

Minnesota Presidential Electors

The following are some common questions about the selection and election of presidential electors in Minnesota.

How many presidential electors does Minnesota have? What determines this number?

Minnesota currently has 10 presidential electors. The U.S. Constitution (Article 2, Section 1) provides that each state appoints a number of electors equal to the number of senators and representatives to which each state is entitled in Congress. Since Minnesota currently has eight representatives and two senators, the state is entitled to 10 electors.

How does a person become a candidate to be chosen as a presidential elector in Minnesota?

Major political parties: The three major political parties (currently the Democratic-Farmer-Labor; Independence; and Republican parties) nominate a slate of presidential electors by delegate conventions called and held under the supervision of the party's state central committee. The state chair of a major party must certify to the Secretary of State the names of the persons nominated as presidential electors and the names of the party candidates for president and vice president on or before Primary Day (Minnesota Statutes 208.03).

Minor political parties: A minor political party may nominate a slate of presidential electors by circulating a petition. The petition must list the names of the presidential electors and the names of the candidates for president and vice-president. This petition must be signed by at least 2,000 individuals eligible to vote in Minnesota. The petition must be filed on or before Primary Day (Minnesota Statutes 204B.07, 204B.08, and 204B.09). In 2008, the Constitution, Green, Libertarian, Socialist Workers parties filed petitions for presidential electors and candidates for president and vice president to be placed on the general election ballot.

Write-in candidates: An individual may file a "written request by write-in candidates for federal and state office." This form requests that all write-in votes cast for the candidate be counted. A write-in candidate for president must also state the name of at least one, but no more than 10, candidates for presidential electors (Minnesota Statutes 204B.09, and 208.04).

What happens after Election Day on November 4, 2008? How and when do the electors assemble and cast their ballots?

On or before November 10, 2008, each county convenes a Canvassing Board to officially count the votes cast for all candidates in that county. These returns are then forwarded to the Secretary of State. On November 18, 2008, the Secretary of State convenes the State Canvassing Board, which canvasses the votes cast including those for the presidential electors. The Board declares the persons receiving the highest number of votes for this office to be duly elected.

What happens after Election Day on November 4, 2008? How and when do the electors assemble and cast their ballots? (continued)

The governor then transmits a certificate of election, signed by the governor and countersigned by the Secretary of State, to each presidential elector (Minnesota Statutes 208.05).

The presidential electors meet before noon at the State Capitol in St. Paul on December 15, 2008, and notify the governor that they are ready to fulfill their duties as electors. The governor then delivers a certificate of the names of all the electors. If an elector fails to appear by 9 a.m., the other electors will “elect by ballot a person to fill the vacancy,” from the list of alternates. The electors shall notify the governor who has been elected to fill any vacancy.

The presidential electors then meet “in the executive chamber at the State Capitol” and cast a ballot for president, and a separate ballot for vice president (Minnesota Statutes 208.06, 208.07, and 208.08).

What happens to the presidential elector votes after the electors meet in St. Paul?

Federal law requires that copies of the “Certificate of Votes Cast” by Minnesota presidential electors be sent to the Vice President (as President of the United States Senate), to the National Archives, to the senior federal district court judge, and to the Secretary of State of Minnesota.

The electoral votes of each state are counted in a joint session of the United States Senate and House of Representatives in early January 2009.

After the electoral votes from all states are counted, the U.S. Vice President declares the candidates receiving a majority of the electoral votes cast in all the states to be President-elect and Vice President-elect. The President-elect and Vice President-elect take their oaths of office for four year terms beginning at noon on January 20, 2008.

What are the qualifications to serve as a presidential elector in Minnesota?

The qualifications are set forth in the U.S. Constitution (Article 2, Section 1) which provides that “no Senator or Representative, or person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.”

Section 3 of the 14th Amendment also states that “No person shall be... elector of President or Vice-President... who, having previously taken an oath... to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. Congress may by a vote of two-thirds of each House, remove such disability.”

Do the names of the presidential electors appear on the general election ballot?

No. The names of the presidential and vice-presidential candidates appear on the ballot, but not the names of each party’s slate of presidential electors (Minnesota Statutes 208.04).

How can I find out the names of the presidential electors?

The names of all Minnesota presidential electors are listed on the Elections Division page on the Secretary of State Web site (www.sos.state.mn.us/elections).

Can a voter split votes between presidential electors of different political parties?

No. A vote can only be cast for the entire slate of electors by voting for the presidential and vice presidential ticket that the electors are pledged to support.

Are the presidential electors required to receive a majority of the votes cast (50 percent) in Minnesota?

No. The presidential electors pledged to support the presidential and vice presidential ticket that receives the *most* votes in Minnesota are certified as the official presidential electors for Minnesota. The winning slate of electors is only required to receive more votes in Minnesota than any other slate of electors. A majority (50 percent plus one vote) is not required for an elector to be elected.

Are the electors required to vote for the presidential and vice-presidential candidates that their party has nominated?

No. An elector can cast a ballot for any individual, whether or not the individual was that party's candidate for the office. This has happened several times in other states in recent years. However, state law states that a vote for someone other than the party's nominee will be invalid and not be counted.

In 2004, a Minnesota elector, pledged for Democrats John Kerry and John Edwards, cast his or her presidential vote for *John Edwards [sic]*, rather than Kerry, presumably by accident. (All of Minnesota's electors cast their vice presidential ballots for John Edwards.) Minnesota's electors cast secret ballots, so unless one of the electors claims responsibility, it is unlikely that the identity of the faithless elector will ever be known.

As a result of this incident, Minnesota Statutes were amended to provide for public balloting of the electors' votes and invalidation of a vote cast for someone other than the candidate to whom the elector is pledged.

What happens if no candidate receives a majority of the electoral votes cast for either President or Vice President?

The U.S. Constitution sets forth special procedures for the U.S. House of Representatives to choose the next President, and for the U.S. Senate to choose the next Vice President. See the U.S. Electoral College Home Page link above for details about these procedures.