

Exhibits: Petition in Place of Filing Fee, Minneapolis Municipal Offices, 2017 General Election

This document is intended to supplement: "Petition in Place of Filing Fee Requirements – Minneapolis Municipal Offices, 2017 General Election." Contained within are four exhibits: A-D. Exhibits A through C contain detailed legal citations related to the requirements for petitions in place of filing fees. Exhibit D is an example petition in place of filing fee revised by the Office of the Minnesota Secretary of State (MN OSS) in Feb. 2014.

All Minnesota Statutes and Rules are drawn from the "**2014 Minnesota Election Laws**" (7/11/2014 Edition) published by the MN OSS. These may be subject to legislative changes in subsequent years.

Exhibit A: Citations Pertaining to the Number of Required Signatures on Petitions in Place of Filing Fees

"204B.11 CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE."

"Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose. The number of signatures on a petition in place of a filing fee shall be as follows:

- (a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;
- (b) for a congressional office, 1,000;
- (c) for a county or legislative office, or for the office of district judge, 500; and
- (d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot. An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request."

"205.13 CANDIDATES, FILING."

"Subd. 4. **Petition in place of fees.** A candidate for municipal office may file a petition in place of the filing fees specified in subdivision 3. The petition shall meet the requirements of section 204B.11, subdivision 2.

Exhibit B: Citations Pertaining to the Collection of Signatures, and the Submission and Verification of Petitions in Place of Filing Fees

"204B.11 CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE."

Identical to citation in Exhibit A.

"205.13 CANDIDATES, FILING."

"Subd. 1a. **Filing period.** In a city nominating candidates at a primary, an affidavit of candidacy for a city office voted on in November must be filed no more than 84 days nor less than 70 days before the city primary. In municipalities that do not hold a primary, an affidavit of candidacy must be filed no more than 70 days and not less than 56 days before the municipal general election held in March in any year, or a special election not held in conjunction with another election, and no more than 98 days nor less

than 84 days before the municipal general election held in November of any year. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period."

"8205.1050 VERIFYING PETITIONS."

"Subpart 1. **Applicability.** This part does not apply to proposed recall and recall petitions. The verification processes for proposed recall and recall petitions are located in parts 8205.2010 and 8205.2120. This part does not apply to statewide Major Political Party Recognition Petitions or statewide Minor Political Party Recognition Petitions. The verification processes for Major Political Party Recognition Petitions and Minor Political Party Recognition Petitions are located in parts 8205.3000, 8205.3100, 8205.3200, and 8205.3300.

Subp. 2. **Verifying petitions.** The filing officer shall verify each petition using the method in items A to C.

A. The filing officer shall inspect the form of the petition to determine whether it complies with part 8205.1010. The filing officer need only determine substantial compliance with regard to any type size on the form.

B. The filing officer shall inspect the petition to determine whether it has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements.

If the petition has not been signed by the required number of qualified signatories, the filing officer must notify the person who filed the petition:

- (1) that the petition has not been signed by the required number of signatories; and
- (2) of the number of additional signatures needed.

If the time for circulating the petition has not expired, the petitioners may collect additional signatures and submit them at one time to the filing officer before the circulation period expires.

C. If the petition satisfies the form requirements in part 8205.1010 and has been signed by the required number of qualified signatories during the applicable time period, the filing officer shall notify the person whose name is on the petition receipt that the petition is sufficient.

Subp. 3. **Time for verification.** The filing officer shall complete the verification of a petition as soon as practicable but no later than ten working days after the day on which the petition was filed."

"Reiter vs. Kiffmeyer, A06-1508"

"This petition must be filed during the filing period. The signatures may be gathered prior to the filing period for this particular petition." (MN OSS Website: www.sos.state.mn.us; Elections & Voting, Candidates, Filing for Office, Petitions)

Exhibit C: Citations Pertaining to the Form of a Petition in Place of Filing Fee

"204B.07 NOMINATING PETITIONS."

"Subdivision 1. **Form of petition.** A nominating petition may consist of one or more separate pages each of which shall state:

- (a) The office sought;
- (b) The candidate's name and residence address, including street and number if any; and
- (c) The candidate's political party or political principle expressed in not more than three words. No candidate who files for a partisan office by nominating petition shall use the term "nonpartisan" as a statement of political principle or the name of the candidate's political party. No part of the name of a major political party may be used to designate the political party or principle of a candidate who files for a partisan office by nominating petition, except that the word "independent" may be used to designate the party or principle. A candidate who files an

affidavit of candidacy to fill a vacancy in nomination for a nonpartisan office pursuant to section 204B.13, shall not state any political principle or the name of any political party on the petition.

Subd. 2. **Petitions for presidential electors.** This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other presidential electors are nominated by petition pursuant to this section. On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled.

Subd. 3. **Number of candidates nominated.** No nominating petition shall contain the name of more than one candidate except a petition jointly nominating individuals for governor and lieutenant governor or nominating a slate of presidential electors.

Subd. 4. **Oath and address of signer.** Following the information required by subdivisions 1 and 2 and before the space for signing, each separate page that is part of the petition shall include an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I do not intend to vote at the primary election for the office for which this nominating petition is made, and that I signed this petition of my own free will." Notarization or certification of the signatures on a nominating petition is not required. Immediately after the signature, the signer shall write on the petition the signer's residence address including street and number, if any, and mailing address if different from residence address.

Subd. 5. **Sample forms.** An official with whom petitions are filed shall make sample forms for nominating petitions available upon request.

Subd. 6. **Penalty.** An individual who, in signing a nominating petition, makes a false oath is guilty of perjury."

"8205.1010 FORM OF PETITIONS."

"Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. **General form requirements.** Petitions must be prepared in accordance with items A to I.

A. A petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. The signer's oath and the signature lines must be on the same side of the paper.

B. The language on the petition must be printed in no smaller than 10-point type.

C. Each petition page must have a short title describing the purpose of the petition.

D. Each petition page must have a statement summarizing the purpose of the petition.

E. If the purpose of the petition is to put a question on the ballot, each petition may have a statement of 75 words or less summarizing the ballot question.

F. Each petition page must have a signer's oath in no smaller than 12-point type. If the form of the signer's oath is not specified by statute, the following oath must be used: "I swear (or affirm) that I know the contents and purpose of this petition and that I signed the petition only once and of my own free will."

G. Each petition page must include the following statement immediately above the signature lines: "All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so.

H. Each petition page must have no more than ten signature lines. The signature lines must be consecutively numbered. Each signature line must have space for the date of signature; a signature; and each signatory's year of birth; printed first, middle, and last name; and residence address, municipality, and county.

I. Each petition page must include the following statement: "All information on this petition is subject to public inspection."

Exhibit D: Minnesota Petition in Place of Filing Fee

MINNESOTA PETITION IN PLACE OF FILING FEE

We, the undersigned eligible voters, residing in the election district for the office set forth below, understand that it is intended that this petition be presented in place of the filing fee otherwise required by law by _____ at the time of filing an affidavit of candidacy for the office of _____ to be voted on at the general election to be held on November 4, 2014, as provided by *Minnesota Statutes*, section 204B.11, subdivision 2. _____ (office sought and district number, if any)

SIGNER'S OATH
 "I swear (or affirm) that I know the contents and purpose of this petition and that I signed the petition only once and of my own free will."

ALL INFORMATION ON THIS PETITION IS SUBJECT TO PUBLIC INSPECTION
ALL INFORMATION MUST BE FILLED IN BY PERSON(S) SIGNING THE PETITION UNLESS DISABILITY PREVENTS THE PERSON(S) FROM DOING SO. *****

	DATE	SIGNATURE	YEAR OF BIRTH (if born in 1998 list month and day)	PRINT FIRST, MIDDLE, AND LAST NAME	RESIDENCE ADDRESS (number and street or route and box number) (Not a P.O. Box)	CITY OR TOWNSHIP	COUNTY
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

SELECT/Candidates & Ballot Question/Petition Form & Petition/Petition Form/2014 Petition in Place of Fee

Rev. 2/2014

M.S. 204B.11 subd 2, M.S. 204B.07, M.R. 8205.1010