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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **970**

February 19, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to elections; removing a requirement for a recount in certain statewide
1.3 elections and requiring a special runoff election; authorizing the use of public
1.4 money for runoff elections; appropriating money; amending Minnesota Statutes
1.5 2008, sections 10A.315; 204C.35, subdivision 1, by adding a subdivision;
1.6 proposing coding for new law in Minnesota Statutes, chapter 204D.

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

1.8 Section 1. Minnesota Statutes 2008, section 10A.315, is amended to read:

1.9 **10A.315 SPECIAL OR RUNOFF ELECTION SUBSIDY.**

1.10 (a) Each eligible candidate for a legislative office in a special election or for a state
1.11 constitutional office in a runoff election must be paid a public subsidy equal to the sum of:

1.12 (1) the party account money at the last general election for the candidate's party
1.13 for the office the candidate is seeking; and

1.14 (2) the general account money paid to a candidate for the same office at the last
1.15 general election.

1.16 (b) A candidate who wishes to receive this public subsidy must submit a signed
1.17 agreement under section 10A.322 to the board and must meet the contribution
1.18 requirements of section 10A.323. The ~~special election~~ subsidy provided under this section
1.19 must be distributed in the same manner as money in the party and general accounts is
1.20 distributed to legislative candidates in a general election.

1.21 (c) The amount necessary to make the payments required by this section is
1.22 appropriated from the general fund to the board.

1.23 Sec. 2. Minnesota Statutes 2008, section 204C.35, subdivision 1, is amended to read:

2.1 Subdivision 1. **Automatic recounts.** (a) In a state primary when the difference
 2.2 between the votes cast for the candidates for nomination to a statewide federal office,
 2.3 state constitutional office, statewide judicial office, congressional office, state legislative
 2.4 office, or district judicial office:

2.5 (1) is less than one-half of one percent of the total number of votes counted for
 2.6 that nomination; or

2.7 (2) is ten votes or less and the total number of votes cast for the nomination is 400
 2.8 votes or less;

2.9 and the difference determines the nomination, the canvassing board with responsibility for
 2.10 declaring the results for that office shall manually recount the vote.

2.11 (b) In a state general election when the difference between the votes of a candidate
 2.12 who would otherwise be declared elected to a ~~statewide federal office, state constitutional~~
 2.13 ~~office, statewide judicial office,~~ congressional office, state legislative office, or district
 2.14 judicial office and the votes of any other candidate for that office:

2.15 (1) is less than one-half of one percent of the total number of votes counted for
 2.16 that office; or

2.17 (2) is ten votes or less if the total number of votes cast for the office is 400 votes or
 2.18 less,

2.19 the canvassing board shall manually recount the votes.

2.20 (c) A recount must not delay any other part of the canvass. The results of the recount
 2.21 must be certified by the canvassing board as soon as possible.

2.22 (d) Time for notice of a contest for an office which is recounted pursuant to this
 2.23 section shall begin to run upon certification of the results of the recount by the canvassing
 2.24 board.

2.25 (e) A losing candidate may waive a recount required pursuant to this section by
 2.26 filing a written notice of waiver with the canvassing board.

2.27 Sec. 3. Minnesota Statutes 2008, section 204C.35, is amended by adding a subdivision
 2.28 to read:

2.29 Subd. 4. **Runoff election.** In a state general election when the difference between
 2.30 the votes of a candidate who would otherwise be declared elected to a statewide federal
 2.31 office, state constitutional office, or statewide judicial office, and the votes of any other
 2.32 candidate for that office is less than one-eighth of one percent of the total number of
 2.33 votes counted for that office, the governor shall issue a writ calling for a runoff election
 2.34 as provided by this subdivision. Within five days after the State Canvassing Board has
 2.35 certified the report required under section 204C.33, subdivision 3, the governor shall issue

3.1 a writ to be filed with the secretary of state calling for a runoff election to be held no
3.2 earlier than 20 and no more than 30 days after the issuance of the writ. The runoff election
3.3 must be conducted under section 204D.30.

3.4 Sec. 4. **[204D.30] RUNOFF ELECTION.**

3.5 Subdivision 1. **Date; procedures.** The runoff election required under section
3.6 204C.35, subdivision 4, must be held on a weekday and may not be held on the
3.7 Thanksgiving holiday. Except as provided in this section, all of the provisions of
3.8 Minnesota election law are applicable to runoff elections as far as practicable. The only
3.9 candidates listed on the ballot for the runoff election shall be the candidates and offices
3.10 determined under section 204C.35, subdivision 4. The procedures for conducting the
3.11 runoff election shall be as provided in section 204D.24.

3.12 Subd. 2. **Ballots.** (a) The county auditor shall prepare separate ballots for a runoff
3.13 election. The ballots shall be headed "Runoff Election Ballot," followed by the date of the
3.14 runoff election. The form of the ballots shall comply as far as practicable with the laws
3.15 relating to ballots for general elections. The county auditor shall post a sample of each
3.16 ballot in the auditor's office as soon as prepared and not later than four days before the
3.17 runoff election. Publication of the sample ballot is not required.

3.18 (b) No later than five days preceding the election, the county auditor or municipal
3.19 clerk shall provide an absentee ballot to each person who received an absentee ballot
3.20 under chapter 203B for the general election preceding the runoff election.

3.21 Subd. 3. **Notice.** Upon receipt of a writ issued under section 204C.35, subdivision
3.22 4, the secretary of state shall send a certified copy of the writ to each county auditor.
3.23 The county auditor in each county shall direct the clerk of each municipality in the
3.24 county to post a notice of the runoff election within three days after receiving the certified
3.25 copy of the writ. An omission or defect in the notice required under this section does
3.26 not invalidate a runoff election.

3.27 Subd. 4. **No recount.** If the difference between the votes of any two candidates
3.28 for an office in an election conducted under this subdivision is less than one-half of one
3.29 percent of the total number of votes counted for that office, section 204C.35 does not apply.
3.30 The result of the runoff election may be challenged under the provisions of chapter 209.