
1.14 **EARLY VOTING**

1.15 Section 1. Minnesota Statutes 2008, section 201.022, subdivision 1, is amended to read:

1.16 Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide
1.17 voter registration system to facilitate voter registration and to provide a central database
1.18 containing voter registration information from around the state. The system must be
1.19 accessible to the county auditor of each county in the state. The system must also:

1.20 (1) provide for voters to submit their voter registration applications to any county
1.21 auditor, the secretary of state, or the Department of Public Safety;

1.22 (2) provide for the definition, establishment, and maintenance of a central database
1.23 for all voter registration information;

1.24 (3) provide for entering data into the statewide registration system;

1.25 (4) provide for electronic transfer of completed voter registration applications from
1.26 the Department of Public Safety to the secretary of state or the county auditor;

1.27 (5) assign a unique identifier to each legally registered voter in the state;

2.1 (6) provide for the acceptance of the Minnesota driver's license number, Minnesota
2.2 state identification number, and last four digits of the Social Security number for each
2.3 voter record;

2.4 (7) coordinate with other agency databases within the state;

2.5 (8) allow county auditors and the secretary of state to add or modify information in
2.6 the system to provide for accurate and up-to-date records;

2.7 (9) allow county auditors, municipal and school district clerks, and the secretary
2.8 of state to have electronic access to the statewide registration system for review and
2.9 search capabilities;

2.10 (10) provide security and protection of all information in the statewide registration
2.11 system and ensure that unauthorized access is not allowed;

2.12 (11) provide access to municipal clerks to use the system;

2.13 (12) provide a system for each county to identify the precinct to which a voter
2.14 should be assigned for voting purposes;

2.15 (13) provide daily reports accessible by county auditors on the driver's license
2.16 numbers, state identification numbers, or last four digits of the Social Security numbers
2.17 submitted on voter registration applications that have been verified as accurate by the
2.18 secretary of state; ~~and~~

2.19 (14) provide reports on the number of absentee ballots transmitted to and returned
2.20 and cast by voters under section 203B.16; and

2.21 (15) provide rosters, master lists, and other reports necessary for early voting.

2.22 The appropriate state or local official shall provide security measures to prevent
2.23 unauthorized access to the computerized list established under section 201.021.

2.24 Sec. 2. Minnesota Statutes 2008, section 203B.001, is amended to read:

2.25 **203B.001 ELECTION LAW APPLICABILITY.**

2.26 The Minnesota Election Law is applicable to voting by absentee ballot and early
2.27 voting unless otherwise provided in this chapter.

2.28 Sec. 3. Minnesota Statutes 2008, section 203B.01, is amended by adding a subdivision
2.29 to read:

2.30 Subd. 5. **Early voting.** "Early voting" means voting in person before election day at
2.31 the office of the county auditor or any other location authorized in this chapter.

2.32 Sec. 4. Minnesota Statutes 2008, section 203B.03, subdivision 1, is amended to read:

2.33 Subdivision 1. **Violation.** No individual shall intentionally:

- 3.1 (a) make or sign any false certificate required by this chapter;
- 3.2 (b) make any false or untrue statement in any application for absentee ballots or
- 3.3 early voting ballots;
- 3.4 (c) apply for absentee ballots or early voting ballots more than once in any election
- 3.5 with the intent to cast an illegal ballot;
- 3.6 (d) exhibit a ballot marked by that individual to any other individual;
- 3.7 (e) do any act in violation of the provisions of this chapter for the purpose of casting
- 3.8 an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;
- 3.9 (f) use information from absentee ballot or early voting materials or records for
- 3.10 purposes unrelated to elections, political activities, or law enforcement;
- 3.11 (g) provide assistance to an absentee or early voter except in the manner provided by
- 3.12 section 204C.15, subdivision 1;
- 3.13 (h) solicit the vote of an absentee or early voter while in the immediate presence of
- 3.14 the voter during the time the individual knows the absentee or early voter is voting; or
- 3.15 (i) alter an absentee or early voter ballot application after it has been signed by the
- 3.16 voter, except by an election official for administrative purposes.

3.17 Before inspecting information from absentee ballot or early voting materials or

3.18 records, an individual shall provide identification to the public official having custody of

3.19 the material or information.

3.20 Sec. 5. Minnesota Statutes 2008, section 203B.05, is amended to read:

3.21 **203B.05 DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER**

3.22 **EARLY AND ABSENTEE VOTING LAWS.**

3.23 Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer

3.24 the provisions of sections 203B.04 to 203B.15 if:

- 3.25 (a) the county auditor of that county has designated the clerk to administer them; or
- 3.26 (b) the clerk has given the county auditor of that county notice of intention to
- 3.27 administer them.

3.28 A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the

3.29 clerk has technical capacity to access the absentee ballot module of the statewide voter

3.30 registration system in the secure manner prescribed by the secretary of state. The secretary

3.31 of state must identify hardware, software, security, or other technical prerequisites

3.32 necessary to ensure the security, access controls, and performance of the statewide voter

3.33 registration system. A clerk designated under this subdivision must receive training

3.34 approved by the secretary of state on the use of the statewide voter registration system.

4.1 A clerk may not use the statewide voter registration system until the clerk has received
4.2 the required training.

4.3 Subd. 2. **City, school district, and town elections.** For city, town, and school
4.4 district elections not held on the same day as a statewide election, applications for
4.5 absentee ballots shall be filed with the city, school district, or town clerk and the duties
4.6 prescribed by this chapter for the county auditor shall be performed by the city, school
4.7 district, or town clerk unless the county auditor agrees to perform those duties on behalf
4.8 of the city, school district, or town clerk. The costs incurred to provide absentee ballots
4.9 and perform the duties prescribed by this subdivision shall be paid by the city, town, or
4.10 school district holding the election.

4.11 Notwithstanding any other law, this chapter applies to school district elections held
4.12 on the same day as a statewide election or an election for a county or municipality wholly
4.13 or partially within the school district.

4.14 Sec. 6. Minnesota Statutes 2008, section 203B.11, subdivision 1, is amended to read:

4.15 Subdivision 1. **Generally.** Each full-time municipal clerk or school district
4.16 clerk who has authority under section 203B.05 to administer absentee and early voting
4.17 laws shall designate election judges to deliver ~~absentee~~ ballots in accordance with this
4.18 section. The county auditor must also designate election judges to perform the duties in
4.19 this section. A ballot may be delivered only to an eligible voter who is a temporary or
4.20 permanent resident or patient in a health care facility or hospital located in the municipality
4.21 in which the voter maintains residence. The ballots shall be delivered by two election
4.22 judges, each of whom is affiliated with a different major political party. When the election
4.23 judges deliver or return ballots as provided in this section, they shall travel together in the
4.24 same vehicle. The election judges must bring a ballot box. Both election judges shall be
4.25 present when an applicant ~~completes the certificate of eligibility~~ signs the certification
4.26 required by section 204C.10, paragraph (b), and marks the ~~absentee~~ ballots, and may assist
4.27 an applicant as provided in section 204C.15. Voters must insert their ballots into the
4.28 ballot box. The election judges shall ~~deposit the return envelopes containing the marked~~
4.29 ~~absentee ballots~~ remove the ballots from the ballot box, place them in a sealed container
4.30 and return them to the clerk on the same day that they are delivered and marked.

4.31 Election judges may bring an electronic ballot counter to serve as the ballot box.

4.32 Election judges may bring an electronic ballot marker.

4.33 Sec. 7. **[203B.30] EARLY VOTING.**

5.1 Any eligible voter may vote in person before election day in the manner provided
5.2 in sections 203B.31 to 203B.35.

5.3 **Sec. 8. [203B.31] TIME PERIOD FOR EARLY VOTING.**

5.4 Early voting must be available to any eligible voter as provided in section 203B.32
5.5 for every primary, general, and special election from 15 days before the election through
5.6 5:00 p.m. on the fourth day before the election. All voters in line at 5:00 p.m. on the
5.7 fourth day before the election must be allowed to vote.

5.8 **Sec. 9. [203B.32] HOURS FOR EARLY VOTING.**

5.9 Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on
5.10 each weekday during the time period provided in section 203B.31; from 8:00 a.m. to 8:00
5.11 p.m. on at least one of those days; and from 8:00 a.m. to 4:00 p.m. on the Saturday
5.12 before the election.

5.13 **Sec. 10. [203B.33] LOCATIONS FOR EARLY VOTING.**

5.14 (a) Early voting must be made available at a polling place designated in the county
5.15 auditor's office, at the municipal clerk's office in every municipality that has been
5.16 delegated the responsibility to administer absentee voting as provided in section 203B.05,
5.17 and at any other location designated by the county auditor or municipal clerk at least 90
5.18 days before the election. At least one voting station and one ballot marking device for
5.19 disabled voters must be made available in each polling place.

5.20 (b) The county auditor must make at least one ballot box available in each polling
5.21 place. As soon as practicable following the public accuracy test, the county auditor must
5.22 make an electronic ballot counter available.

5.23 **Sec. 11. [203B.34] NOTICE TO VOTERS.**

5.24 The county auditor must prepare a notice to the voters of the days, times, and
5.25 locations for early voting. This notice must be posted on the county's Web site and the
5.26 Web site for each municipality in the county where an early voting location is designated
5.27 for the election at least 14 days before the first day for early voting.

5.28 **Sec. 12. [203B.35] PROCEDURES FOR EARLY VOTING.**

5.29 Subdivision 1. **Voting procedure.** Each voter shall sign an early voting roster that
5.30 must include the certification provided in section 204C.10. An individual who is not
5.31 registered to vote must register in the manner provided in section 201.061, subdivision

6.1 3. After the voter has signed a roster, two election judges must initial the appropriate
6.2 ballot for the voter's precinct and provide it to the voter. The voter must mark the ballot
6.3 and deposit it in either a precinct voting system or a sealed ballot box. A voter may
6.4 not leave the polling place with the ballot.

6.5 Subd. 2. **Record of voting.** (a) The county auditor or municipal clerk must
6.6 immediately record that a voter has voted early on the voter's record in the statewide voter
6.7 registration system. After a voter's record has been marked to record that an individual
6.8 has voted early, the individual must not be allowed to vote again at that election. Voters
6.9 who are not preregistered at the voter's current address must be considered election day
6.10 registrants.

6.11 (b) The early voting rosters must be marked no later than the start of voting on
6.12 election day to indicate the voters who have cast a ballot at an early voting location.

6.13 The roster may be marked either:

6.14 (1) by the municipal clerk before election day;

6.15 (2) by the absentee ballot board before election day; or

6.16 (3) by the election judges at the polling place on election day.

6.17 (c) A voter who has cast a ballot in person by early voting and deposited it in a ballot
6.18 box or ballot counter must not be permitted to vote at the polling place on election day.
6.19 An absentee ballot received from a voter who has cast a ballot in person by early voting
6.20 must be rejected by the election judges.

6.21 Subd. 3. **Storage and counting of ballots.** Two staff of the county auditor or two
6.22 election judges of different major political parties must:

6.23 (1) remove the ballots from the ballot box and seal and secure them at the end of
6.24 each day on which early ballots were inserted into the ballot box; and

6.25 (2) ensure that the number of ballots removed from the ballot box is equal to the
6.26 number of voters who voted early.

6.27 After the polls have closed, two staff of the county auditor or two election judges
6.28 of different major political parties must count the early ballots, tabulating the vote in a
6.29 manner that indicates each vote of the voter and the total votes cast for each candidate
6.30 or question. In state primary and state general elections, the results must indicate the
6.31 total votes cast for each candidate or question in each precinct and report the vote totals
6.32 tabulated for each precinct. The count shall be public. No vote totals from early ballots
6.33 may be made public before the close of voting on election day.

7.1 Sec. 13. Minnesota Statutes 2008, section 204C.10, is amended to read:

7.2 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
7.3 **REGISTRATION.**

7.4 (a) An individual seeking to vote shall sign a polling place roster which states
7.5 that the individual is at least 18 years of age, a citizen of the United States, has resided
7.6 in Minnesota for 20 days immediately preceding the election, maintains residence at
7.7 the address shown, is not under a guardianship in which the court order revokes the
7.8 individual's right to vote, has not been found by a court of law to be legally incompetent to
7.9 vote or has the right to vote because, if the individual was convicted of a felony, the felony
7.10 sentence has expired or been completed or the individual has been discharged from the
7.11 sentence, is registered and has not already voted in the election. The roster must also state:
7.12 "I understand that deliberately providing false information is a felony punishable by not
7.13 more than five years imprisonment and a fine of not more than \$10,000, or both."

7.14 (b) An individual voting early under section 203B.30 must sign a roster that meets
7.15 the additional requirements of this paragraph. In addition to the content required under
7.16 paragraph (a), the roster must also state: "I understand that after I have cast my ballot
7.17 today, I cannot vote again in this election."

7.18 (c) All of the text contained within the quotation marks in paragraphs (a) and (b)
7.19 must be in bold type in rosters provided to individuals voting under section 203B.30.

7.20 (d) A judge may, before the applicant signs the roster, confirm the applicant's name,
7.21 address, and date of birth.

7.22 ~~(e)~~ (e) After the applicant signs the roster, the judge shall give the applicant a voter's
7.23 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof
7.24 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The
7.25 voters' receipts must be maintained during the time for notice of filing an election contest.

7.26 Sec. 14. Minnesota Statutes 2008, section 206.83, is amended to read:

7.27 **206.83 TESTING OF VOTING SYSTEMS.**

7.28 ~~Within 14 days before election day,~~ The official in charge of elections shall have
7.29 the voting system tested to ascertain that the system will correctly mark ballots using all
7.30 methods supported by the system, including through assistive technology, and count the
7.31 votes cast for all candidates and on all questions. Public notice of the time and place of the
7.32 test must be given at least two days in advance by publication once in official newspapers.
7.33 The test must be observed by at least two election judges, who are not of the same major
7.34 political party, and must be open to representatives of the political parties, candidates, the
7.35 press, and the public. The test must be conducted by (1) processing a preaudited group

8.1 of ballots punched or marked to record a predetermined number of valid votes for each
8.2 candidate and on each question, and must include for each office one or more ballot cards
8.3 which have votes in excess of the number allowed by law in order to test the ability of
8.4 the voting system tabulator and electronic ballot marker to reject those votes; and (2)
8.5 processing an additional test deck of ballots marked using the electronic ballot marker
8.6 for the precinct, including ballots marked using the electronic ballot display, audio ballot
8.7 reader, and any assistive voting technology used with the electronic ballot marker. If any
8.8 error is detected, the cause must be ascertained and corrected and an errorless count must
8.9 be made before the voting system may be used in the election. After the completion of
8.10 the test, the programs used and ballot cards must be sealed, retained, and disposed of as
8.11 provided for paper ballots.

8.12 Testing of equipment used for early voting must be conducted as soon as practicable
8.13 after the equipment has been programmed. Testing of equipment used on the day of the
8.14 election must be conducted within the 14 days before election day.

8.15 Sec. 15. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

8.16 Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the
8.17 county canvassing board in each county must set the date, time, and place for the
8.18 postelection review of the state general election to be held under this section.

8.19 At the canvass of the state general election, the county canvassing boards must select
8.20 the precincts to be reviewed by lot. The early ballots counted centrally must be considered
8.21 a precinct eligible to be selected for the purposes of this subdivision. The county
8.22 canvassing board of a county with fewer than 50,000 registered voters must conduct a
8.23 postelection review of a total of at least two precincts. The county canvassing board of a
8.24 county with between 50,000 and 100,000 registered voters must conduct a review of a total
8.25 of at least three precincts. The county canvassing board of a county with over 100,000
8.26 registered voters must conduct a review of a total of at least four precincts, or three percent
8.27 of the total number of precincts in the county, whichever is greater. At least one precinct
8.28 selected in each county must have had more than 150 votes cast at the general election.

8.29 The county auditor must notify the secretary of state of the precincts that have been
8.30 chosen for review and the time and place the postelection review for that county will be
8.31 conducted, as soon as the decisions are made. If the selection of precincts has not resulted
8.32 in the selection of at least four precincts in each congressional district, the secretary of state
8.33 may require counties to select by lot additional precincts to meet the congressional district
8.34 requirement. The secretary of state must post this information on the office Web site.

9.1 Sec. 16. **REPEALER.**9.2 Minnesota Statutes 2008, section 203B.11, subdivision 2, is repealed.9.3 Sec. 17. **EFFECTIVE DATE; APPLICABILITY.**9.4 (a) Sections 1 to 16 are effective when the secretary of state has certified that:9.5 (1) the statewide voter registration system has been tested, shown to properly allow
9.6 for the tracking of the information required to conduct early voting, and can handle the
9.7 expected volume of use; and9.8 (2) that voting equipment that can tabulate at least 30 different ballot styles has
9.9 been certified for use in this state.9.10 (b) Upon certification, sections 1 to 16 apply to all federal, state, county, and city
9.11 elections held in 2010 and thereafter, and to all other elections held in 2014 and thereafter.9.12 A municipality may implement the requirements of this chapter prior to the date provided
9.13 in this paragraph, if the secretary of state has made the certification required in paragraph
9.14 (a) at least 90 days prior to the date of the election at which early voting will be used.9.15 **ARTICLE 2**9.16 **VACANCIES IN NOMINATION**

9.17 Section 1. Minnesota Statutes 2008, section 203B.12, subdivision 2, is amended to read:

9.18 Subd. 2. **Examination of return envelopes.** Two or more election judges shall
9.19 examine each return envelope and shall mark it accepted or rejected in the manner
9.20 provided in this subdivision. ~~If a ballot has been prepared under section 204B.12,~~
9.21 ~~subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes~~
9.22 ~~from the return envelopes until 8:00 p.m. on election day, either in the polling place or at~~
9.23 ~~an absentee ballot board established under section 203B.13.~~9.24 The election judges shall mark the return envelope "Accepted" and initial or sign
9.25 the return envelope below the word "Accepted" if the election judges or a majority
9.26 of them are satisfied that:9.27 (1) the voter's name and address on the return envelope are the same as the
9.28 information provided on the absentee ballot application;9.29 (2) the voter's signature on the return envelope is the genuine signature of the
9.30 individual who made the application for ballots and the certificate has been completed as
9.31 prescribed in the directions for casting an absentee ballot, except that if a person other
9.32 than the voter applied for the absentee ballot under applicable Minnesota Rules, the
9.33 signature is not required to match;

10.1 (3) the voter is registered and eligible to vote in the precinct or has included a
10.2 properly completed voter registration application in the return envelope; and

10.3 (4) the voter has not already voted at that election, either in person or by absentee
10.4 ballot.

10.5 There is no other reason for rejecting an absentee ballot. In particular, failure to
10.6 place the ballot within the security envelope before placing it in the outer white envelope
10.7 is not a reason to reject an absentee ballot.

10.8 The return envelope from accepted ballots must be preserved and returned to the
10.9 county auditor.

10.10 If all or a majority of the election judges examining return envelopes find that
10.11 an absent voter has failed to meet one of the requirements prescribed in clauses (1) to
10.12 (4), they shall mark the return envelope "Rejected," initial or sign it below the word
10.13 "Rejected," and return it to the county auditor.

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

10.15 Subd. 2. **Candidates seeking nomination by primary.** No individual who
10.16 seeks nomination for any partisan or nonpartisan office at a primary shall be nominated
10.17 for the same office by nominating petition, except as otherwise provided for partisan
10.18 offices in section 204D.10, subdivision 2, ~~and for nonpartisan offices in section 204B.13,~~
10.19 ~~subdivision 4.~~

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

10.21 Subd. 3. **Nomination for nonpartisan office.** No individual shall be nominated
10.22 by nominating petition for any nonpartisan office ~~except in the event of a vacancy in~~
10.23 ~~nomination as provided in section 204B.13.~~

10.24 Sec. 4. Minnesota Statutes 2008, section 204B.07, subdivision 1, is amended to read:

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

10.27 (a) the office sought;

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

10.30 (c) the candidate's political party or political principle expressed in not more than
10.31 three words. No candidate who files for a partisan office by nominating petition shall use
10.32 the term "nonpartisan" as a statement of political principle or the name of the candidate's
10.33 political party. No part of the name of a major political party may be used to designate the

11.1 political party or principle of a candidate who files for a partisan office by nominating
 11.2 petition, except that the word "independent" may be used to designate the party or
 11.3 principle. ~~A candidate who files by nominating petition to fill a vacancy in nomination for~~
 11.4 ~~a nonpartisan office pursuant to section 204B.13, shall not state any political principle or~~
 11.5 ~~the name of any political party on the petition.~~

11.6 Sec. 5. Minnesota Statutes 2008, section 204B.09, subdivision 1, is amended to read:

11.7 Subdivision 1. **Candidates in state and county general elections.** (a) Except as
 11.8 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions
 11.9 for county, state, and federal offices filled at the state general election shall be filed not
 11.10 more than 70 days nor less than 56 days before the state primary. The affidavit may
 11.11 be prepared and signed at any time between 60 days before the filing period opens and
 11.12 the last day of the filing period.

11.13 (b) Notwithstanding other law to the contrary, the affidavit of candidacy must be
 11.14 signed in the presence of a notarial officer or an individual authorized to administer oaths
 11.15 under section 358.10.

11.16 (c) This provision does not apply to candidates for presidential elector nominated by
 11.17 major political parties. Major party candidates for presidential elector are certified under
 11.18 section 208.03. Other candidates for presidential electors may file petitions on or before
 11.19 the state primary day pursuant to section 204B.07. ~~Nominating petitions to fill vacancies~~
 11.20 ~~in nominations shall be filed as provided in section 204B.13.~~ No affidavit or petition shall
 11.21 be accepted later than 5:00 p.m. on the last day for filing.

11.22 (d) Affidavits and petitions for county offices must be filed with the county auditor
 11.23 of that county. Affidavits and petitions for federal offices must be filed with the secretary
 11.24 of state. Affidavits and petitions for state offices must be filed with the secretary of state or
 11.25 with the county auditor of the county in which the candidate resides.

11.26 (e) Affidavits other than those filed pursuant to subdivision 1a must be submitted
 11.27 by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and
 11.28 must be received by 5:00 p.m. on the last day for filing.

11.29 Sec. 6. Minnesota Statutes 2008, section 204B.11, subdivision 2, is amended to read:

11.30 Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of
 11.31 candidacy, a candidate may present a petition in place of the filing fee. The petition may
 11.32 be signed by any individual eligible to vote for the candidate. A nominating petition filed
 11.33 pursuant to section 204B.07 ~~or 204B.13, subdivision 4,~~ is effective as a petition in place of

12.1 a filing fee if the nominating petition includes a prominent statement informing the signers
12.2 of the petition that it will be used for that purpose.

12.3 The number of signatures on a petition in place of a filing fee shall be as follows:

12.4 (a) for a state office voted on statewide, or for president of the United States, or
12.5 United States senator, 2,000;

12.6 (b) for a congressional office, 1,000;

12.7 (c) for a county or legislative office, or for the office of district judge, 500; and

12.8 (d) for any other office which requires a filing fee as prescribed by law, municipal
12.9 charter, or ordinance, the lesser of 500 signatures or five percent of the total number of
12.10 votes cast in the municipality, ward, or other election district at the preceding general
12.11 election at which that office was on the ballot.

12.12 An official with whom petitions are filed shall make sample forms for petitions in
12.13 place of filing fees available upon request.

12.14 Sec. 7. Minnesota Statutes 2008, section 204B.13, subdivision 1, is amended to read:

12.15 Subdivision 1. **Death or withdrawal.** A vacancy in nomination may be filled in the
12.16 manner provided by this section. A vacancy in nomination exists when:

12.17 ~~(a) (1) a major political party candidate or nonpartisan candidate who was nominated~~
12.18 ~~at a primary dies or files an affidavit of withdrawal as provided in section 204B.12,~~
12.19 ~~subdivision 2a; or~~

12.20 ~~(b) a candidate for a nonpartisan office, for which one or two candidates filed, dies or~~
12.21 ~~files an affidavit of withdrawal as provided in section 204B.12, subdivision 1; (2) a major~~
12.22 political party candidate for state constitutional office or the candidate's legal guardian
12.23 files an affidavit of vacancy at least one day prior to the general election with the same
12.24 official who received the affidavit of candidacy that states that:

12.25 (i) the candidate has a catastrophic illness that was diagnosed after the deadline
12.26 for withdrawal; and

12.27 (ii) the candidate's illness will permanently and continuously incapacitate the
12.28 candidate and prevent the candidate from performing the duties of the office sought.

12.29 The affidavit must be accompanied by a certificate verifying that the candidate's
12.30 illness meets the requirements of this clause, signed by at least two licensed physicians.

12.31 Sec. 8. Minnesota Statutes 2008, section 204B.13, subdivision 2, is amended to read:

12.32 Subd. 2. **Partisan office; nomination by party.** (a) A vacancy in nomination ~~for~~
12.33 ~~partisan office shall be filled as provided in this subdivision~~ effectively remove that office
12.34 from the ballot. Votes cast at the general election for that office are invalid and the office

13.1 must be filled in a special election held in accordance with section 204D.17, except as
13.2 provided by this section.

13.3 Except for the vacancy in nomination, all other candidates whose names would have
13.4 appeared on the general election ballot for this race must appear on the special election
13.5 ballot for this race. There must not be a primary to fill the vacancy in nomination.

13.6 A major political party has the authority to fill a vacancy in nomination of that
13.7 party's candidate by filing a nomination certificate with the same official who received
13.8 the affidavits of candidacy for that office.

13.9 (b) A major political party may provide in its governing rules a procedure, including
13.10 designation of an appropriate committee, to fill vacancies in nomination for all federal
13.11 and state offices ~~elected statewide~~. The nomination certificate shall be prepared under the
13.12 direction of and executed by the chair and secretary of the political party and filed within
13.13 seven days after the vacancy in nomination occurs ~~or before the 14th day before the~~
13.14 ~~general election, whichever is sooner. If the vacancy in nomination occurs through the~~
13.15 ~~candidate's death or catastrophic illness, the nomination certificate must be filed within~~
13.16 ~~seven days after the vacancy in nomination occurs but no later than four days before~~
13.17 ~~the general election~~. The chair and secretary when filing the certificate shall attach an
13.18 affidavit stating that the newly nominated candidate has been selected under the rules of
13.19 the party and that the individuals signing the certificate and making the affidavit are the
13.20 chair and secretary of the party.

13.21 Sec. 9. Minnesota Statutes 2008, section 204B.13, is amended by adding a subdivision
13.22 to read:

13.23 Subd. 7. **Date of special election.** The special election must be held on the second
13.24 Tuesday in December.

13.25 Sec. 10. Minnesota Statutes 2008, section 204B.13, is amended by adding a
13.26 subdivision to read:

13.27 Subd. 8. **Absentee voters.** All applicants for absentee ballots for the general
13.28 election must be sent ballots for the special election, without submission of a new absentee
13.29 ballot application.

13.30 Sec. 11. **REPEALER.**

13.31 Minnesota Statutes 2008, sections 204B.12, subdivision 2a; 204B.13, subdivisions
13.32 4, 5, and 6; 204B.41; and 204D.169, are repealed.

APPENDIX
Article locations in h1113-1

ARTICLE 1 EARLY VOTING Page.Ln 1.13
ARTICLE 2 VACANCIES IN NOMINATION Page.Ln 9.15

203B.11 HOSPITAL PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES.

Subd. 2. **Twenty days before an election.** During the 20 days preceding an election, the election judges shall deliver absentee ballots only to an eligible voter who has applied for absentee ballots to the county auditor or municipal clerk under section 203B.04, subdivision 1.

204B.12 WITHDRAWAL OF CANDIDATES.

Subd. 2a. **After primary; candidates for constitutional office.** (a) A candidate for a constitutional office may withdraw from the general election ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit must request that official to withdraw that candidate's name from the ballot and must be filed no later than 16 days before the general election.

(b) A candidate for a constitutional office may withdraw after the deadline in paragraph (a) if:

(1) the candidate withdraws because of a catastrophic illness that was diagnosed after the deadline for withdrawal;

(2) the candidate's illness will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought; and

(3) the candidate or the candidate's legal guardian files with the affidavit of withdrawal a certificate verifying that the candidate's illness meets the requirements of clauses (1) and (2), signed by at least two licensed physicians.

204B.13 VACANCY IN NOMINATION.

Subd. 4. **Nonpartisan office; filling vacancy by nominating petitions.** A vacancy in nomination in a nonpartisan office may be filled by nominating petition in the manner provided in sections 204B.06 to 204B.09. The petition shall be filed within one week after the vacancy in nomination occurs, but not later than four calendar days before the election.

An eligible voter is eligible to sign a nominating petition to fill a vacancy in nomination without regard to whether that eligible voter intends to vote or did vote for any candidate for that office at the primary or signed other nominating petitions for candidates for that office.

Subd. 5. **Candidates for governor and lieutenant governor.** (a) If a vacancy in nomination occurs in the race for governor, the candidate for governor determined under this section shall select the candidate for lieutenant governor. If a vacancy in nomination occurs in the race for lieutenant governor, due to a vacancy in nomination for governor or due to the withdrawal or death of the candidate for lieutenant governor, the candidate for governor shall select the candidate for lieutenant governor as provided in this subdivision.

(b) For a vacancy in nomination that occurs before the 16th day before the general election, the name of the lieutenant governor candidate must be submitted by the governor candidate to the filing officer within seven days after the vacancy occurs, or before the 14th day before the general election, whichever is sooner. If the vacancy in nomination occurs through the death or catastrophic illness of the candidate for lieutenant governor, the candidate for governor shall submit the name of the new lieutenant governor candidate to the secretary of state within seven days after the vacancy in nomination occurs but no later than four days before the general election. If the vacancy in nomination occurs through the death or catastrophic illness of the candidate for governor, the new candidate for governor shall submit the name of the lieutenant governor candidate within seven days after the vacancy in nomination for governor is filled under section 204B.13, subdivision 2, but no later than four days before the general election.

Subd. 6. **Vacancy after deadline.** If a candidate withdraws after the 16th day before the general election but before four days before the general election, the secretary of state shall instruct the election judges to strike the name of the withdrawn candidate from the general election ballot and shall substitute no other candidate's name. Filing officers may not accept a nomination certificate for filing to fill a vacancy in nomination resulting from the filing of an affidavit of withdrawal by a candidate after the 14th day before the general election. Vacancies occurring through death or catastrophic illness after the 16th day before the general election are governed by section 204B.41.

204B.41 VACANCY IN NOMINATION; CHANGING BALLOTS.

APPENDIX

Repealed Minnesota Statutes: H1113-1

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the six calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.

204D.169 EXAMPLE SUPPLEMENTAL BALLOT.

When an official supplemental ballot must be used in a general election in accordance with section 204B.41, the secretary of state shall supply each auditor with a copy of an example supplemental ballot at least three days prior to the election. The example supplemental ballot must illustrate the format required for the official supplemental ballot.

The county auditor shall distribute copies of the example supplemental ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official supplemental ballot must conform in all respects to the example supplemental ballot. Failure of the official supplemental ballot to conform may be reported by any person to the county attorney in the same manner as provided by section 201.275.