

CHAPTER 8205
SECRETARY OF STATE
PETITIONS

GENERAL REQUIREMENTS

- 8205.1010 FORM OF PETITIONS.
- 8205.1020 CIRCULATING PETITIONS.
- 8205.1030 SIGNING PETITIONS.
- 8205.1040 FILING PETITIONS.
- 8205.1050 VERIFYING PETITIONS.

RECALL PETITIONS

- 8205.2000 FORM OF PROPOSED RECALL PETITION.
- 8205.2010 VERIFYING THE PROPOSED RECALL PETITION.
- 8205.2100 ISSUING THE RECALL PETITION.
- 8205.2110 FORM OF RECALL PETITION.
- 8205.2120 VERIFYING THE RECALL PETITION.

8205.1000 [Repealed, 25 SR 616]

Published Electronically: *September 29, 2003*

GENERAL REQUIREMENTS

8205.1010 FORM OF PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

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

A. A petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. The signer's oath and the signature lines must be on the same side of the paper.

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

C. Each petition page must have a short title describing the purpose of the petition.

D. Each petition page must have a statement summarizing the purpose of the petition.

E. If the purpose of the petition is to put a question on the ballot, each petition page may have a statement of 75 words or less summarizing the ballot question.

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."

G. Each petition page must include the following statement immediately above the signature lines: "All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so."

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.

I. Each petition page must include the following statement: "All information on this petition is subject to public inspection."

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

History: *25 SR 616; 34 SR 1561*

Published Electronically: *May 26, 2010*

8205.1020 CIRCULATING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. **Photocopies.** Petitioners may circulate photocopies of a sample petition page.

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

History: *25 SR 616*

Published Electronically: *September 29, 2003*

8205.1030 SIGNING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

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

Subp. 3. **Signing by disabled person.** A person physically unable to complete the petition may ask another for assistance.

Subp. 4. **Signing only once.** A person may sign a petition only once.

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

History: *25 SR 616*

Published Electronically: *September 29, 2003*

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.

Subp. 3. **Filing procedures.** The person filing the petition must submit the entire petition at one time to the filing officer. The petitioners may submit the petition by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt by the filing officer. Petition pages must not be altered by anyone except the filing officer for verification purposes after the petition has been filed.

Subp. 4. **Receipt.** The filing officer must provide the person filing the petition with a receipt for the petition. The receipt must include the type of petition filed; the name, address, and telephone number of the person submitting the petition; the date on which the petition was filed; and the total number of pages in the petition submitted.

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

History: *25 SR 616; 34 SR 1561*

Published Electronically: *May 26, 2010*

8205.1050 VERIFYING PETITIONS.

Subpart 1. **Applicability.** This part does not apply to proposed recall and recall petitions. The verification processes for proposed recall and recall petitions are located in parts 8205.2010 and 8205.2120.

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.

B. The filing officer shall inspect the petition to determine whether it has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements.

If the petition has not been signed by the required number of qualified signatories, the filing officer must notify the person who filed the petition:

- (1) that the petition has not been signed by the required number of signatories; and
- (2) of the number of additional signatures needed.

If the time for circulating the petition has not expired, the petitioners may collect additional signatures and submit them at one time to the filing officer before the circulation period expires.

C. If the petition satisfies the form requirements in part 8205.1010 and has been signed by the required number of qualified signatories during the applicable time period, the filing officer shall notify the person whose name is on the petition receipt that the petition is sufficient.

Subp. 3. **Time for verification.** The filing officer shall complete the verification of a petition as soon as practicable but no later than ten working days after the day on which the petition was filed.

Statutory Authority: *MS s 204B.071*

History: *25 SR 616; 34 SR 1561*

Published Electronically: *May 26, 2010*

RECALL PETITIONS

8205.2000 FORM OF PROPOSED RECALL PETITION.

Subpart 1. **Applicability of other rules.** A proposed recall petition must comply with parts 8205.1010 to 8205.1040.

Subp. 1a. **Form of proposed recall petition.** Proposed recall petitions must be prepared in accordance with items A to C.

A. The words "PROPOSED RECALL PETITION" must be printed at the top of each page of the petition.

B. Each page of the proposed petition must include the following information:

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

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

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

Subp. 2. [Repealed, 25 SR 616]

Subp. 3. **Submitting the proposed recall petition.** The proposed recall petition must be 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 receipt must include the name of the state officer who is the subject of the proposed petition.

Statutory Authority: *MS s 204B.071; 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713; 25 SR 616*

Published Electronically: *September 29, 2003*

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.

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 204B.071; 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713; 25 SR 616; 34 SR 1561*

Published Electronically: *May 26, 2010*

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. [Repealed, 25 SR 616]

Statutory Authority: *MS s 204B.071; 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713; 25 SR 616*

Published Electronically: *October 4, 2013*

8205.2110 FORM OF RECALL PETITION.

Subpart 1. **Applicability of other rules.** A recall petition must comply with parts 8205.1010 to 8205.1040.

Subp. 1a. **Form of recall petition.** Recall petitions must be prepared in accordance with items A and B.

- A. The words "RECALL PETITION" must be printed at the top of each page of the petition.
- B. Each page in the petition must include the following information:
 - (1) the information required by Minnesota Statutes, section 211C.03; and
 - (2) 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. A separate petition must be used for the recall of each state officer.

Subp. 2. [Repealed, 25 SR 616]

Subp. 3. **Submitting the petition.** The completed petition must be filed with the secretary of state.

Subp. 4. **Receipt of recall petition.** The receipt must include the name of the state officer who is the subject of the petition.

Statutory Authority: *MS s 204B.071; 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713; 25 SR 616*

Published Electronically: *September 29, 2003*

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 the form of the recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2110, subpart 1.
- B. 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.
- C. 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.

D. 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, 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.

E. If the secretary of state determines that the petition satisfies the form requirements in parts 8205.1010 and 8205.2110, subpart 1, 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 204B.071; 207A.09; 211C.03; 211C.04; 211C.06*

History: *22 SR 1713; 25 SR 616; L 2003 c 112 art 2 s 50*

Published Electronically: *September 29, 2003*