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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 3172

February 18, 2008

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

1.1 A bill for an act
1.2 relating to elections; changing certain special election and primary provisions;
1.3 amending Minnesota Statutes 2006, sections 204D.19, subdivision 2; 204D.23,
1.4 subdivision 2; 204D.27, by adding a subdivision.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2006, section 204D.19, subdivision 2, is amended to
1.7 read:

1.8 Subd. 2. **Special election when the Congress or legislature will be in session.**
1.9 Except for vacancies in the legislature which occur at any time between the last day
1.10 of session in an odd-numbered year and the ~~33rd~~ 40th day prior to the opening day of
1.11 session in the succeeding even-numbered year, when a vacancy occurs and the Congress
1.12 or legislature will be in session so that the individual elected as provided by this section
1.13 could take office and exercise the duties of the office immediately upon election, the
1.14 governor shall issue within five days after the vacancy occurs a writ calling for a special
1.15 election. The special election shall be held as soon as possible, consistent with the notice
1.16 requirements of section 204D.22, subdivision 3, but in no event more than ~~28~~ 35 days
1.17 after the issuance of the writ.

1.18 Sec. 2. Minnesota Statutes 2006, section 204D.23, subdivision 2, is amended to read:

1.19 Subd. 2. **Time of filing.** Except as provided in subdivision 3, the affidavits and
1.20 petitions shall be filed no later than ~~the seventh day~~ 14 days before the special primary.

1.21 Sec. 3. Minnesota Statutes 2006, section 204D.27, is amended by adding a subdivision
1.22 to read:

2.1 Subd. 12. **Recounts.** In a special primary or special election, the provisions of
2.2 section 204C.35 apply, except that the secretary of state may immediately proceed to
2.3 recount the votes upon review of the certified reports of the county canvassing boards if
2.4 it is apparent from the review that a recount is required.

2.5 **Sec. 4. EFFECTIVE DATE.**

2.6 Sections 1 to 3 are effective the day following final enactment.