

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 122
Version: First engrossment

DATE: January 24, 2013

Authors: Norton and others

Subject: Vacancies in Nomination; Non-partisan Offices

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/.

Overview

This bill modifies the procedure for filling a vacancy in nomination for a non-partisan office.

Current law provides that a candidate's name can be replaced on the ballot if the candidate withdraws during a specified time period. This bill would additionally allow the candidate filing period to be reopened in the case of the death of a candidate for any non-partisan office, except judicial office, if the death occurs more than 84 days before the general election.

Section

- 1** **Partisan office.** Provides conforming changes to reflect a new section of statute enacted in section 2 of the bill. The changes in this section do not substantively affect the procedures for filling a vacancy in a partisan office, but instead reorganize the current law to more clearly separate partisan vacancy in nomination procedures from non-partisan vacancy in nomination procedures.
- 2** **Non-partisan office.** Establishes a new section of law specifying the conditions under which a vacancy in nomination exists for a non-partisan office. This section recodifies existing law related to vacancies in nomination when a candidate formally withdraws, and adds a new provision providing that a vacancy in nomination also exists if a candidate for a non-partisan office—except a judicial office—for which only one or two candidates filed or who was nominated at a primary dies more than 84 days prior to the date of the general election.

If a vacancy in nomination occurs under one of the situations specified in this section, the

Section

candidate filing period for the office would be re-opened, allowing new candidates to file for the office.

In the event of a death of a non-partisan candidate 84 or fewer days prior to the date of the election, or the death of a judicial candidate regardless of the date of death, the deceased candidate's name would continue to appear on the ballot. If the deceased candidate is elected, the office would be declared vacant at the start of the new term and filled following procedures contained in existing law.

- 3** **Repealer.** Repeals an existing subdivision of law. The full text of this subdivision is recodified in section 2 of the bill.