

1.1 ..... moves to amend H.F. No. 729, the delete everything amendment  
1.2 (H0729DE1), as follows:

1.3 Page 5, after line 28, insert:

1.4 "Sec. 8. Minnesota Statutes 2016, section 204B.13, subdivision 2, is amended to read:

1.5 Subd. 2. **Partisan office; nomination by party; special election.** (a) Except as provided  
1.6 in subdivision 5, a major political party may fill a vacancy in nomination of that party's  
1.7 candidate as defined in subdivision 1, clause (1), (2), or (3), by filing one nomination  
1.8 certificate with the same official who received the affidavits of candidacy for that office.

1.9 A major political party may provide in its governing rules a procedure, including  
1.10 designation of an appropriate committee, to fill a vacancy in nomination for any federal or  
1.11 state partisan office. The nomination certificate shall be prepared under the direction of and  
1.12 executed by the chair and secretary of the political party and filed within the timelines  
1.13 established in this section. When filing the certificate the chair and secretary shall attach an  
1.14 affidavit stating that the newly nominated candidate has been selected under the rules of  
1.15 the party and that the individuals signing the certificate and making the affidavit are the  
1.16 chair and secretary of the party.

1.17 (b) In the case of a vacancy in nomination for partisan office that occurs on or before  
1.18 the 79th day before the general election, the major political party must file the nomination  
1.19 certificate no later than 71 days before the general election. The name of the candidate  
1.20 nominated by the party must appear on the general election ballot.

1.21 (c) Except as provided in subdivision 5, in the case of a vacancy in nomination for a  
1.22 partisan office that occurs after the 79th day before the general election, the general election  
1.23 ballot shall remain unchanged, ~~but~~ and the election shall proceed as follows:

1.24 (1) if the vacancy in nomination is due to the candidate's death or withdrawal, as provided  
1.25 in subdivision 1, paragraph (a), clause (1) or (2), the county and state canvassing boards

2.1 must not certify the vote totals for that office from the general election, and the office must  
 2.2 be filled at a special election held in accordance with this section. Except for the vacancy  
 2.3 in nomination, all other candidates whose names appeared on the general election ballot for  
 2.4 the office must appear on the special election ballot for the office. New affidavits of  
 2.5 candidacy or nominating petitions may not be accepted, and there must not be a primary to  
 2.6 fill the vacancy in nomination. The major political party may file a nomination certificate  
 2.7 as provided in paragraph (a) no later than seven days after the general election; or

2.8 (2) if the vacancy in nomination is due to a court order determining that the candidate  
 2.9 is ineligible to hold the office as provided in subdivision 1, paragraph (a), clause (3), the  
 2.10 county auditor or municipal clerk must prepare a supplemental ballot for that office. The  
 2.11 supplemental ballot must contain only the office for which there is a vacancy in nomination  
 2.12 and must be the ballot used for canvassing the results of the election for that office. The  
 2.13 major political party whose candidate was declared ineligible may submit a new nomination  
 2.14 certificate, as provided in paragraph (a), no later than five business days after the vacancy  
 2.15 in nomination is declared or, if fewer than five days remain before the election, no more  
 2.16 than 24 hours after the vacancy in nomination is declared. To the extent practical, the county  
 2.17 auditor or municipal clerk must attempt to deliver a supplemental ballot to any voter who  
 2.18 has already submitted or cast an absentee ballot for the election.

2.19 (d) On the date of the general election, the county auditor or municipal clerk shall post  
 2.20 a notice in each precinct affected by a vacancy in nomination under this paragraph (c),  
 2.21 informing voters of the reason for the vacancy in nomination and the procedures for filling  
 2.22 the vacancy in nomination and conducting a special election conducting the election as  
 2.23 required by this section. The secretary of state shall prepare and electronically distribute  
 2.24 the notice to county auditors in each county affected by a vacancy in nomination."

2.25 Page 6, after line 4, insert:

2.26 "Sec. .... Minnesota Statutes 2016, section 204B.44, is amended to read:

2.27 **204B.44 ERRORS AND OMISSIONS; REMEDY.**

2.28 (a) Any individual may file a petition in the manner provided in this section for the  
 2.29 correction of any of the following errors, omissions, or wrongful acts which have occurred  
 2.30 or are about to occur:

2.31 (1) an error or omission in the placement or printing of the name or description of any  
 2.32 candidate or any question on any official ballot, including the placement of a candidate on  
 2.33 the official ballot who is not eligible to hold the office for which the candidate has filed;

2.34 (2) any other error in preparing or printing any official ballot;

3.1 (3) failure of the chair or secretary of the proper committee of a major political party to  
3.2 execute or file a certificate of nomination;

3.3 (4) any wrongful act, omission, or error of any election judge, municipal clerk, county  
3.4 auditor, canvassing board or any of its members, the secretary of state, or any other individual  
3.5 charged with any duty concerning an election.

3.6 (b) The petition shall describe the error, omission, or wrongful act and the correction  
3.7 sought by the petitioner. The petition shall be filed with any judge of the Supreme Court in  
3.8 the case of an election for state or federal office or any judge of the district court in that  
3.9 county in the case of an election for county, municipal, or school district office. The petitioner  
3.10 shall serve a copy of the petition on the officer, board or individual charged with the error,  
3.11 omission, or wrongful act, on all candidates for the office in the case of an election for state,  
3.12 federal, county, municipal, or school district office, and on any other party as required by  
3.13 the court. Upon receipt of the petition the court shall immediately set a time for a hearing  
3.14 on the matter and order the officer, board or individual charged with the error, omission or  
3.15 wrongful act to correct the error or wrongful act or perform the duty or show cause for not  
3.16 doing so. In the case of a review of a candidate's eligibility to hold office, the court may  
3.17 order the candidate to appear and present sufficient evidence of the candidate's eligibility.  
3.18 The court shall issue its findings and a final order for appropriate relief as soon as possible  
3.19 after the hearing. Failure to obey the order is contempt of court. If the court's order results  
3.20 in a vacancy in nomination requiring the preparation of a supplemental ballot under section  
3.21 204B.13, subdivision 2, the court must order that the ineligible candidate pay the costs to  
3.22 any affected local government in preparing the supplemental ballot and conducting the  
3.23 election using that ballot."

3.24 Renumber the sections in sequence