

Rose's death creates campaign quandary

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The death of state Rep. John Rose of Roseville a few hours before filings closed for the next election has left the Independent-Republican party without a candidate for the seat and has sent state officials in search of laws to guide them on handling the situation.

Rose, a legislator in District 63A since 1976, died Tuesday afternoon at the age of 54. His district includes most of Roseville and all of Falcon Heights, Lauderdale and St. Anthony.

He had filed for re-election and had been endorsed by the local IR party. No one else filed for the IR nomination in the September primary. The only other candidate for the office is Mary Jo McGuire of Falcon Heights, who was recruited recently by the DFL Party and filed Tuesday afternoon for the DFL nomination.

She apparently will be elected to the seat automatically unless some way is found for the Republicans to get a candidate into the contest.

Attorney General Hubert Humphrey III has been asked for an opinion by the secretary of state's office, said Elaine Voss, deputy secretary of state. Voss and Operations Director Tom Durand said they could not remember a similar situation.

The law seems designed to get nominees from both major parties, said Voss, but it is not clear how to do that before a primary election, which this year will be held Sept. 13. Indeed, said Durand, there seems to be no clear method for taking Rose's name off the ballot.

If the death had occurred after the primary, the vacancy could be filled by a "nomination certificate" from the party, according to state law. Presumably, the party would hold an endorsing convention and put the endorsee's name on the certificate,

she added.

On a separate matter, Voss and Durand also said that state law seems to contradict an Independent-Republican senator, who is protesting the holding of a special election for a soon-to-be vacant senate seat in District 37.

The seat is in a political swing area in the Apple Valley section of Dakota County and, if the election were postponed as State Sen. Fritz Knaack of White Bear Lake would like, Independent-Republicans probably would have a better chance. The election, instead, has been called by DFL Gov. Rudy Perpich for Nov. 8, the same time as the biennial general election. DFLers, according to conventional wisdom, fare better in general elections where turnouts are bigger.

That date is illegal, said Knaack, because a special election can't be held until a seat is actually vacant, which won't occur until Jan. 1 when incumbent DFL Sen. Darril Wegscheid's res-

ignation becomes effective. He conceded, however, that the law does not make a distinction between an expected vacancy and an actual vacancy. He nevertheless called it "backdoor, political slime" for Perpich to call the election for Nov. 8.

Independent-Republicans might take the matter to court, said Knaack.

Durand and Voss said, however, that a 1987 change in the law says resignations can be made to become effective at a later date, meaning that special elections can be held before the vacancy occurs. That might have been the intent of the change, said Knaack, but it did not succeed.

A letter from Chief Deputy Attorney General John Tunheim two weeks ago supported Perpich's authority to call the election before the vacancy occurs because of a statutory entreaty for elections "at the earliest possible time" and before the next legislative session, which begins Jan. 3.