

# Certificate of Election

Minn. Stat. § 204C.40

HOUSE RESEARCH

A **certificate of election** is a formal document that grants the holder the rights and privileges of holding elected office. A certificate of election is only valid for the specific term of office listed on the certificate. An elected official who is re-elected to the same office receives a new certificate each time the official begins a new term in office.

## Who prepares a certificate of election and how is it delivered?

For **county offices**, or other offices for which the election undergoes a final canvass and certification by a county canvassing board, the county auditor prepares the certificate of election and delivers it to the appropriate candidate (now office holder-elect).

For **state and federal offices**, including state legislative offices that are only voted upon in one county, certificates of election are prepared and delivered as follows:

- *United States House of Representatives; Minnesota House of Representatives; Minnesota Senate:* The secretary of state prepares and signs the certificate of election. The original is delivered to the Chief Clerk of the House (or Secretary of the Senate), who then provides a copy of the certificate to the member-elect. The chief clerk or secretary delivers the original election certificate to the newly-seated member after the member takes the oath of office.
- *United States Senate:* The governor prepares and signs the certificate of election to the United States Senate. The certificate must be countersigned by the secretary of state. The governor delivers the original certificate of election to the secretary of the United States Senate, who then provides the original to the senator-elect after he or she takes the oath of office.
- *All other statewide offices:* The secretary of state prepares and signs the certificate of election and delivers the original to the elected candidate on demand.

## Are there circumstances that prohibit the issuance of a certificate of election?

In general, certificates of election may not be delivered to an elected candidate until seven days after the canvassing board has declared the result of the election. This delay coincides with the time allowed for a candidate to request a manual recount of the ballots and for a candidate or voter to file an election contest. The seven-day waiting period does not apply to state legislative offices.

In the event of a **recount of a federal, state, or judicial office**, the law prohibits a certificate of election from being prepared or delivered until the recount is completed.

If a candidate or voter files an **election contest**, the law prohibits a certificate from being issued for that office until a court has finally determined the contest. This restriction applies to all types of offices except state legislative offices. A court hearing an election contest may invalidate or revoke a certificate of election.