

FILE NUMBER: H.F. 591
Version: As introduced

DATE: February 18, 2013

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Subject: Vacancies in Nomination – Partisan Office

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Overview

This bill modifies existing procedures for filling a vacancy in nomination for a partisan office. Depending on the timing of the vacancy in nomination, a new candidate's name may be placed on the general election ballot, or the office may be moved to a special election, to be held in February, to allow time for a candidate to be nominated to fill the vacancy in nomination.

Section

1 Partisan office. Establishes the conditions under which a vacancy in nomination exists for a partisan office. A vacancy in nomination exists when a nominated candidate:

(1) dies;

(2) withdraws during the statutory withdrawal period (two days after the filing period for the office closes); or

(3) withdraws by filing an affidavit of withdrawal, at least one day prior to the general election, due to a catastrophic illness that will permanently and continuously incapacitate and prevent the candidate from performing the duties of the office sought. An affidavit under this clause must be accompanied by a certificate verifying the illness, signed by at least two licensed physicians.

2 Partisan office; nomination by party; special election. Reorganizes an existing subdivision of statute, to specify the procedures and timeline for filling a vacancy in nomination for partisan office. These procedures and timelines depend on the time that the vacancy in nomination occurs within the election cycle:

Section

If the vacancy in nomination occurs 79 or more days before the general election (the 79th day prior to a general election falls in mid-late August), the candidate's political party may file a certificate nominating a new candidate, no later than 71 days before the general election, and that newly-named candidate must appear on the general election ballot. The party is permitted to provide its own internal rules for selecting a new nominee.

If the vacancy in nomination occurs within 79 days of the general election, the general election ballot would remain unchanged (the name of the candidate that died or withdrew would remain on the ballot), but the results of that election would not be counted. Instead, the office would move to a special election, to be conducted according to the procedures specified later in the bill.

If a special election is required, all other candidates appearing on the ballot for that office automatically are forwarded to the special election ballot; no new candidate filings are permitted. The major political party of the candidate that died or withdrew would be permitted to nominate a new candidate, no later than seven days after the general election. Voters voting in a polling place on the date of the general election must be notified of the procedure for conducting the special election for the affected office.

3 Partisan office; filing period. Recodifies existing language related to the filing period to fill a vacancy in nomination occurring as a result of a candidate's withdrawal during the statutory withdrawal period (two days following the close of the filing period for the office).

4 Candidates for governor and lieutenant governor. Establishes and reorganizes existing procedures for filling a vacancy in nomination, when the vacancy in nomination affects a major political party's candidate for office of governor or lieutenant governor.

If the vacancy in nomination occurs for the office of lieutenant governor, regardless of the time the vacancy in nomination occurs, the candidate for governor shall fill the vacancy in nomination. The general election ballot may be changed if a new nominee for lieutenant governor is submitted at least 71 days before the general election; if the vacancy in nomination occurs within 79 days of the general election, the general election ballot may not be changed, but the candidate for governor is permitted to submit a new nominee's name within seven days of the vacancy.

If the vacancy in nomination occurs for the office of governor, the major political party must nominate candidates for both governor and lieutenant governor, according to the procedures specified in section 2 of the bill.

5 Date of special election. Specifies the date of the special election, when a special election is required according to the provisions of this bill. The special election must be held on the second Tuesday in February of the year following the scheduled general election. The special election must be conducted according to the laws and procedures governing special elections in existing law.

6 Absentee voters. Establishes standards for transmission of absentee ballots to voters, when a special election is required according to the provisions of this bill.

Section

- 7** **Appropriation.** Provides an appropriation to the secretary of state to cover the costs incurred by the state, county, and municipal governments to conduct a statewide special election, if a statewide special election is required due to a vacancy in nomination for partisan office.
- 8** **Writ when vacancy results from vacancy in nomination.** Provides a conforming cross-reference in the section of statute governing special elections due to a vacancy in legislative office, reflecting the change in procedure established by this bill.
- 9** **Repealer.** Repeals two subdivisions of statute related to vacancies in nomination, which are replaced or superseded by new provisions contained earlier in the bill.
- 10** **Effective date.** Establishes an effective date for the bill.