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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1863

03/04/2021

Authored by Long

The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to elections; permitting a major political party to file a petition to prevent
1.3 improper designation by a candidate of the party's name on an official ballot;
1.4 amending Minnesota Statutes 2020, sections 202A.11, subdivision 2; 204B.44.

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

1.6 Section 1. Minnesota Statutes 2020, section 202A.11, subdivision 2, is amended to read:

1.7 Subd. 2. **Right to use.** A major political party which has adopted a party name is entitled
1.8 to the exclusive use of that name for the designation of its candidates on all ballots, and no
1.9 candidate of any other political party is entitled to have printed on a ballot as a party
1.10 designation any part of that name. Improper use of a major political party's name may be
1.11 the subject of a petition filed under section 204B.44.

1.12 Sec. 2. Minnesota Statutes 2020, section 204B.44, is amended to read:

1.13 **204B.44 ERRORS AND OMISSIONS; REMEDY.**

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

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

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

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

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

2.6 (b) A major political party may file a petition in the manner provided in this section to
2.7 prevent the use of the party's name on an official ballot in a manner that violates section
2.8 202A.11, subdivision 2.

2.9 ~~(b)~~ (c) The petition shall describe the error, omission, or wrongful act and the correction
2.10 sought by the petitioner. The petition shall be filed with any judge of the supreme court in
2.11 the case of an election for state or federal office or any judge of the district court in that
2.12 county in the case of an election for county, municipal, or school district office. The petitioner
2.13 shall serve a copy of the petition on the officer, board or individual charged with the error,
2.14 omission, or wrongful act, on all candidates for the office in the case of an election for state,
2.15 federal, county, municipal, or school district office, and on any other party as required by
2.16 the court. Upon receipt of the petition the court shall immediately set a time for a hearing
2.17 on the matter and order the officer, board or individual charged with the error, omission or
2.18 wrongful act to correct the error or wrongful act or perform the duty or show cause for not
2.19 doing so. In the case of a review of a candidate's eligibility to hold office, the court may
2.20 order the candidate to appear and present sufficient evidence of the candidate's eligibility.
2.21 In the case of a review of a candidate's major political party designation, the court may order
2.22 the candidate to appear and present sufficient evidence of the candidate's right to use the
2.23 party's name. Evidence of a candidate's nomination for endorsement at a party's endorsing
2.24 convention or engagement in the party's governance structure establishes a rebuttable
2.25 presumption that the candidate is entitled to be designated by that party's name on a ballot.
2.26 The court shall issue its findings and a final order for appropriate relief as soon as possible
2.27 after the hearing. Failure to obey the order is contempt of court.