

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1158

February 26, 2009

Authored by Liebling and Kahn

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; changing requirements and
1.3 procedures accordingly; authorizing rulemaking; amending Minnesota Statutes
1.4 2008, sections 204B.03; 204B.04; 204B.06, subdivision 1; 204B.07, subdivision
1.5 1; 204B.36, subdivision 2; 204C.21, subdivision 1; 204C.24, subdivision 1;
1.6 204C.33, subdivisions 1, 3; 204D.12.

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

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

1.9 **204B.03 MANNER OF NOMINATION.**

1.10 Candidates of a major political party for any partisan office except presidential
1.11 elector and all candidates for nonpartisan office shall apply for a place on the primary
1.12 ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as
1.13 otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.
1.14 Candidates for any partisan office who do not seek the nomination of a major political
1.15 party shall be nominated by nominating petition as provided in sections 204B.07 and
1.16 204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy
1.17 as provided in section 204B.06. A candidate for a partisan office may only accept the
1.18 nomination of a political party other than the candidate's political party, or designation on
1.19 the ballot under the name of a political party that is not the candidate's political party, if
1.20 that nomination was made by nominating petition as provided in sections 204B.07 and
1.21 204B.08. Except for presidential elector candidates, a candidate who wishes to accept
1.22 the nomination or designation of more than one political party must file an affidavit of
1.23 candidacy as provided in section 204B.06.

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

2.2 **204B.04 CANDIDACY; PROHIBITIONS.**

2.3 Subdivision 1. **Major party candidates.** No individual shall be named on any ballot
 2.4 as the candidate of more than one major political party, except as provided in subdivision
 2.5 4. No individual who has been certified by a canvassing board as the nominee of any
 2.6 major political party shall be named on any ballot as the candidate of any other major
 2.7 political party at the next ensuing general election, except as provided in subdivision 4.

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

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

2.16 Subd. 4. **Simultaneous nominations.** An individual may be named on a ballot as a
 2.17 candidate of more than one political party if each of the parties nominating the candidate
 2.18 had a candidate appear on the ballot in the last general election for that office. A candidate
 2.19 may not submit a nominating petition on the candidate's own behalf seeking placement on
 2.20 the ballot under multiple party designations without the consent of the party or parties that
 2.21 are not the candidate's primary political party.

2.22 Sec. 3. Minnesota Statutes 2008, section 204B.06, subdivision 1, is amended to read:

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

2.25 (1) is an eligible voter;

2.26 (2) has no other affidavit on file as a candidate for any office at the same primary or
 2.27 next ensuing general election, except that (i) a candidate for soil and water conservation
 2.28 district supervisor in a district not located in whole or in part in Anoka, Hennepin,
 2.29 Ramsey, or Washington County, may also have on file an affidavit of candidacy for
 2.30 mayor or council member of a statutory or home rule charter city of not more than 2,500
 2.31 population contained in whole or in part in the soil and water conservation district or
 2.32 for town supervisor in a town of not more than 2,500 population contained in whole or
 2.33 in part in the soil and water conservation district; and (ii) a candidate who wishes to
 2.34 accept the simultaneous nomination of a political party other than the candidate's political
 2.35 party may do so by indicating the name of all parties for which the candidate accepts

3.1 nomination through a party's nomination petition, and all parties for which the candidate
 3.2 seeks nomination through a primary; and

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

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

3.9 An affidavit of candidacy for partisan office shall also state the name of the
 3.10 candidate's political party or political principle, stated in three words or less. A candidate
 3.11 who has filed an affidavit of candidacy as a candidate of a political party may file a
 3.12 supplemental affidavit accepting the nomination of the candidate by petition by any other
 3.13 political party if the candidate was unprepared to accept another party's nomination at the
 3.14 time of initial filing of the affidavit.

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

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

3.18 ~~(a)~~ (1) the office sought;

3.19 ~~(b)~~ (2) the candidate's name and residence address, including street and number if
 3.20 any; ~~and~~

3.21 ~~(c)~~ (3) the candidate's political party or political principle, or the political party of
 3.22 the individual filing the nominating petition, expressed in not more than three words. No
 3.23 candidate who files for a partisan office by nominating petition and no candidate who files
 3.24 an affidavit accepting a nomination or designation by nominating petition shall use the
 3.25 term "nonpartisan" as a statement of political principle or the name of the candidate's
 3.26 political party. No part of the name of a major political party may be used to designate the
 3.27 political party or principle of a candidate who files or accepts the filing for a partisan office
 3.28 by nominating petition, except that the word "independent" may be used to designate
 3.29 the party or principle. A candidate who files by nominating petition to fill a vacancy
 3.30 in nomination for a nonpartisan office pursuant to section 204B.13, shall not state any
 3.31 political principle or the name of any political party on the petition; and

3.32 (4) if a candidate is filing a petition (4) on the candidate's own behalf seeking placement
 3.33 on the ballot under multiple party designations, that the candidate has the consent of
 3.34 the party named in the petition.

4.1 Sec. 5. Minnesota Statutes 2008, section 204B.36, subdivision 2, is amended to read:

4.2 Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a
4.3 right angle to the length of the ballot. At a general election the name of the political party
4.4 or the political principle of each candidate for partisan office shall be printed above or
4.5 below the name of the candidate. The name of a political party or a political principle
4.6 shall be printed in capital and lowercase letters of the same type, with the capital letters at
4.7 least one-half the height of the capital letters used for names of the candidates. The name
4.8 of a candidate who is the nominee of more than one political party must be printed on the
4.9 ballot separately for each party. At a general election, blank lines containing the words
4.10 "write-in, if any" shall be printed below the name of the last candidate for each office, or
4.11 below the title of the office if no candidate has filed for that office, so that a voter may
4.12 write in the names of individuals whose names are not on the ballot. One blank line shall
4.13 be printed for each officer of that kind to be elected. At a primary election, no blank lines
4.14 shall be provided for writing in the names of individuals whose names do not appear on
4.15 the primary ballot.

4.16 On the left side of the ballot at the same level with the name of each candidate and
4.17 each blank line shall be printed a square in which the voter may designate a vote by a
4.18 mark (X). Each square shall be the same size. Above the first name on each ballot shall
4.19 be printed the words, "Put an (X) in the square opposite the name of each candidate you
4.20 wish to vote for." At the same level with these words and directly above the squares shall
4.21 be printed a small arrow pointing downward. Directly underneath the official title of
4.22 each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater
4.23 number to be elected).

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

4.25 Subdivision 1. **Method.** The election judges shall take all the ballots of the same
4.26 kind and count the votes cast for each office or question, beginning with the first office or
4.27 question on the ballot. They shall make one pile of the ballots for ~~each~~ the candidate ~~who~~
4.28 of each political party that received votes for that office, or one pile for the "Yes" votes
4.29 and one pile for the "No" votes on a question. If a candidate is the nominee of more than
4.30 one party, a pile must be created for each party for which the candidate received votes.
4.31 They shall make a pile of totally defective ballots and a pile of totally blank ballots. They
4.32 shall make a pile of ballots that are not totally defective but are defective with respect to
4.33 the office or question being counted and a pile of ballots that are not totally blank but
4.34 are blank with respect to the office or question being counted. After the separation into
4.35 piles, the election judges shall examine each pile and remove and place in the proper pile

5.1 any ballots that are found in the wrong pile. The election judges shall count the totally
 5.2 blank and totally defective ballots and set them aside until the counting is over for that
 5.3 ballot. The election judges may pile ballots crosswise in groups of 25 in the same pile
 5.4 to facilitate counting. When their counts agree, the election judges shall announce the
 5.5 number of ballots in each pile, and shall write the number in the proper place on the
 5.6 summary statements.

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

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

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

5.15 ~~(a)~~ (1) the number of votes each candidate received or the number of yes and no
 5.16 votes on each question, the number of undervotes or partially blank ballots, and the
 5.17 number of overvotes or partially defective ballots with respect to each office or question;

5.18 ~~(b)~~ (2) the number of totally blank ballots, the number of totally defective ballots,
 5.19 the number of spoiled ballots, and the number of unused ballots;

5.20 ~~(c)~~ (3) the number of individuals who voted at the election in the precinct;

5.21 ~~(d)~~ (4) the number of voters registering on election day in that precinct; and

5.22 ~~(e)~~ (5) the signatures of the election judges who counted the ballots certifying that
 5.23 all of the ballots cast were properly piled, checked, and counted; and that the numbers
 5.24 entered by the election judges on the summary statements correctly show the number of
 5.25 votes cast for each candidate of each political party and for and against each question.

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

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

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

6.1 ~~(a)~~ (1) the number of individuals voting at the election in the county and in each
6.2 precinct;

6.3 ~~(b)~~ (2) the number of individuals registering to vote on election day and the number
6.4 of individuals registered before election day in each precinct;

6.5 ~~(c)~~ (3) the names of the candidates of each political party for each office and the
6.6 number of votes received by ~~each~~ the candidate of each political party in the county
6.7 and in each precinct, including write-in candidates for state and federal office who have
6.8 requested under section 204B.09 that votes for those candidates be tallied;

6.9 ~~(d)~~ (4) the number of votes counted for and against a proposed change of county
6.10 lines or county seat; and

6.11 ~~(e)~~ (5) the number of votes counted for and against a constitutional amendment or
6.12 other question in the county and in each precinct.

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

6.22 Upon completion of the canvass, the county canvassing board shall combine the
6.23 votes for the same candidate without regard to political party, and declare the candidate
6.24 duly elected who received the highest number of votes for each county and state office
6.25 voted for only within the county. The county auditor shall transmit one of the certified
6.26 copies of the county canvassing board report for state and federal offices to the secretary
6.27 of state by express mail or similar service immediately upon conclusion of the county
6.28 canvass.

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

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

6.34 ~~(a)~~ (1) the number of individuals voting in the state and in each county;

7.1 ~~(b)~~ (2) the number of votes received by each of the candidates of each political party
 7.2 and the total number of votes received by each of the candidates without regard to political
 7.3 party, specifying the counties in which they were cast; and

7.4 ~~(c)~~ (3) the number of votes counted for and against each constitutional amendment,
 7.5 specifying the counties in which they were cast.

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

7.9 Sec. 10. Minnesota Statutes 2008, section 204D.12, is amended to read:

7.10 **204D.12 NAMES PLACED ON GENERAL ELECTION BALLOTS.**

7.11 Without payment of an additional fee, the county auditor shall place on the
 7.12 appropriate state general election ballot the name of every candidate:

7.13 ~~(a)~~ (1) whose nomination at the state primary has been certified by the appropriate
 7.14 canvassing board;

7.15 ~~(b)~~ (2) who has been nominated by petition, including candidates certified by the
 7.16 secretary of state; and

7.17 ~~(c)~~ (3) who was nominated and whose name was omitted from the state nonpartisan
 7.18 primary ballot pursuant to section 204D.07, subdivision 3. Only the names of duly
 7.19 nominated candidates may be placed on a ballot.

7.20 A candidate who is the nominee of more than one political party must be listed on
 7.21 the ballot with a separate designation for each party.

7.22 Sec. 11. **RULES.**

7.23 The secretary of state may adopt any rules necessary to facilitate implementation
 7.24 of sections 1 to 10.