

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill is the House elections policy omnibus bill. It incorporates a number of policy changes, which are described prior to each article as listed in this summary. Where applicable, the house file and bill author for the original source language is indicated.

#### Article 1: Absentee Voting

##### Overview

This article incorporates the provisions of HF 193 (Simon and others) related to no-excuse absentee voting, with modifications.

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- 1 Voting by program participant; absentee ballot.** Clarifies procedure related to absentee voting by participants in the safe-at-home address confidentiality program. A voter enrolled in the program is automatically sent an absentee ballot, rather than an absentee ballot application, prior to each election if the voter registers as a permanent absentee voter with the secretary of state.
- 2 Absentee voting; eligibility.** Permits any eligible voter to vote by absentee ballot, regardless of the voter's reason for doing so.
- 3 Application procedures.** Provides conforming changes to reflect the elimination of the need for a reason to vote by absentee ballot.

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- 4 Permanent absentee voter status.** Provides conforming changes to reflect the elimination of the need for a reason to vote by absentee ballot, in the subdivision related to permanent absentee voter status. This section also recodifies existing provisions, currently applicable to voters with “ongoing” absentee status, into this subdivision, and provides that voters with “ongoing” status as of the day prior to the day the bill is effective are considered “permanent” absentee voters on the day the bill becomes effective.
- A permanent absentee voter would automatically be provided an absentee ballot application (but not a ballot) prior to each election.
- 5 Printing and delivery of forms.** Updates a cross-reference to reflect the changes made by this article.
- 6 Duties of ballot board; absentee ballots.** Updates a reference related to the time that absentee ballot envelopes may be opened, to conform to a change provided elsewhere in this article.
- This section also contains a modification to grammar related to signature matching, providing that, if identification number matching between an absentee ballot application and absentee ballot envelope does not indicate a match or there is no number provided, signature matching is only required if a signature is provided.
- 7 Record of voting.** Updates a reference related to the time that absentee ballot envelopes may be opened, to conform to a change provided in section 7 of this article.
- 8 Opening of envelopes.** Permits accepted absentee ballot envelopes to be opened beginning after the close of business on the seventh day prior to the election, rather than the fourth day prior to the election as provided in current law.
- 9 Repealer.** Repeals section 203B.04, subdivision 6, related to ongoing absentee voter status. Much of the policy contained in this section is recodified elsewhere in this bill.
- 10 Effective date; applicability.** Provides that this article is effective and applies to voting at elections conducted on the date of the state primary in 2014 and thereafter.

## Article 2: Election Administration

### Overview

This article incorporates all or modified portions of HF 224 (Erickson, R. and others) related to mail balloting, HF 197 (Beard) related to recounts, HF 624 (Rosenthal) related to district boundaries for House districts 49A and 49B, HF 979 (Halverson), providing a number of miscellaneous election administration modifications, and HF 269 (Kieffer), related to vouching.

- 1 Forty-Ninth District (Edina).** In subdivision 2, codifies the boundaries of House of Representatives districts 49A and 49B into statute. The boundaries referenced in the bill

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modify the boundaries ordered by the Special Redistricting Panel on February 21, 2012.

Based on 2010 U.S. Census data, the population deviation from the ideal will remain within the acceptable standard ordered by the panel.

- 2 **Referendum.** Modifies administrative standards and procedures related to a referendum proposing discontinuance of a Soil and Water Conservation district.
- 3 **Ballots.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 4 **Election day registration.** Modifies the number of persons a voter may vouch for in the polling place on election day. Current law permits a voter to vouch for the residence of up to 15 other voters. This section reduces that limitation to no more than eight other voters.  
  
An existing exemption from this limitation for employees of defined residential facilities is unchanged.
- 5 **Instructions.** Eliminates a requirement that voter instructions be available by cassette tape requiring instead that the instructions be available in “audio format.”
- 6 **Registration places.** Eliminates a population-based requirement for determining how many public buildings must be available for voter registration prior to election day, and eliminates a specified number of telecommunications devices for the deaf that must be available in each county and city.
- 7 **Moved out of state.** Prohibits the county auditor from mailing a voter registration status notice to a voter who appears to have moved out-of-state if the voter’s record is listed as challenged due to ineligibility to vote.
- 8 **Social security administration; other reports of deceased residents.** Permits the secretary of state to review the social security death index and the vital records department of any other state to determine if any registered voter has died. Currently, law mandates this check with the social security administration.
- 9 **Court administration of district court; change of names.** Prohibits the county auditor from mailing a voter registration status notice to a voter who appears to have a changed name if the voter’s record is listed as challenged due to ineligibility to vote.
- 10 **Time and manner of holding; postponement.** Requires the secretary of state to announce the official state precinct caucus date within two business days after the two largest major political parties have agreed on a date, following procedures provided in current law.
- 11 **Generally.** Requires that the designation or notice that a municipal clerk will administer absentee ballots also specify whether the clerk will also be responsible for administering the absentee ballot board. Special standards are provided where the municipality is located in more than one county.

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- 12**      **Procedures on receipt of ballots.** Requires absentee ballots received after the deadlines in law for receipt to be marked as late. These ballots may not be delivered to the ballot board.
- 13**      **Locations for absentee balloting in person.** Streamlines existing language related to the absentee voting period. Absentee voting for all elections, except town elections held in March, must provide a 46-day absentee period. March town elections are required to provide a 30-day absentee period.
- 14**      **Establishment; applicable laws.** Permits a ballot board to include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.
- 15**      **Storage and counting of absentee ballots.** Establishes standards related to summary statements used by an absentee ballot board, and recodifies language related to the public counting and release of vote totals.
- 16**      **Write-in absentee ballot.** Eliminates an obsolete reference to the state write-in absentee ballot.
- 17**      **Postelection report to legislature.** Provides a technical update to a section requiring a report to the legislature by the secretary of state.
- 18**      **Prohibition on multiple candidacy.** Prohibits a candidate who files an affidavit of candidacy for one office to subsequently file another affidavit of candidacy for a different office to be elected at the same general election.
- 19**      **Ballot boxes.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 20**      **Minimum number required.** Reduces the minimum number of election judges required in a precinct from four to three for elections other than the state general election.
- 21**      **Exception.** Provides that a minimum of three election judges must be appointed in precincts with fewer than 500 registered voters as of 14 weeks prior to the state primary.
- 22**      **Meeting with election officials.** Modifies standards for a meeting between the county auditor and local election officials to discuss procedures for an election.
- 23**      **Payment.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 24**      **Notice of filing.** Modifies the timeline for certain notices related to the offices to be elected at an election, and the candidate filing period for those offices.
- 25**      **Absentee ballots; preparation; delivery.** Streamlines standards related to the mailing of absentee ballots.

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**26**      **Type.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**27**      **Authorization (Mail balloting).** Permits a town of any size to conduct elections by mail. The existing population limitation on this authorization (fewer than 400 registered voters as of June 1 of the election year) would only apply to cities.

This section also expands the authorization for any municipality to designate a specific precinct for mail balloting, permitting this designation for precincts with fewer than 100 registered voters. Current law permits designation for precincts with fewer than 50 registered voters.

**28**      **Procedure.** Modifies standards related to mail balloting procedures, including a provision related to the use of deputy county auditors and deputy municipal clerks as members of the ballot board.

**29**      **Mail elections; questions.** Modifies standards related to mail balloting procedures, including a provision related to the use of deputy county auditors, deputy municipal clerks, and deputy school district clerks as members of the ballot board.

**30**      **Unlawful voting; penalty.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**31**      **Physical assistance in marking ballots.** Eliminates an allowance for election judges to select two individuals of different major political parties to assist a voter in marking the voter's ballot. An allowance for the voter to select a person to assist remains as in current law.

**32**      **Ballots; order of counting.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**33**      **Disposition of ballots.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**34**      **Delivery of returns to county auditors.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**35**      **Publicly-funded recounts.** Reduces the threshold at which a full recount of an election may be conducted at state expense for a federal, state constitutional or judicial office, and requires that the apparent losing candidate request the recount.

Current law requires an automatic full recount when the vote difference is less than 0.5 percent. This section reduces that number to a vote difference of 0.25 percent, and requires that the apparent losing candidate file a written request with the canvassing board within 48

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hours of the canvass of the election result. The appropriate filing officer must notify a candidate within the threshold of the option to request a recount at no expense to the candidate.

The threshold for a publicly-funded recount of a state legislative office remains unchanged—recounts for those offices would be provided when the vote difference is less than 0.5 percent.

**36 Filing officer.** Clarifies that the secretary of state is the filing officer for federal offices and state offices voted upon in more than one county, and that the county auditor is the filing officer for state offices voted upon in only one county. The filing officer is required to provide notice of the opportunity to request a recount to a candidate meeting the threshold provided in section 1.

**37 Recounts; local office.** Modifies the vote difference thresholds permitting a candidate for county, municipal, or school district office to request a recount at the expense of the local unit of government:

If the number of votes cast is 50,000 or more, a recount may be requested at the expense of the local unit of government only if the difference in the vote totals between the apparent winning and losing candidates is less than 0.25 percent.

If the number of votes cast is more than 400, but less than 50,000, a recount may be requested if the difference between the apparent winning candidate and losing candidates is less than 0.5 percent.

If 400 or fewer votes were cast, a recount may be requested if the difference between the apparent winning and losing candidates is 10 votes or less. (This is current law, and is unaffected by the bill.)

A losing candidate whose vote totals fall outside these thresholds may still request a recount, but the recount must be conducted at the candidate's expense.

**38 State and county nonpartisan primary ballot.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**39 Sample ballot.** Modifies standards related to preparation of a sample ballot, including a requirement that sample ballots be transmitted electronically to the secretary of state.

**40 State general election ballot; rules.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**41 Special federal ballot.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

**42 Ballot headings.** In conjunction with a number of other sections in this article, this section

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eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.

- 43 Judicial ballot.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 44 Nominees by petition; placement on ballot.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 45 Rotation of names.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 46 Uncontested judicial offices.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 47 Sample ballot; constitutional amendments.** Eliminates a reference to the “color” of the state constitutional amendment ballot, and provides that the secretary of state shall “transmit” rather than “mail” sample ballots to each county auditor.
- 48 Sample general election ballots; posting; publication.** Modifies timing, posting, and publication requirements for sample state general election ballots. Sample ballots must be transmitted electronically to the secretary of state.
- 49 Sample ballots to schools.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 50 Special election when legislature will be in session.** Prohibits a special election conducted to fill a vacant legislative seat, when the legislature will be in session for the elected person to be seated, from occurring during the four days before or after a state holiday.
- 51 City elections.** Updates a cross reference to reflect changes made elsewhere in the bill.
- 52 Prohibition.** Prohibits a municipal special election on a ballot question from being held within 56 days after the state general election.
- 53 Filing period.** Requires the municipal clerk’s office to accept candidate filings from 1:00 to 5:00 p.m. on the last day of the filing period for municipal offices.
- 54 Notice to auditor.** Modifies standards requiring the county auditor to receive notice of a municipal election.
- 55 Notice to secretary of state.** Modifies standards requiring the secretary of state to receive notice of a municipal election.

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- 56**      **Municipal offices; questions; ballot format.** Standardizes ballot formatting requirements across all cities and towns.
- 57**      **Primary ballots.** Standardizes ballot formatting requirements for municipal primary elections.
- 58**      **Change in year of general election.** Permits a school board to change the year in which the school district general election is held by resolution. Transition standards are provided.
- 59**      **Questions.** Expands the period before and after a regularly-schedule election during which a school district special election on a ballot question may not be held.
- 60**      **Vacancies in school district offices.** Adds ballot instructions if more than one vacancy exists for an office elected at-large in a school district special election.
- 61**      **Notice to auditor.** Modifies standards requiring the county auditor to receive notice of a school district election.
- 62**      **Notice to commissioner of education.** Modifies standards requiring the commissioner of education to receive notice of a school district election.
- 63**      **Notice to secretary of state.** Modifies standards requiring the secretary of state to receive notice of a school district election.
- 64**      **General election ballot.** Requires all candidates and ballot questions to be voted on at a school district general election to be placed on a single ballot.
- 65**      **Order of candidates.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 66**      **Selection for review; notice.** Eliminates language providing that, for postelection review purposes, absentee ballots counted centrally by a ballot board constitute a single precinct for purposes of conducting the postelection review. Instead, absentee ballots would be counted with all other ballots from the individual precinct, if that precinct is selected for review.
- This section also sets limitations on the time that a review can occur.
- 67**      **Exception.** Provides that a postelection review is not required for an office if the office will be subject to a publicly funded recount.
- 68**      **Secretary of state monitor.** Reduces the number of precincts required to be monitored by the secretary of state during the postelection review. Current law requires monitoring of four precincts in each congressional district; the bill would require the secretary to monitor one precinct in each congressional district.
- 69**      **Ballots.** Modifies standards for titling ballots in precincts using an optical scan voting system.



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- 70 Form of presidential ballots.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 71 Applicable rules.** In conjunction with a number of other sections in this article, this section eliminates obsolete references in law that assign and title ballots a particular color, based on the offices or questions to be presented on the ballot.
- 72 Noncommercial signs exemption.** Provides technical clarifications to the law governing the posting of noncommercial (campaign) signs during an election year.
- 73 Costs assessed.** Eliminates a requirement that the county pay the cost of any fair campaign practices act complaint that relates to an office or ballot question that is not voted on statewide. The cost of these complaints is instead required to be paid from appropriations to the Office of Administrative Hearings for this purpose.
- 74 Ballot question.** Standardizes the form of a referendum ballot question related to issuance of intoxicating liquor licenses by a city.
- 75 Effect of election.** Provides a conforming change to reflect the modified ballot question contained in section 74.
- 76 Continuation.** Standardizes the form of a referendum ballot question related to operation of a municipal liquor store.
- 77 Ballot questions.** Modifies the formatting of ballot questions related to actions of a county board to conform more closely to the laws governing general elections, and modifies the timing for conducting a special county election for the purpose of voting on a question.
- 78 Elections.** Modifies standards related to the timing and conduct of a hospital district election.
- 79 Election notices.** Modifies certain notice requirements related to the conduct of a hospital district election.
- 80 Candidates; ballots; certifying election.** Modifies the filing period for candidates in a hospital district election.
- 81 Laws 1963.** Replaces existing session law standards governing hospital district board member terms and election procedures with new standards, including a requirement that the hospital board adopt an orderly transition plan for the new election schedule.
- 82 Appropriation.** Appropriates \$95,000 from the general fund to the secretary of state to develop statewide voter registration system functionality to process and track mail ballots.
- 83 Repealer.** Repeals the following provisions of statute:
- (a) Sections 204B.42; 204D.11, subdivisions 2 and 3; 205.17, subdivisions 2 and 4; and 205A.08, subdivision 4:** Obsolete provisions related to ballot color; and

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**Section 205.16, subdivision 2:** Providing newspaper publication requirements for sample ballots in certain municipal elections.

**(b) Section 2.484:** Containing an obsolete district boundary description.

### **Article 3: Loss and Restoration of Voting Rights**

#### **Overview**

This article incorporates the provisions of HF 637 (Halverson), enacting the recommendations of the Task Force on Election Integrity, with modifications.

- 1**      **Felony offender data; voter registration.** Updates a cross-reference in the data practices act to reflect changes made by this article.
- 2**      **Invalid registrations; notice to voter.** Requires a county auditor to notify a voter registration applicant of the applicant's need to reaffirm his or her eligibility to vote, in writing, if the county auditor has reason to believe the applicant is not eligible to vote based on records provided to the auditor by another public entity.
- 3**      **Prohibitions; penalty; affirmative defense.** Establishes an affirmative defense in a prosecution for registering to vote while ineligible, which is a felony offense.

The defense would be available if the accused individual requested to withdraw the registration prior to the criminal charges being filed, and the individual did not vote at an election between the time the registration was submitted and the time it was withdrawn.

- 4**      **Use of Department of Corrections data.**

**Subd. 1. Access to data.** Requires the commissioner of corrections to provide electronic data to the secretary of state on individuals on probation for a felony offense that would result in the loss of civil rights, as indicated by the statewide supervision system. The types of data that must be provided are specified in the bill. The secretary of state is required to use this data to verify data contained in the statewide voter registration system and to direct county auditors to make updates to voter records or contact the county attorney, as appropriate.

Data is already transmitted to the secretary of state in this manner on individuals serving a felony sentence under the jurisdiction of the commissioner of corrections. The data transmitted would newly be required to include an individual's last known residential address that is not a correctional facility.

**Subd. 2. Notice to affected individuals.** Requires the Department of Corrections to provide certain data on individuals who are placed on supervised release or probation for a felony offense that resulted in the loss of civil rights to the secretary of state. The secretary of state must then provide a written notice to:

- (1) an individual on probation for a felony offense that would result in the loss of civil rights,

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that registering to vote and voting while on probation is itself a felony offense and may result in the loss of probation status; and

(2) an individual who has completed a term of probation with no new felony conviction that the individual's right to vote has been restored.

**Subd. 3. Use of data.** Prohibits the secretary of state from using or disseminating data received under this section for any purpose other than those authorized in this section of statute.

- 5 Investigations; prosecutions.** Requires a law enforcement agency to promptly investigate an alleged violation of the laws governing voter registration upon being notified by affidavit of the allegation. This replaces the current mandate that a county attorney promptly investigates and, upon probable cause, present the matter to a grand jury with whatever evidence is found.

Upon a determination of probable cause, the county attorney would be required to proceed in accordance with the generally applicable standards regarding the prosecutorial functions and duties of a county attorney. An existing penalty for a county attorney who refuses or intentionally fails to faithfully perform the duties required by this section, including forfeiture of office, remains in the law, along with a new penalty against any employee who willfully violates the laws related to election registration.

- 6 Delivery of ballots.** Requires the commissioner of corrections to provide the secretary of state with a list of the names and mailing addresses of adult correctional facilities in Minnesota. Absentee ballot applications received with one of these addresses must be rejected and a copy forwarded to the county attorney.

The Department of Corrections is required to institute procedures to ensure that Minnesota absentee ballots are not received or mailed by offenders in one of these facilities.

This section is effective June 15, 2013.

- 6 Unlawful voting; penalty.** Establishes that the signature of an individual on a polling place roster is prima facie evidence of the intent of that individual to vote at that election for purposes of a criminal prosecution for unlawful voting.
- 7 Establishment; statewide supervisions system.** Permits the secretary of state to access adult data in the Department of Corrections' statewide supervision system in conformity with the requirements established earlier in the bill.
- 8 Notice of loss of voting rights (probation supervision).** Requires adult felons placed on probation supervision to be notified, in writing that the individual may not register to vote or cast a ballot at an election during the period of felony supervision. The notice is required to be contained in the probation agreement and contained in the individual's probation file, and the individual must acknowledge, by signature, receipt of the notice.
- 9 Appropriation.** Appropriates \$95,000 in fiscal year 2014 and \$135,000 in fiscal year 2015 to the secretary of state and the commissioner of corrections to administer the requirements

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of this article.

**Article 4: Electronic Rosters**

**Overview**

This article establishes a pilot project and task force related to the use of electronic rosters on election day.

- 1 Electronic Roster Pilot Project.** Establishes a pilot project to test the use of electronic rosters during the 2013 municipal election cycle.
  - Subd. 1. Established.** Establishes the pilot project and sets parameters for its scope. Electronic rosters in participating cities must be used for election day registration.
  - Subd. 2. Participating cities.** Specifies the jurisdictions that may participate in the project. Precincts located in Minnetonka, Moorhead, Saint Anthony, Saint Paul, and Saint Peter are authorized to participate.
  - Subd. 3. Requirements of electronic roster technology.** Sets minimum standards for the functionality of equipment used as an electronic roster.
  - Subd. 4. Minnesota election law; other law.** Provides that all provisions of the Minnesota election law continue to apply to a precinct participating in the electronic roster pilot project, so far as practicable. This includes provisions related to voters voting under the Safe at Home program and voters voting by absentee ballot.
  - Subd. 5. Election records retention.** Specifies that all voter signature certificates and voter registration applications printed from an electronic roster must be retained as required for other election records under current law and that data on election day registrants must be uploaded to the statewide voter registration system for processing by county auditors.
  - Subd. 6. Evaluation.** Requires the secretary of state to provide for an evaluation of the pilot project and submit a report to the legislature no later than February 15, 2014. The content requirements for the report are provided.
- 2 Use of electronic rosters for pre-registered voters; mock election.** Requires the secretary of state to conduct a mock election, no later than April 15, 2014, to test the use of electronic rosters to process pre-registered voters in a polling place on election day. Standards and procedures are provided in this section. The secretary of state must submit a report to the legislature by April 30, 2014 describing the results of the mock election, feedback on the process from local officials, and the feasibility of using electronic rosters at the 2014 state primary and general elections.
- 3 Electronic Roster Task Force.** Establishes an Electronic Roster Task Force to research various issues related to the use of electronic rosters, including the ability to use photographs within the rosters.

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**Subd. 1. Membership.** The task force consists of 15 members, as specified in the bill. The members must be appointed by June 1, 2013.

**Subd. 2. Duties.** Requires the task force to research specific issues related to the use of electronic rosters, including the ability to use photographs from the Department of Vehicle Services and add photographs to the roster on election day, the reliability of Department of Vehicle Services photograph data, and the ability of precincts to maintain a secure network connection to the statewide voter registration system.

The task force is required to prepare a report of its findings and list recommendations, including suggested legislation, if needed.

**Subd. 3. First meeting.** Requires the initial meeting of the task force to occur by July 1, 2013, and provides that members of the task force receive per diem and other certain expenses related to service on the task force. The Legislative Coordinating Commission is required to provide staff support to the task force.

**Subd. 4. Report.** Requires the task force to submit its final report to the appropriate legislative committees by February 15, 2014.

- 4 Appropriation.** Appropriates \$117,000 to the secretary of state, and \$21,000 in fiscal year 2014 and \$13,000 in fiscal year 2015 to the Legislative Coordinating Commission to implement this article.
- 5 Effective date.** This article is effective the day following final enactment.

## **Article 5: Vacancies in Nomination**

### **Overview**

This article incorporates the provisions of HF 591 (Sanders and others) and HF 122 (Norton and others) related to vacancies in nomination for both partisan and non-partisan offices.

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- 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

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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:

*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

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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.

**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 Vacancy in nomination; 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 79 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 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 79 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.

**9 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 article.

**10 Repealer.** Repeals several provisions of law that are either recodified or superseded by the changes made in this article.

**11 Effective date.** Provides that this article is effective the day following final enactment.

**Section**

**Article 6: County Government Structure**

**Overview**

This article incorporates the provisions of HF 801 (Sawatzky), HF 919 (Dill), HF 920 (Lien), and HF 1307 (Gunther) all of which permit individual counties to make their county auditor-treasurer, and in some cases, county recorder, appointed positions.

- 1**      **Kandiyohi County; County auditor-treasurer and recorder may be appointed.** Permits Kandiyohi County to make the offices of auditor-treasurer and recorder appointed positions, subject to an 80 percent vote of the county board and reverse referendum. It also provides for the current officeholders to complete the terms to which they were elected before the offices are made appointed positions. Finally, it includes procedures for reverting to election for the offices. Effective upon local approval.
- 2**      **Lake County; County auditor-treasurer and recorder may be appointed.** Permits Lake County to make the offices of auditor-treasurer and recorder appointed positions, subject to an 80 percent vote of the county board and reverse referendum. It also provides for the current officeholders to complete the terms to which they were elected before the offices are made appointed positions. Finally, it includes procedures for reverting to election for the offices. Effective upon local approval.
- 3**      **Clay County; County auditor-treasurer and recorder may be appointed.** Permits Clay County to make the offices of auditor-treasurer and recorder appointed positions, subject to an 80 percent vote of the county board and reverse referendum. It also provides for the current officeholders to complete the terms to which they were elected before the offices are made appointed positions. Finally, it includes procedures for reverting to election for the offices. Effective upon local approval.
- 4**      **Jackson County; County auditor-treasurer may be appointed.** Permits Jackson County to make the offices of auditor-treasurer an appointed position, subject to an 80 percent vote of the county board and reverse referendum. It also provides for the current officeholder to complete the term of office before the office is made appointed. Finally, it includes procedures for reverting to election for the office. Effective upon local approval.
- 5**      **Lyon County; County auditor-treasurer and recorder may be appointed.** Permits Lyon County to make the offices of auditor-treasurer and recorder appointed positions, subject to an 80 percent vote of the county board and reverse referendum. It also provides for the current officeholders to complete the terms to which they were elected before the offices are made appointed positions. Finally, it includes procedures for reverting to election for the offices. Effective upon local approval.



## Section

### **Article 7: National Popular Vote; Interstate Compact**

#### **Overview**

This article incorporates the provisions of HF 799 (Simon and others), which enacts an interstate compact related to election of the President of the United States by national popular vote, into Minnesota law.

## Section

**1 Agreement among the states to elect the president by national popular vote.** Enacts an interstate compact into Minnesota law.

Under the proposed compact, each member state would allocate its electoral votes to the winner of the nationwide popular vote for President. A final determination of the number of votes cast in each state for president is required no later than six days prior to the meeting date for the electoral college. Each state must communicate its vote total to all other states within 24 hours of determination. All vote counts must be made public.

In the event of a tie in the national popular vote total, the electors from each member state would be allocated based on the popular vote totals in that state.

A state may withdraw from the compact, but a withdrawal that occurs during the last six months of a president's term in office is not effective until after a president and vice president are qualified for the next succeeding term. If a withdrawal reduces the number of states participating in the compact so that there is no longer a majority of electoral votes represented, the compact's requirements would not apply again until a majority is achieved, as of July 20 in any year.

*General background on interstate compacts.* An interstate compact is both a statute in each state which is a member to the compact, and a contract between the member states. In order to formally ratify the compact, each state that wishes to become a party to the compact must adopt identical statutory language.

Amendments to the compact must be ratified by all states that are party to the compact, unless otherwise provided in the agreement (amendment procedures are not provided in this compact). If the terms of the compact are amended in a state's legislative process, the state is not a party to the compact unless other member states agree to the amendment.

Currently, nine states totaling 132 electoral votes have enacted the compact. States representing a total of 270 electoral votes is required for the compact to take effect.