

**CHAPTER 8205
SECRETARY OF STATE
PETITIONS**

	PRESIDENTIAL PRIMARY NOMINATING PETITIONS	8205.2010	VERIFYING THE PROPOSED RECALL PETITION.
8205.1000	PRESIDENTIAL PRIMARY NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.	8205.2100	ISSUING THE RECALL PETITION.
		8205.2110	FORM OF RECALL PETITION.
		8205.2120	VERIFYING THE RECALL PETITION.
	RECALL PETITIONS		
8205.2000	FORM OF PROPOSED RECALL PETITION.		

PRESIDENTIAL PRIMARY NOMINATING PETITIONS

8205.1000 PRESIDENTIAL PRIMARY NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

Subpart 1. **Form of petition.** Petitions used on behalf of candidates for the nomination of a major political party for president of the United States must be prepared in accordance with items A to E.

A. The petition must be prepared on paper 8-1/2 inches wide and 14 inches long. Each petition page must include space for the names, addresses, and signatures of ten persons.

B. The words "PRESIDENTIAL NOMINATING PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information:

- (1) the name and address of the person being nominated;
- (2) the name of the major political party whose nomination for president is being sought;
- (3) the number of the congressional district in which the petition is being circulated;
- (4) a statement indicating that the persons signing the petition will be eligible to vote at the presidential primary, reside in the congressional district indicated on the petition, and have signed the petition of their own free will;
- (5) a space for the signature of each person signing the petition;
- (6) a space for the printed first, middle, and last name of each person signing the petition;
- (7) a space for the residence address of each person signing the petition, including the municipality and county of residence;
- (8) a space for the date of birth of each person signing the petition; and
- (9) a space for the date on which each person signed the petition.

C. Each page of the petition must be consecutively numbered. In addition, the signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be circulated in each of the state's congressional districts.

E. The secretary of state shall make available sample nominating petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Subp. 2. **Completing the petition.** The information required in subpart 1, item B, subitems (5) to (9), must be completed by the person who signed the petition. A petition may only be signed once by any eligible voter.

Subp. 3. **Receipt of petition.** The secretary of state shall provide the person submitting the nominating petition a receipt for the petition. The receipt must include

the name and address of the person on whose behalf the petition was submitted; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Subp. 4. **Method of verification.** The secretary of state shall verify each nominating petition submitted on behalf of a candidate for president pursuant to Minnesota Statutes, section 207A.02, by the following method:

The secretary of state shall inspect each petition to determine whether at least 1,000 persons eligible to vote in each congressional district have signed the petition. The secretary of state shall use the address information and date of birth provided by persons signing the petition to verify voter eligibility. A petition containing the signatures of fewer eligible voters than the number required by Minnesota Statutes, section 207A.02, must be rejected.

If the secretary of state determines that an insufficient number of eligible voters have signed a petition, the secretary of state shall immediately notify the person submitting the petition. The person submitting the petition may submit additional petition pages within the time period provided by Minnesota Statutes, section 207A.02.

Subp. 5. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten days after the day on which the petition was submitted. If the petition is determined to be sufficient, the secretary of state shall immediately notify in writing the person submitting the petition.

Subp. 6. **Access to petitions.** The secretary of state shall securely store any nominating petitions submitted during the filing period. The secretary of state shall make a nominating petition available for public inspection after the verification process for that petition has been completed. Photocopies of petitions may be prepared at the expense of the person requesting the copies.

Subp. 7. **Petition in lieu of filing fee.** Candidates filing for office pursuant to Minnesota Statutes, section 207A.02, may submit a petition in lieu of payment of the filing fee. The petition must be submitted at the same time that the affidavit of candidacy is submitted.

The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE" must be printed at the top of each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1 with the exception that the number of signatures, residency requirement, and oath requirements of persons signing the petition is as provided in Minnesota Statutes, section 204B.11, subdivision 2.

A nominating petition filed pursuant to Minnesota Statutes, section 207A.02, may also be used as a petition in lieu of filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND PETITION IN LIEU OF FILING FEE" are printed at the top of each page of the petition and a statement indicating that the petition will be used for both purposes is printed on each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

The procedures in subparts 2 to 6 apply to petitions in lieu of filing fee and combined nominating and filing fee petitions to the extent practicable.

The secretary of state shall make available sample filing fee and combined nominating and filing fee petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Statutory Authority: *MS s 207A.09; 211C.03; 211C.04; 211C.06*

History: *15 SR 2308; 17 SR 8; 22 SR 1713*

RECALL PETITIONS

8205.2000 FORM OF PROPOSED RECALL PETITION.

Subpart 1. **Form of proposed recall petition.** Proposed recall petitions must be prepared in accordance with items A to D.

A. The proposed petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. Only one side of the paper may be used.

B. The words "PROPOSED RECALL PETITION" must be printed at the top of each page of the petition. Each page of the proposed petition must include the following information in no less than eight-point type:

(1) the information required by Minnesota Statutes, section 211C.03;

(2) the statement "All information provided on this petition is subject to public inspection."; and

(3) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. Each page of the petition must be consecutively numbered. The signature lines on each page must be consecutively numbered from 1 to 10.

D. Separate petitions must be used to propose the recall of more than one state officer.

E. The secretary of state shall provide sample proposed recall petition pages.

Subp. 2. **Completing the proposed recall petition.** The person signing the petition shall complete the signature date, name, date of birth, and residence address lines on the petition. A person physically unable to complete the proposed petition may ask another for assistance. An eligible voter may sign a proposed petition only once.

Subp. 3. **Submitting the proposed recall petition.** The proposed recall petition must be submitted to the secretary of state. The proposed recall petition may be submitted by mail, messenger, or similar delivery service. Filing of a proposed recall petition is effective upon receipt of the petition by the secretary of state. A proposed petition page must not be altered after it has been submitted to the secretary of state.

The persons submitting the proposed recall petition also shall submit a written statement designating no more than three consenting signatories of the petition who will represent all petitioners in all matters relating to the recall. The secretary shall provide sample written statements.

The petition must be accompanied by a fee of \$100. If the filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, the secretary of state shall send notice of the worthless instrument to the petitioners via registered mail with return receipt requested. The petitioners have five days from the time the secretary receives proof of receipt to provide the secretary of state with sufficient funds. If adequate payment is not made, the secretary of state shall dismiss the proposed petition.

Subp. 4. **Receipt of proposed recall petition.** The secretary of state shall provide the person submitting the proposed recall petition a receipt for the petition. The receipt must include the name of the state officer who is the subject of the proposed petition; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Statutory Authority: *MS s 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713*

8205.2010 VERIFYING THE PROPOSED RECALL PETITION.

Subpart 1. **Verifying the proposed recall petition.** The secretary of state shall inspect each proposed recall petition to determine whether it has been signed by at

least 25 persons eligible to vote in the district where the state officer subject to the proposed recall petition serves or, in the case of a statewide officer, within the state. The secretary of state shall verify that the address given by each signatory is in the district served by the state officer subject to the proposed recall petition and that the birth date given by each signatory establishes that the signatory was at least 18 years old when the petition was signed.

If the secretary of state determines that less than 25 eligible voters have signed a proposed recall petition, the secretary of state shall immediately dismiss the petition and send written notice to the person submitting the petition.

If the secretary of state determines that the proposed recall petition is sufficient, the secretary shall immediately send written notice to the state officer subject to the proposed recall petition and the petitioners and shall forward the proposed petition to the clerk of the appellate courts.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a proposed recall petition no later than three working days after the day on which the petition was filed.

Statutory Authority: *MS s 207A.09; 211C.03; 211C.04; 211C.06*

History: 22 SR 1713

8205.2100 ISSUING THE RECALL PETITION.

Subpart 1. **Secretary of state's duties.** When the secretary of state receives a recall order from the supreme court, the secretary shall provide the petitioners with:

A. a sample recall petition page that includes the statement of facts and grounds for recall ordered by the supreme court;

B. the number of signatures needed for the petition to be valid; and

C. the date by which the petition must be filed with the secretary of state to meet the filing deadline.

Subp. 2. **Photocopies.** The petitioners may use photocopies of the sample page provided by the secretary of state under subpart 1, item A, for the recall petition.

Statutory Authority: *MS s 207A.09; 211C.03; 211C.04; 211C.06*

History: 22 SR 1713

8205.2110 FORM OF RECALL PETITION.

Subpart 1. **Form of recall petition.** Recall petitions must be prepared in accordance with items A to D.

A. The petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. Only one side of the paper may be used.

B. The words "RECALL PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information in no less than eight-point type:

(1) the information required by Minnesota Statutes, section 211C.03;

(2) the statement "All information provided on this petition is subject to public inspection."; and

(3) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. Each page of the petition must be consecutively numbered. The signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be used for the recall of each state officer.

Subp. 2. **Completing the recall petition.** The person signing the petition shall complete the signature date, name, date of birth, and residence address lines on the

petition. A person physically unable to sign the petition may ask another for assistance. An eligible voter may sign a recall petition only once.

Subp. 3. **Submitting the petition.** The completed petition must be filed with the secretary of state. The petition may be filed by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt of the petition by the secretary of state. A petition page must not be altered after it has been submitted to the secretary of state.

Subp. 4. **Receipt of recall petition.** The secretary of state shall provide the person submitting the recall petition a receipt for the petition. The receipt must include the name of the state officer who is the subject of the petition; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Statutory Authority: *MS s 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713*

8205.2120 VERIFYING THE RECALL PETITION.

Subpart 1. **Verifying the recall petition.** The secretary of state shall verify each recall petition by the following method.

A. The secretary of state shall inspect each petition to determine whether it was filed within 90 days after the date of issuance. If the secretary of state determines that the petition was not filed within 90 days after the date of issuance, the secretary shall dismiss the petition and notify the petitioners of the reason for dismissal.

B. The secretary of state shall inspect each petition to determine whether it has been signed by a number of persons eligible to vote in the district served by the state officer subject to the recall petition that is equal to at least 25 percent of the number of votes cast at the most recent general election for the office held by the state officer subject to the recall petition. If the petition has not been signed by the required number of eligible voters and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reason for the dismissal. If the petition has not been signed by the required number of eligible voters but the 90-day time limit has not expired, the secretary shall notify the petitioners:

- (1) that the petition has not been signed by the required number of voters;
- (2) of the number of additional signatures needed;
- (3) that the 90-day time limit has not expired;
- (4) of the number of days left in the 90-day time limit; and
- (5) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the necessary number of additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the necessary number of required signatures within the 90-day time limit, the secretary shall continue the verification process.

C. The secretary of state shall use a random sampling technique to verify that the persons signing the petition are eligible voters.

(1) If a member of the house of representatives or senate is the subject of the recall petition, the sample size must be 650 signatures.

(2) If the governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general, or a supreme court, court of appeals, or district court judge is the subject of the recall petition, the sample size must be 2,000 signatures.

(3) The secretary shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random numbers generated constitute the sample for the verification process.

(4) The secretary of state shall verify that the address given by each signatory in the sample is in the district served by the state officer subject to the recall petition and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures from persons determined by the secretary to be ineligible to vote must not be counted.

(5) The secretary shall determine what percentage of the signatories in the sample are eligible voters.

(6) The secretary shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible voters in the sample to determine how many of the signatories on the petition are deemed to be eligible voters.

(7) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(8) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number but the 90-day time limit has not expired during the verification process, the secretary shall notify the petitioners:

(a) that the petition has not been signed by the required number of eligible voters;

(b) of the number of additional signatures needed;

(c) that the 90-day time limit has not expired;

(d) of the number of days left in the 90-day time limit; and

(e) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the secretary with additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary with additional signatures, the secretary shall reverify the petition using the procedure described in subpart 1.

D. If the secretary of state determines that the petition has been filed within the 90-day time limit, that the petition has been signed by the required number of signatories, and that the statistical sampling shows the number of signatories who are eligible voters is 100 percent or greater of the required number, the secretary shall certify the petition and immediately send written notice to the governor, the petitioners, and the state officer subject to the petition.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten working days after the day on which the petition was filed.

Statutory Authority: *MS s 207A.09; 211C.03; 211C.04; 211C.06*

History: 22 SR 1713