

## CHAPTER 208

### PRESIDENTIAL ELECTORS

<p>208.01 DEFINITIONS.</p> <p>208.02 ELECTION OF PRESIDENTIAL ELECTORS AND ALTERNATES.</p> <p>208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.</p> <p>208.04 PREPARATION OF BALLOTS.</p> <p>208.05 STATE CANVASSING BOARD.</p> <p>208.06 ELECTORS AND ALTERNATES TO MEET AT STATE CAPITOL.</p> <p style="text-align: center;"><b>UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT</b></p> <p>208.40 SHORT TITLE.</p>	<p>208.41 DEFINITIONS.</p> <p>208.42 DESIGNATION OF STATE'S ELECTORS.</p> <p>208.43 PLEDGE.</p> <p>208.44 CERTIFICATION OF ELECTORS.</p> <p>208.45 PRESIDING OFFICER; ELECTOR VACANCY.</p> <p>208.46 ELECTOR VOTING.</p> <p>208.47 ELECTOR REPLACEMENT; ASSOCIATED CERTIFICATES.</p> <p>208.48 UNIFORMITY OF APPLICATION AND CONSTRUCTION.</p>
--	--

**208.01** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **208.01 DEFINITIONS.**

The words used in this chapter have the meanings prescribed to them in chapter 200.

**History:** 1959 c 675 art 9 s 1

**208.02** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **208.02 ELECTION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

Presidential electors and alternates shall be chosen at the state general election held in the year preceding the expiration of the term of the president of the United States.

**History:** 1959 c 675 art 9 s 2; 1981 c 29 art 7 s 38; 2015 c 70 art 2 s 2

**208.03** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

Presidential electors and alternates for the 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. At least 71 days before the general election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of persons nominated as alternate presidential electors, and the names of the party candidates for president and vice president. The chair shall also certify that the party candidates for president and vice president have no affidavit on file as a candidate for any office in this state at the ensuing general election.

**History:** 1959 c 675 art 9 s 3; 1979 c 251 s 2; 1981 c 29 art 7 s 38; 1981 c 217 s 1; 1986 c 444; 1986 c 475 s 20; 2005 c 156 art 6 s 57; 2010 c 184 s 41; 2010 c 201 s 77; 2012 c 250 s 2; 2015 c 70 art 2 s 3

**208.04** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **208.04 PREPARATION OF BALLOTS.**

Subdivision 1. **Form of presidential ballots.** When presidential electors and alternates are to be voted for, a vote cast for the party candidates for president and vice president shall be deemed a vote for that party's electors and alternates as filed with the secretary of state. The secretary of state shall certify the names of

all duly nominated presidential and vice presidential candidates to the county auditors of the counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each major political party and the candidates nominated by petition to be set in type of the same size and style as for candidates on the state general election ballot, before the party designation. To the left of, and on the same line with the names of the candidates for president and vice president, near the margin, shall be placed an oval or similar target shape, in which the voters may indicate their choice.

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

Subd. 2. **Applicable rules.** The rules for preparation, state contribution to the cost of printing, and delivery of presidential ballots are the same as the rules for state general election ballots under section 204D.11, subdivision 1.

**History:** 1959 c 675 art 9 s 4; 1961 c 606 s 2; 1976 c 224 s 7; 1979 c 251 s 3; 1981 c 29 art 7 s 23,24; 1984 c 560 s 25; 1999 c 132 s 39; 2005 c 156 art 6 s 58; 2013 c 131 art 2 s 72,73; 2017 c 92 art 1 s 26

**208.05** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **208.05 STATE CANVASSING BOARD.**

The State Canvassing Board at its meeting on the date provided in section 204C.33 shall open and canvass the returns made to the secretary of state for presidential electors and alternates, prepare a statement of the number of votes cast for the persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors or alternates have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of the persons shall be declared elected. The governor shall transmit to each person declared elected a certificate of election, signed by the governor, sealed with the state seal, and countersigned by the secretary of state.

**History:** 1959 c 675 art 9 s 5; 1961 c 606 s 3; 1979 c 251 s 4; 1981 c 29 art 7 s 38; 1981 c 217 s 2; 2005 c 156 art 6 s 59; 2010 c 194 s 26

**208.06** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

#### **208.06 ELECTORS AND ALTERNATES TO MEET AT STATE CAPITOL.**

The presidential electors and alternate presidential electors, before 12:00 M. on the day before that fixed by Congress for the electors to vote for president and vice president of the United States, shall notify the governor that they are at the State Capitol and ready at the proper time to fulfill their duties as electors. The governor shall deliver to the electors present a certificate of the names of all the electors. The electors shall meet at 12:00 p.m. in the executive chamber of the State Capitol and shall perform all the duties imposed upon them as electors by the Constitution and laws of the United States and this state in the manner provided in section 208.46.

**History:** 1959 c 675 art 9 s 6; 1979 c 251 s 5; 2005 c 156 art 6 s 60; 2015 c 70 art 2 s 4

**208.07** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**208.07** [Repealed, 2015 c 70 art 2 s 15]

**208.08** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**208.08** [Repealed, 2015 c 70 art 2 s 15]

**208.09** [Repealed, 1959 c 675 art 13 s 1]

**208.10** [Repealed, 1959 c 675 art 13 s 1]

**208.11** [Repealed, 1959 c 675 art 13 s 1]

**208.21** [Repealed, 1976 c 224 s 10]

**208.22** [Repealed, 1976 c 224 s 10]

**208.23** [Repealed, 1976 c 224 s 10]

**208.24** [Repealed, 1976 c 224 s 10]

**208.25** [Repealed, 1976 c 224 s 10]

**208.26** [Repealed, 1976 c 224 s 10]

**208.27** [Repealed, 1976 c 224 s 10]

**208.28** [Repealed, 1976 c 224 s 10]

**208.29** [Repealed, 1976 c 224 s 10]

**208.30** [Repealed, 1976 c 224 s 10]

**208.31** [Repealed, 1976 c 224 s 10]

**208.32** [Repealed, 1976 c 224 s 10]

**208.33** [Repealed, 1976 c 224 s 10]

**208.34** [Repealed, 1976 c 224 s 10]

**208.35** [Repealed, 1976 c 224 s 10]

### **UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT**

#### **208.40 SHORT TITLE.**

Sections 208.40 to 208.48 may be cited as the "Uniform Faithful Presidential Electors Act."

**History:** *2015 c 70 art 2 s 5*

#### **208.41 DEFINITIONS.**

- (a) The definitions in this section apply to sections 208.40 to 208.48.
- (b) "Cast" means accepted by the secretary of state in accordance with section 208.46, paragraph (b).
- (c) "Elector" means an individual selected as a presidential elector under this chapter.
- (d) "President" means the president of the United States.

(e) "Unaffiliated presidential candidate" means a candidate for president who qualifies for the general election ballot in this state by means other than nomination by a political party.

(f) "Vice president" means the vice president of the United States.

**History:** 2015 c 70 art 2 s 6

#### **208.42 DESIGNATION OF STATE'S ELECTORS.**

For each elector position in this state, a political party contesting the position, or an unaffiliated presidential candidate, shall submit to the secretary of state the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee."

Except as otherwise provided in sections 208.44 to 208.47, this state's electors are the winning elector nominees under the laws of this state.

**History:** 2015 c 70 art 2 s 7

#### **208.43 PLEDGE.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate." The executed pledges must accompany the submission of the corresponding names to the secretary of state.

**History:** 2015 c 70 art 2 s 8

#### **208.44 CERTIFICATION OF ELECTORS.**

In submitting this state's certificate of ascertainment as required by United States Code, title 3, section 6, the governor shall certify this state's electors and state in the certificate that:

(1) the electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy; and

(2) if a substitute elector is appointed to fill a vacancy, the governor will submit an amended certificate of ascertainment stating the names on the final list of this state's electors.

**History:** 2015 c 70 art 2 s 9

#### **208.45 PRESIDING OFFICER; ELECTOR VACANCY.**

(a) The secretary of state shall preside at the meeting of electors described in section 208.06.

(b) The position of an elector not present to vote is vacant. The secretary of state shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) if the alternate elector is present to vote, by appointing the alternate elector for the vacant position;

(2) if the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party or unaffiliated presidential candidate;

(3) if the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to clauses (1) and (2), by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;

(4) if there is a tie between at least two nominees for substitute elector in a vote conducted under clause (3), by appointing an elector chosen by lot from among those nominees; or

(5) if all elector positions are vacant and cannot be filled pursuant to clauses (1) to (4), by appointing a single presidential elector, with remaining vacant positions to be filled under clause (3) and, if necessary, clause (4).

(c) To qualify as a substitute elector under paragraph (b), an individual who has not executed the pledge required under section 208.43 shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded."

**History:** 2015 c 70 art 2 s 10

#### **208.46 ELECTOR VOTING.**

(a) At the time designated for elector voting in section 208.06, and after all vacant positions have been filled under section 208.45, the secretary of state shall provide each elector with a presidential and a vice-presidential ballot. The elector shall mark the elector's presidential and vice-presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Except as otherwise provided by law of this state other than this chapter, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under section 208.43 or 208.45, paragraph (c). Except as otherwise provided by law of this state other than this chapter, the secretary of state may not accept and may not count either an elector's presidential or vice-presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 208.43 or 208.45, paragraph (c), vacates the office of elector, creating a vacant position to be filled under section 208.45.

(d) The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

**History:** 2015 c 70 art 2 s 11

#### **208.47 ELECTOR REPLACEMENT; ASSOCIATED CERTIFICATES.**

(a) After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under United States Code, title 3, section 6, the secretary of state immediately shall prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature.

(b) The governor immediately shall deliver the signed amended certificate of ascertainment to the secretary of state and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

(c) The secretary of state shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The secretary of state shall process and transmit the signed certificate with the amended certificate of ascertainment under United States Code, title 3, sections 9, 10, and 11.

**History:** *2015 c 70 art 2 s 12*

#### **208.48 UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing sections 208.40 to 208.48, consideration must be given to the need to promote uniformity of the law with respect to their subject matter among states that enact the Uniform Faithful Presidential Electors Act or similar law.

**History:** *2015 c 70 art 2 s 13*