

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 616

**DATE:** February 19, 2007

**Version:** As introduced

**Authors:** Hilstrom

**Subject:** Vote-threshold requirement in primary elections

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

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

### Overview

This bill repeals the law requiring at least one candidate of a major party receive a certain threshold of votes at the state primary in order for any of that major party's candidates to appear on the general election ballot. In 2004, the Minnesota Supreme Court found that this requirement violated both the First and Fourteenth Amendments and declared it unconstitutional. (*In Re Candidacy of Independence Party Candidates Moore v. Kiffmeyer*, 688 N.W.2d 854 (Minn. 2004)).

#### Section

- 1 **Nominees for partisan office.** Makes technical changes to conform section 204D.10, subdivision 1, to the repealer in section 2 of the bill.
- 2 **Repealer.** Repeals section 204D.10, subdivision 2.

The repeal eliminates the requirement that, at the state primary, one candidate from a major party must receive at least ten percent of the average number of votes cast for that major party at the last general election for state offices ("state offices" means governor, lieutenant governor, secretary of state, state auditor, and attorney general) within the district in which the candidate is running for office. If none of the candidates of a major party meet the ten percent threshold, then none of the candidates appear on the general election ballot. If at least one candidate meets the ten percent threshold, then all of the candidates for that major party that receive the highest number of votes for each office appear on the general election ballot.

- 3 **Effective Date.** The bill is effective the day following enactment.

**Section**

**Full-Text of Repealed Subdivision:** Section 204D.10, subdivision 2 reads, in its entirety, as follows:

**" SUBD. 2. PARTY PRIMARY; TEN PERCENT REQUIREMENT.** If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, and attorney general."