

## **8.0 CANDIDATE FILING**

### **8.1 FILING PERIOD**

Candidate filing is the process through which candidates have their names placed on the ballot. Town clerks are the filing officers for the township offices, meaning the clerk, or designated deputy, administer candidate filing. If a town clerk has not appointed a deputy, the town treasurer shall perform the candidate filing duties when the clerk is absent. Arrangements may be made with the county auditor to receive township filings instead. M.S. 205.13, subd. 1; 367.033

Candidates must file during a two week filing period. While one person may generally only hold one elected office at the same time, Minnesota law provides a rare, specific exception allowing the same person to serve on their town board and school board at the same time. In towns holding their elections in March of any year or for special elections not held in conjunction with another election, the filing period opens 70 days before and closes 56 days before Election Day. In all other towns, affidavits of candidacy must be filed during a two week period that opens not more than 98 days (August 2, 2016) before the general and closes not less than 84 days (August 16, 2016) before the general. The 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. M.S. 205.13

Note: The clerk is also responsible for accepting hospital district filings which are filed which are now filed not more than 98 days (August 2, 2016) nor less than 84 days (August 16, 2016) before the first Tuesday after the first Monday in November of the year in which the general election is held. M.S. 447.32, subd. 4

If a candidate will be absent from the state during the filing period, the candidate may file an affidavit, and filing fee or required petition during the seven days immediately before the candidate leaves the state. The candidate must state in writing the reason for being unable to file during the normal filing period. M.S. 205.13, subd. 1a; 205.13, subd. 1b

The clerk must publish a notice of filing dates, location, and closing time at least two weeks before filing opens and must post a similar notice 10 days before filing opens. M.S. 205.13, subd. 2

### **8.2 CANDIDATE ELIGIBILITY**

For a township office, any person may be a candidate who is:

- eligible to vote;
- will be 21 years old on assuming office; and
- will have been a resident of the township for 30 days before the township election. M.S. 204B.06, subd. 1

### **8.3 FILING PROCESS**

A candidate for a township office must file an affidavit of candidacy with the town clerk, unless arrangements have been made with the county auditor. The steps for candidate filing are as follows:

- a candidate for an office to be voted for at the township election must file an affidavit of candidacy with the town clerk;

- affidavits must be signed, notarized, and delivered in person or otherwise to the clerk during the candidate filing period;

o in most cases, affidavits are completed, signed and signed by the authorized filing officer at the time of filing;

o however, some are completed before arriving. If so, affidavits must be signed, notarized and delivered in person or otherwise to the clerk during the filing period;

o absent candidates may follow the process listed in section 8.1 above;

- alternatively, five or more voters can “draft” a candidate by filing an application on behalf of an eligible voter in the municipality with the clerk;

o this candidate’s name is placed on the ballot after the proper filing fee is received;

- a candidate filing for town supervisor, when more than one seat is to be filled at an election, must designate which specific seat they are seeking when filing;

- the proper filing fee must be paid or a petition in place of a filing fee must be filed at the time of filing;

o candidate filings are not complete unless accompanied by the filing fee or petition in place of the filing fee;

- filing fees for township offices are \$2;

- the candidate may file in place of the filing fee a petition by eligible voters having either 500 or a number equal to 5% of the total number of persons who voted in the last general election when the office was on the ballot (whichever is less);

- affidavits of candidacy must be numbered in the order they are received by the filing officer;

- when the similarity of both the first and last names of two or more candidates for the same office and election may cause confusion, candidates may provide up to three additional words to be printed to distinguish between the two; and

- any individual who has an issue with the names placed on a ballot or with the candidate filing process may file an error and omissions petition in accordance with M.S. 204B.44. M.S. 204B.10; 204B.11, subd. 2(d); 205.13, subd. 1; 205.13, subd. 3; 205.13, subd. 4

Because candidate names will now appear on ballots with upper and lower case lettering, it is important to make sure that the candidate has listed exactly how the name should be spelled and capitalized. It is suggested, when necessary, to make a copy of the affidavit and go over the spelling and capitalization of the name with the candidate, underlining the exact letters that should be capitalized, before the candidate leaves.

A copy of the affidavit of candidacy form is available at the OSS Candidate website located at [www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/](http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/).

#### 8.3.1 Withdrawal

A candidate may withdraw from participation in the election by filing an affidavit of withdrawal with the filing officer. The affidavit shall request that the official withdraw the candidate's name from the ballot. The candidate's filing fee is non-refundable. Also, a candidate may stop campaigning but their name will remain on the ballot if they fail to submit an affidavit of withdrawal during the withdrawal period. Township candidates have until 5:00 p.m. two days after the close of filing to withdraw. M.S. 205.13, subd. 6

A copy of the affidavit of withdrawal form is available at [www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/candidate-withdrawal/](http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/candidate-withdrawal/).

Office of the Minnesota Secretary of State