

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Sanders and Nelson

**Subject:** Elections Policy Omnibus

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

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### Overview

H.F. 2688 is the elections policy omnibus bill. It include the substance of the following House Files:

**H.F. 2688** (Sanders) – Elections administration technical changes

**H.F. 3123** (Howe) – School board vacancies

**H.F. 1179** (Schomacker) – County officer appointment authorization

#### **Article 1: Elections Administration (Sanders – HF 2688)**

#### **Section**

- 1** **Committees; conventions.** Permits a delegate or alternate to a political party convention to request interpretive services by providing notice to the executive committee of the party by electronic mail. Current law permits these requests, but requires the request be made by certified mail.
- 2** **Submission of application (UOCAVA absentee voting).** Permits an application from a uniformed or overseas absentee voter to be valid through the next regularly schedule state general election. Current law provides that an application is valid only through the end of the calendar year in which it is received.

**Section**

- 3**        **Ballots; candidates who file by nominating petition.** Prohibits a major party's candidate for president or vice president from being nominated by petition to appear on the ballot on behalf of a minor party or as independent candidates.
- 4**        **Application to municipalities.** Eliminates an obsolete cross reference.
- 5**        **Correction to election district boundaries.** Permits the boundaries of a soil and water conservation district to be modified, if necessary, to align with a modified municipal boundary. A modification would be ordered by the secretary of state, and is only permitted if the number of affected voters is less than 50.
- The secretary has this same authority under current law as applied to congressional, legislative, and county district boundaries.
- 6**        **Booths; voting stations.** Eliminates language that directs the specific minimum dimension of voting booths in a polling place.
- 7**        **Procedure (mail balloting).** Updates a reference to the section of statute governing mail balloting, to reflect a 2013 change in law that permits certain small cities to conduct elections by mail.
- 8**        **Elections on a question.** Clarifies the delivery requirements for a petition requesting that challengers be appointed to serve polling places in a local election on a ballot question.
- 9**        **County canvass; return of reports to secretary of state.** Eliminates obsolete language.
- 10**       **Canvassing board; declaration of results; notification.** In the section of law regulating correction of errors by a county canvassing board, requires the county auditor to notify the secretary of state of the county canvassing board's action by United States mail and electronic mail. A requirement that the notification be by certified mail is eliminated.
- 11**       **Posting of writ.** In the section of law governing writs of special election to fill a vacancy in legislative office, requires the secretary of state to notify county auditors of a writ of election by United States mail and electronic mail. A requirement that the notification be by certified mail is eliminated.
- 12**       **Candidates; filing (municipal elections).** Provides requirements for the placement of candidate names on the ballot, if more than one city council member is to be elected to a full term at the same election. The candidates are required to appear under a single office heading, with the number to be elected specified beneath the heading.
- 13**       **Cancellation (municipal elections).** Extends the deadline for cancelling a city special election, to conform to other requirements of law.
- 14**       **Candidates; filing (school district elections).** Provides requirements for the placement of candidate names on the ballot, if more than one school board member is to be elected to a full term at the same election. The candidates are required to appear under a single office heading, with the number to be elected specified beneath the heading.
- 15**       **Vacancies in school district offices.** Updates language to reflect changes to the process of filling vacant school district offices, enacted in 2015.

**Section**

- 16**     **Affidavit of candidacy (school district offices).** Requires that all affidavits of candidacy for school district offices to be the same, and meet the requirement of current law.
- 17**     **Notice of special elections (school district offices).** Provides a conforming reference to the change made earlier in the bill, and current law, related to special school district elections on the date of a March town election.
- 18**     **Manner; time; contents.** Adds a cross-reference to a section of statute regulating how notice is properly served in an election contest.

**Article 2: School Board Vacancies (Howe – HF 3123)**

- 1**     **Appointments to fill vacancies; special elections.** (a) Requires all school board vacancies, except those arising when a school board member is removed for cause or is ill or absent, to be filled, subject to a recorded board resolution, by a board appointment at a regular or special board meeting. Causes the person’s appointment to the board to continue until an election is held. Requires all such elections to be for the unexpired term of the vacating member.  
  
Requires a special election to be held along with a school board general election if the board vacancy occurs 21 or more days before the first day to file an affidavit of candidacy for the next school district general election and more than two years remain in the vacating member’s term. Directs the person appointed to fill the vacancy to continue to serve on the board until the special election is held and a successor is elected and qualified to fill the unexpired part of the vacating member’s term.  
  
Precludes holding a special election and directs the person appointed to fill the vacancy to continue to serve the remainder of the unexpired term of the vacating board member, and until a successor is elected and qualified, if the vacancy occurs fewer than 21 days before the first day to file an affidavit of candidacy for the next school district general election or less than two years remain in the vacating member’s term.  
  
(b) Requires board vacancies occurring when a board member is removed for cause to be filled consistent with the requirements in paragraph (a) except that a special election must be held to fill the vacancy if more than one year remains of the unexpired term.  
  
(c) permits the voters to reject a board appointee by petition of at least five percent of the number of voters who voted in the district at the most recent state general election. To be valid, the petition must be filed within 30 days of the date the appointment was made.
- 2**     **Repealer.** Repeals Minnesota Statutes, section 123B.095, governing elections and appointments for school board member vacancies, and Minnesota Statutes, section 123B.09, subdivision 5a, referring to the repealed section on school board member vacancies.
- 3**     **Effective date.** Makes sections 1 and 2 effective immediately.

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**Article 3: Appointment of County Officers**

**1, 2, 3, 5, 6** Sections 1, 2, 3, 5, and 6 make technical and conforming changes.

**4** **Appointing county officers.**

**Subd. 1. Authority to appoint certain officers.** Allows a county board to appoint, without a referendum, the county auditor, treasurer, recorder, or auditor-treasurer if (1) there is a vacancy in the office, or (2) there is a signed contract between the board and the incumbent to the elected office that provides that the incumbent will be appointed to the position at the same or better tenure, pay, and benefit level.

Under current general law, these positions are elected and a county may change them to appointive positions only after a referendum approves the change.

**Subd. 2. Responsibility of county officer.** Requires an elected county officer to notify the county board in writing whether he or she will be filing for election for another term. If the current county officer will not file for election to the office and the board has passed a resolution to make the position appointed, affidavits of candidacy will not be accepted for that office and the office will not be placed on the ballot.

**Subd. 3. Board controls; may change as long as duties done.** Requires the duties of an office made appointive to be discharged by the county board acting through a department head. Allows for reorganization, delegation, and administrative changes and specifies that any change does not diminish, prohibit, or avoid discharge of statutory duties.

**Subd. 4. Discharge or demotion.** Provides that an incumbent appointed to the office must not be involuntarily demoted or discharged except for incompetency or misconduct. Before demoting or discharging an incumbent, the board must notify the incumbent appointed. The incumbent appointed may request a hearing before an arbitrator. The arbitrator must determine, by a preponderance of the evidence, whether the discharge or demotion is supported by the grounds provided. The arbitration hearing must be a closed meeting unless the incumbent appointed requests the meeting to be open. If the arbitrator rules not to demote or discharge, the board must pay all costs and fees.

**Subd. 5. Incumbents to complete term.** Requires that the person elected to the position be allowed to complete his or her term.

**Subd. 6. Publishing resolution; petition, referendum.** Provides that before the county board adopts a resolution to appoint offices, the board must publish notice of the proposed resolution once each week for two weeks in the county's official publication. At a regular meeting, there must be time for public comment before the resolution is adopted. The resolution must be approved by at least 80 percent of the members of the board. The resolution takes effect after 30 days, unless a later date is

## Section

provided in the resolution. A petition requesting a referendum may be filed within 30 days after the adoption of the resolution. The petition must be signed by at least ten percent of the registered voters in the county. If the petition is sufficient, the resolution is rescinded.

**Subd. 7. Reverting to elected offices.** Prohibits the board from reverting to elected offices within three years after making the positions appointed. To revert to elected offices, the county board must provide notice and hold a hearing before adopting a resolution to revert. The resolution to revert to elected offices must be approved by at least 60 percent of the members of the county board and is effective on August 1 following the adoption. The question of whether to revert to elected offices must be placed on the ballot for the next general election if the position has been appointed for at least three years; a petition signed by ten percent of the registered voters in the county is submitted, and the petition is sufficient. If a majority of voters voting on the question vote in favor of reverting to electing the offices, elections for that office must be held at the next regular or special election.