

## CHAPTER 475—H.F.No. 2014

*An act relating to elections; providing for transfer of certain campaign debts; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, and election certificates; changing certain reporting requirements; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivisions 1 and 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; Laws 1980, chapter 362, section 8, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 10A.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[10A.241] TRANSFER OF DEBTS.**

Notwithstanding any provisions of this chapter to the contrary except as provided in this section, a candidate may terminate the candidate's principal campaign committee for one state office by transferring any debts of that committee to the candidate's principal campaign committee for another state office, provided that any outstanding unpaid bills or loans from the committee being terminated are assumed and continuously reported by the committee to which the transfer is being made until paid or forgiven. A loan that is forgiven is covered by section 10A.20 and, for purposes of section 10A.32, is a contribution to the principal campaign committee from which the debt was transferred under this section.

Sec. 2. Minnesota Statutes 1984, section 201.018, subdivision 2, is amended to read:

Subd. 2. **COUNTY WITH PERMANENT SYSTEM REGISTRATION REQUIRED.** An eligible voter ~~who maintains residence in a county with a permanent voter registration system~~ must register in a manner specified by section 201.054, in order to vote in any primary, special primary, general, or special election held in the county. An eligible voter who maintains residence in a school district which uses the county voter registration system as authorized by section 201.095, must register in a manner specified by section 201.054, in order to vote in any school election held in that district.

Sec. 3. Minnesota Statutes 1984, section 201.12, subdivision 2, is amended to read:

Subd. 2. **CHALLENGES.** Upon return of the notice by the postal service, the county auditor or his staff shall personally ascertain the name and address of that individual. If the individual is no longer at the address recorded in the original registration file, the county auditor shall affix the word "challenged" to the duplicate registration card. Any individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a second notice mailed at least 60 days after the return

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of the first notice is also returned by the postal service, the county auditor may remove the original and duplicate cards from the registration file.

Sec. 4. Minnesota Statutes 1984, section 201.15, subdivision 1, is amended to read:

Subdivision 1. **GUARDIANSHIPS, INCOMPETENTS AND PSYCHOPATHS.** The probate judge in each county shall report monthly to the county auditor the name and address of each individual 18 years of age or over, who maintains residence in that county and who, during the month preceding the date of the report:

(a) was placed under a guardianship of the person;

(b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or

(c) was adjudged a psychopathic personality.

The judge shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), (b) or (c). Upon receipt of the report, the county auditor shall determine whether any individual named in the report is registered to vote. The county auditor shall attach a notice to the original and duplicate registration cards of any individual named in the report informing the election judges that the individual is not eligible to reregister or vote. The notice shall contain the reason for ineligibility, the date of the determination, and the dated signature of the county auditor. The cards may be retained in the registration file for the entire period of the voter's ineligibility and need not be purged in accordance with section 201.171.

Sec. 5. Minnesota Statutes 1984, section 202A.11, subdivision 2, is amended to read:

Subd. 2. **RIGHT TO USE.** A major political party which has adopted a party name is entitled to the exclusive use of that name for the designation of its candidates on all ballots, and no candidate of any other ~~major~~ political party is entitled to have printed on a ballot as a party designation any part of that name.

Sec. 6. Minnesota Statutes 1984, section 202A.16, subdivision 1, is amended to read:

Subdivision 1. Only those individuals who are or will be eligible to vote ~~in the precinct~~ at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus. An eligible voter may vote or be elected a delegate or officer only in the precinct where the voter resides at the time of the caucus.

Sec. 7. Minnesota Statutes 1984, section 204B.03, is amended to read:

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## 204B.03 MANNER OF NOMINATION.

Candidates of a major political party for a any partisan office except presidential elector and all candidates for nonpartisan office shall apply for a place on the primary ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary. Candidates for any partisan office who do not seek the nomination of a major political party shall be nominated by nominating petition as provided in sections 204B.07 and 204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy as provided in section 204B.06.

Sec. 8. Minnesota Statutes 1984, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. **FORM OF AFFIDAVIT.** An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

- (a) Is an eligible voter;
- (b) Has no other affidavit on file as a candidate for any ~~other~~ office at the same primary or next ensuing general election; and
- (c) Is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which he seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

Sec. 9. Minnesota Statutes 1984, section 204B.07, subdivision 1, is amended to read:

Subdivision 1. **FORM OF PETITION.** A nominating petition may consist of one or more separate pages each of which shall state:

- (a) The office sought;
- (b) The candidate's name and residence address, including street and number if any; and
- (c) The candidate's political party or political principle expressed in not more than three words. No candidate who files for a partisan office by nominating petition shall use the term "nonpartisan" as a statement of his political principle or the name of his political party. No part of the name of a major political party may be used to designate the political party or principle of a

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candidate who files for a partisan office by nominating petition, except that the word "independent" may be used to designate the party or principle. A candidate who files by nominating petition to fill a vacancy in nomination for a nonpartisan office pursuant to section 204B.13, shall not state any political principle or the name of any political party on the petition.

Sec. 10. Minnesota Statutes 1984, section 204B.07, subdivision 4, is amended to read:

Subd. 4. **OATH AND ADDRESS OF SIGNER.** Following the information required by subdivisions 1 and 2 and before the space for signing, each separate page that is part of the petition shall include an oath in the following form:

"I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I do not intend to vote at the primary election for the office for which this nominating petition is made, and that I signed this petition of my own free will.

Notarization or certification of the signatures on a nominating petition is not required. ~~After the name of each signer shall be written~~ Immediately after the signature, the signer shall write on the petition the signer's residence address including street and number, if any, and mailing address if different from residence address.

Sec. 11. Minnesota Statutes 1984, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. **CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.** Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. Candidates for presidential electors may file ~~affidavits and~~ petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing. Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 12. Minnesota Statutes 1984, section 204B.10, is amended by adding a subdivision to read:

Subd. 5. IMPROPER NAME. If the filing officer determines that use on the ballot of the candidate's name as written on the affidavit of candidacy would violate section 204B.35, subdivision 2, the filing officer shall immediately notify the candidate and shall certify for the ballot the candidate's true name instead of the name as written on the affidavit.

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Sec. 13. Minnesota Statutes 1984, section 204B.12, subdivision 3, is amended to read:

Subd. 3. **TIME FOR FILING.** An affidavit of withdrawal filed pursuant to subdivision 1 ~~or 2~~ shall not be accepted later than 5:00 p.m. on the last day for withdrawal.

Sec. 14. Minnesota Statutes 1984, section 204B.35, subdivision 2, is amended to read:

Subd. 2. **MANNER OF PREPARATION.** Ballots shall be prepared in a manner that enables the voters to understand which questions are to be voted upon and the identity and number of candidates to be voted for in each office and to designate their choices easily and accurately. The name of a candidate shall not appear on a ballot in any way that gives the candidate an advantage over his opponent, including words descriptive of the candidate's occupation, qualifications, principles, or opinions, except as otherwise provided by law.

Sec. 15. Minnesota Statutes 1984, section 204C.40, subdivision 1, is amended to read:

Subdivision 1. **PREPARATION; METHOD OF DELIVERY.** The county auditor shall prepare an election certificate for every candidate declared elected by the county canvassing board, and the secretary of state shall prepare a certificate for every candidate declared elected by the state canvassing board. Except as otherwise provided in this section, the secretary of state or county auditor, as appropriate, shall deliver an election certificate on demand to the elected candidate. In an election for United States representative in congress the filing officer shall deliver the original election certificate to the chief clerk of the United States house of representatives. In an election for United States senator, the governor shall prepare an original certificate of election, countersigned by the secretary of state, and deliver it to the secretary of the United States senate. In an election for state representative or state senator, the ~~county auditor or secretary of state~~ filing officer shall deliver the original election certificate to the chief clerk of the house or the secretary of the senate. The chief clerk of the house or the secretary of the senate shall give a copy of the certificate to the representative-elect or senator-elect. Upon taking the oath of office, the representative or senator shall receive the original certificate of election. If a recount is undertaken by a canvassing board pursuant to section 204C.35, no certificate of election shall be prepared or delivered until after the recount is completed. In case of a contest, the court may invalidate and revoke the certificate as provided in chapter 209.

Sec. 16. Minnesota Statutes 1984, section 204D.11, subdivision 3, is amended to read:

Subd. 3. **CANARY BALLOT; ~~GRAY BALLOT~~.** All questions and the names of all candidates for offices to be voted on at the state general election which are not placed on the white ballot shall be placed on a single ballot

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printed on canary paper which shall be known as the "canary ballot". The canary ballot shall be prepared by the county auditor.

When the length of the canary ballot would exceed 30 inches, all of the municipal judicial offices that are to be placed on the canary ballot may be placed instead on a single separate ballot printed on gray paper. Separate ballot boxes must be provided for these gray ballots.

Sec. 17. Minnesota Statutes 1984, section 204D.11, subdivision 5, is amended to read:

Subd. 5. **BALLOT HEADINGS.** The white, pink and special federal white ballot shall be headed with the words "State General Election Ballot." The canary ballot shall be headed with the words "County and Judicial District Nonpartisan General Election Ballot." When the canary ballot is divided into two separate ballots as provided in subdivision 3, the ballot printed on canary paper must be headed "County Nonpartisan General Election Ballot" and the ballot printed on gray paper must be headed "Judicial Municipal Nonpartisan General Election Ballot."<sup>2</sup>

Sec. 18. Minnesota Statutes 1984, section 204D.11, subdivision 6, is amended to read:

Subd. 6. **GRAY BALLOT.** All soil and water conservation district supervisor offices that are to be placed on the canary ballot under the provisions of section 40.05 may be placed instead on a single separate ballot printed on gray paper. When the canary ballot would be longer than 30 inches, the following offices that should be placed on the canary ballot may be placed instead on a separate gray ballot:

(a) all soil and water conservation district supervisor offices; or

(b) all soil and water conservation district supervisor and all county or municipal judicial offices; or

(c) all soil and water conservation district supervisor, all county or municipal judicial offices, and all district judicial offices.

The gray ballot must be headed with the words: "District Nonpartisan General Election Ballot." Separate ballot boxes must be provided for these gray ballots. So far as is practicable, gray ballots must be distributed to voters, handled, counted, and canvassed in the manner provided by law for precincts using only paper ballots. The canvass of the gray paper ballots must not delay the canvass of votes recorded on the voting machines. A separate summary statement may be provided for reporting of the canvass of the gray paper ballots. The returns from the voting machines may be filed as provided in section 206.21 before the canvass of the gray paper ballots is completed. Additional or replacement election judges may be appointed to count the gray paper ballots. Soil and water district supervisor offices may be placed on the same separate gray paper ballot used for any other offices which are placed on a separate gray paper ballot under the provisions of state law.

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Sec. 19. Minnesota Statutes 1984, section 206.71, is amended by adding a subdivision to read:

Subd. 4. INADEQUATE SPACE ON MACHINE. When the number of offices and questions to be voted on exceeds the maximum number that can be included on the lever voting machines in use in any precinct, a separate gray paper ballot shall be prepared as provided in section 204D.11, subdivision 6. Separate ballot boxes must be provided for these gray ballots. So far as is practicable, gray ballots must be distributed to voters, handled, counted, and canvassed in the manner provided by law for precincts using only paper ballots. The canvass of the gray paper ballots must not delay the canvass of votes recorded on the voting machines. A separate summary statement may be provided for reporting of the canvass of the gray paper ballots. The returns from the voting machines may be filed as provided in section 206.75, subdivision 2, before the canvass of the gray paper ballots is completed. Additional or replacement election judges may be appointed to count the gray paper ballots.

Sec. 20. Minnesota Statutes 1984, section 208.03, is amended to read:

#### 208.03 NOMINATION OF PRESIDENTIAL ELECTORS.

Presidential electors for the ~~several~~ major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. ~~The names of the persons nominated as presidential electors shall be certified to the secretary of state by the chairperson of the convention for the office of presidential elector~~ On or before primary election day the chairperson of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors and the names of the party candidates for president and vice president.

Sec. 21. Laws 1980, chapter 362, section 8, subdivision 1, is amended to read:

#### Sec. 8. CAMPAIGN REPORTS.

Subdivision 1. **COMMITTEES REQUIRED TO REPORT; DEADLINES.** The treasurer of any political committee, political fund or principal campaign committee required to register pursuant to section 6 shall also file campaign reports with the filing officer. In each year in which the name of the candidate is on the ballot, the report of the principal campaign committee shall be filed ten days before a regular primary and a regular election. Political committees and political funds other than principal campaign committees shall file campaign reports shall be filed ten days before any a regular primary or regular election. The treasurer of a principal campaign committee shall file additional reports ten days before a special primary or other special election and 30 days after a special election. The reports shall cover the period from the last day of the previous reporting period to seven days before the filing date. An additional campaign report shall be filed by all treasurers on January 31 of each year covering the

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period from the last day of the previous reporting period to December 31 of the preceding calendar year.

Sec. 22. **EFFECTIVE DATE.**

This act is effective the day after final enactment.

Approved April 1, 1986

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