

CHAPTER 8205
SECRETARY OF STATE
PETITIONS

8205.1010 FORM OF PETITIONS.
8205.1040 FILING PETITIONS.

8205.1050 VERIFYING PETITIONS.
8205.2010 VERIFYING THE PROPOSED RECALL PETITION.

8205.1010 FORM OF PETITIONS.

[For text of subp 1, see M.R.]

Subp. 2. **General form requirements.** Petitions must be prepared in accordance with items A to I.

[For text of item A, see M.R.]

B. The language on the petition must be printed in no smaller than 10-point type.

[For text of items C to E, see M.R.]

F. Each petition page must have a signer's oath in no smaller than 12-point bold type. If the form of the signer's oath is not specified by statute, the following oath must be used: "I swear (or affirm) that I know the contents and purpose of this petition and that I signed this petition only once and of my own free will."

[For text of item G, see M.R.]

H. Each petition page must have no more than ten signature lines. The signature lines must be consecutively numbered. Each signature line must have space for the date of signature; a signature; and each signatory's year of birth; printed first, middle, and last name; and residence address, municipality, and county.

[For text of item I, see M.R.]

Statutory Authority: *MS s 204B.071; 211C.03; 211C.04; 211C.06*

History: *34 SR 1561*

8205.1040 FILING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election or recall in this state.

Subp. 2. **Definition of filing officer.** As used in this part and part 8205.1050, "filing officer" means:

A. in the case of a petition for a county office or county question, the county auditor;

B. in the case of a petition for a federal office, the secretary of state;

C. in the case of a state office, the filing officer who receives the affidavit for filing under Minnesota Statutes, section 204B.09, subdivision 1, paragraph (d);

D. in the case of a petition for a municipal office or municipal question, the municipal clerk;

E. in the case of a petition for a school district office or school district question, the school district clerk;

F. in the case of a petition for a special district office or special district question, the special district clerk;

G. in the case of a recall petition or a proposed recall petition filed under Minnesota Statutes, chapter 211C, the secretary of state;

H. in the case of a removal petition filed under Minnesota Statutes, section 351.16, the county auditor; or

I. in the case of a recall petition or a proposed recall petition filed pursuant to a municipal charter or ordinance, the municipal clerk.

[For text of subps 3 and 4, see M.R.]

Statutory Authority: *MS s 204B.071; 211C.03; 211C.04; 211C.06*

History: *34 SR 1561*

8205.1050 VERIFYING PETITIONS.

[For text of subp 1, see M.R.]

Subp. 2. **Verifying petitions.** The filing officer shall verify each petition using the method in items A to C.

A. The filing officer shall inspect the form of the petition to determine whether it complies with part 8205.1010. The filing officer need only determine substantial compliance with regard to any type size on the form.

[For text of items B and C, see M.R.]

[For text of subp 3, see M.R.]

Statutory Authority: *MS s 204B.071*

History: *34 SR 1561*

8205.2010 VERIFYING THE PROPOSED RECALL PETITION.

Subpart 1. **Verifying the proposed recall petition.** The secretary of state shall inspect the form of each proposed recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2000, subpart 1. The secretary of state need only determine substantial compliance with regard to any type size on the form. 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.

[For text of subp 2, see M.R.]

Statutory Authority: *MS s 204B.071; 211C.03; 211C.04; 211C.06*

History: *34 SR 1561*