

SUPREME COURT OF MINNESOTA

Smith v. Kiffmeyer

721 N.W.2d 912 (Minn. 2006) · Decided September 28, 2006

SUMMARY

The Minnesota Supreme Court held that a candidate’s affidavit of candidacy must be filed with the proper election official before the statutory filing deadline. Because Brian Smith filed with the secretary of state rather than the Hennepin County Auditor, his filing was ineffective and he was not entitled to have his name placed on the primary election ballot.

CASE DETAILS

COURT	Supreme Court of Minnesota
JURISDICTION	Minnesota
DECIDED	September 28, 2006
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Brian Smith filed a petition under Minn. Stat. § 204B.44(d) asking the Minnesota Supreme Court to direct that his name be placed on the September 12, 2006, state primary ballot. The court denied the petition by order dated August 22, 2006, and issued this opinion explaining its decision.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Brian Smith v. Kiffmeyer

TOPICS

- ballot access
- election administration
- election law
- statutory interpretation
- plain meaning rule

PRACTICE AREAS

- election law
- administrative law
- statutory interpretation

QUESTIONS PRESENTED

- Whether an affidavit of candidacy filed with the wrong election official before the filing deadline is effective for ballot-placement purposes.
- Whether the Secretary of State had a duty or statutory authority to forward the affidavit to the proper county auditor or to accept the filing as timely on the auditor's behalf.

3. Whether Minn. Stat. § 204B.44(d) authorizes relief for a candidate's inadvertent failure to file with the proper election official.

HOLDINGS

1. An affidavit of candidacy is not properly filed unless it is filed both before the statutory deadline and with the appropriate election official. Failure to file with the proper official before the deadline prevents the candidate's name from being placed on the primary-election ballot.
2. The Secretary of State was not required to ensure that Smith filed with the proper election official and had no statutory authority to act as the county auditor's agent for accepting the affidavit.
3. Minn. Stat. § 204B.44(d) does not provide a remedy for a candidate's own inadvertence in filing with the wrong official absent a wrongful act, omission, or error by an election official.

KEY QUOTATIONS

“It is clear from section 204B.09, subdivision 1, and our case law that for an affidavit of candidacy to be “properly filed,” it must be both filed before the deadline and filed with the appropriate election official.”
(914)

“The time and place of filing nomination papers cannot be separated. In order to be timely, the papers must be filed in the proper place.” (915)

“We conclude that a candidate’s failure to file an affidavit of candidacy with the proper election official before the filing deadline prevents the candidate’s name from being placed on the primary election ballot.”
(916)

FACTUAL BACKGROUND

On July 18, 2006, the last day for filing, Brian Smith filed an affidavit of candidacy for the Independence Party nomination for Minnesota House District 58B with the Secretary of State rather than the Hennepin County Auditor. The district was entirely within Hennepin County, and the statute required filings for offices voted on in only one county to be made with that county's auditor. Although Secretary of State personnel emailed Smith at approximately 4:30 p.m. instructing him to file in Hennepin County by 5:00 p.m., the affidavit was not delivered to the county auditor until the following day.

PROCEDURAL HISTORY

Smith submitted an affidavit of candidacy and filing fee to the Minnesota Secretary of State on the last day for filing, but his legislative district was located entirely within Hennepin County, making the Hennepin County Auditor the proper filing official. The affidavit was not delivered to the county auditor until the day after the 5:00 p.m. deadline, and the auditor refused to accept it. Smith then petitioned the Minnesota Supreme Court for ballot-placement relief, which denied the petition.

DISPOSITION

writ_denied

CASES CITED

- State ex rel. O'Hearn v. Erickson, 152 Minn. 349, 188 N.W. 736 (1922)
- Harris v. Donovan, 269 Minn. 574, 129 N.W.2d 797 (1964)
- State ex rel. Ahlgrimm v. State Elections Board, 82 Wis. 2d 585, 263 N.W.2d 152 (1978)
- Tobin v. May, 72 A.D.2d 648, 421 N.Y.S.2d 441 (1979)
- State v. Jensen, 662 N.W.2d 643 (S.D. 2003)
- O'Donaghue v. Cook County Officers Electoral Board, 295 Ill. App. 3d 493, 229 Ill. Dec. 781, 692 N.E.2d 770 (1998)
- Schroeder v. Johnson, 311 Minn. 144, 252 N.W.2d 851 (1976)
- Clifford v. Hoppe, 357 N.W.2d 98 (Minn. 1984)

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