

# House Research Act Summary

**CHAPTER:** 65

**SESSION:** 2011 Regular Session

**TOPIC:** Election: vacancies in nomination; local canvassing dates

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**Analyst:** Matt Gehring, 651-296-5052

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## Overview

This act modifies the procedure for filling a vacancy in nomination that occurs for a nonpartisan office. Nonpartisan offices in Minnesota include judicial and local offices. The act also permits a modified schedule for local canvassing after a primary election.

### Section

- 1**      **Candidates seeking nomination by primary.** Eliminates a cross-reference to candidates for non-partisan offices being permitted to seek nomination by primary and by filing a nominating petition, consistent with changes made later in section 3.
- 2**      **Death or withdrawal.** Provides that a vacancy in nomination for a non-partisan office only exists when a candidate formally withdraws from the race, eliminating a reference to a vacancy in nomination occurring when a candidate dies.
- 3**      **Nonpartisan office; filling vacancy in nomination.** Modifies the process for filing a vacancy in nomination for a nonpartisan office. The withdrawal of a candidate would trigger a five day filing period for new candidates to file affidavits of candidacy. Following the filing period, a two day withdrawal period would occur.

If the vacancy occurs during the regular candidate filing period, the names of any candidates who subsequently file to fill the vacancy would appear on the ballot at the primary election. If the vacancy does not occur during this time, the candidates' names will appear on the general election ballot, without a primary.

- 4      **County canvass.** Provides a county canvassing board with an option to meet and conduct a canvass on either the second or third day following the state primary. Current law requires the canvass to occur on the third day after the primary.
- 5      **Municipal canvassing.** Permits a municipality to canvass the results of a primary election on the second day after the primary, if the primary was conducted only within the municipality or the appropriate county auditors have agreed to review the results for accuracy and completeness in time for the municipal canvass to occur on that schedule.
- 6      **Filing period; municipal elections without a primary.** Modifies the filing period for municipal offices where the municipality chooses to not conduct a primary election, as permitted by law.
- 7      **School district canvassing.** Permits a school district to canvass the results of a primary election on the second day after the primary, if the primary was conducted only within the school district or the appropriate county auditors have agreed to review the results for accuracy and completeness in time for the school district canvass to occur on that schedule.
- 8      **Filing period; school districts without a primary.** Modifies the filing period for school district offices where the district chooses to not conduct a primary election, as permitted by law.
- 9      **Repealer:** Repeals the following sections of statute:  
  
204B.41: Regulating how a ballot must be modified after a vacancy in nomination occurs.  
  
204D.169: Requiring an example supplemental ballot, when an election will be held using a supplemental ballot due to a vacancy in nomination issue.  
  
205.065, *subd. 7*: Providing a cross-reference to existing vacancy in nomination procedures for municipalities where a vacancy occurs after the municipal primary.  
  
205A.03, *subd. 6*: Providing a cross-reference to existing vacancy in nomination procedures for school districts where a vacancy occurs after the school district primary.
- 10     **Effective date.** Provides effective dates for each section of this act.