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## State of Minnesota

# HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

н. г. №. 3217

02/13/2020 Authored by Scott, Bahr, Poston, Jurgens, Garofalo and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act

relating to elections; prohibiting the collection of certain political party data at the presidential nomination primary; amending Minnesota Statutes 2018, section 207A.14, subdivision 3; Minnesota Statutes 2019 Supplement, section 207A.12; repealing Minnesota Statutes 2019 Supplement, section 201.091, subdivision 4a.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2019 Supplement, section 207A.12, is amended to read:

#### 207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.

- (a) Except as otherwise provided by law, the presidential nomination primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary.
- (b) An individual seeking to vote at the presidential nomination primary must be registered to vote pursuant to section 201.054, subdivision 1. The voter must request the ballot of the party for whose candidate the individual wishes to vote. Notwithstanding Consistent with section 204C.18, subdivision 1, the election judge must not record in the polling place roster the name of the political party whose ballot the voter requested. When posting voter history pursuant to section 201.171, the county auditor must include the name of the political party whose ballot the voter requested. The political party ballot selected by a voter is private data on individuals as defined under section 13.02, subdivision 12, except as provided in section 201.091, subdivision 4a.
- (c) Immediately after the state canvassing board declares the results of the presidential nomination primary, the secretary of state must notify the chair of each party of the results.

Section 1.

(d) The results of the presidential nomination primary must bind the election of delegatesin each party.

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- **EFFECTIVE DATE.** This section is effective the day following final enactment and applies to a ballot provided to a voter on or after that date.
- Sec. 2. Minnesota Statutes 2018, section 207A.14, subdivision 3, is amended to read:
  - Subd. 3. **Notice of primary to public.** At least 15 days before the date of the presidential nomination primary, each municipal clerk shall post a public notice stating the date of the presidential nomination primary, the location of each polling place in the municipality, the hours during which the polling places in the municipality will be open, and information about the requirements of section 207A.12, paragraph (b), including a notice that the voter's choice of a political party's ballot will be recorded and is public information. The county auditor shall post a similar notice in the auditor's office with information for any polling places in unorganized territory in the county. The governing body of a municipality or county may publish the notice in addition to posting it. Failure to give notice does not invalidate the election.
    - **EFFECTIVE DATE.** This section is effective the day following final enactment.

# Sec. 3. <u>POLITICAL PARTY DATA COLLECTED AT 2020 PRESIDENTIAL</u> NOMINATION PRIMARY.

- (a) Notwithstanding any laws in effect at the time a presidential nomination primary ballot was provided to a voter, the secretary of state, a county auditor, and any other election official with responsibilities related to the administration of the presidential nomination primary conducted in 2020 is prohibited from collecting, maintaining, sharing, or disseminating data that indicates the party choice of identifiable voters who cast a ballot at that primary. To the extent that these data were collected or recorded prior to the effective date of this section, that data must be destroyed no later than ten days following the effective date of this section. Until the data are destroyed, the data are private data on individuals as defined in Minnesota Statutes, section 13.02, subdivision 12, and may not be used, shared, or disseminated for any purpose.
- (b) This section does not prohibit a state or county canvassing board from publishing aggregated data that reflects the results of the presidential nomination primary in a canvassing report.
- 2.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. 2

01/30/20 REVISOR JRM/CH 20-6532

- 3.1 Sec. 4. <u>REPEALER.</u>
- Minnesota Statutes 2019 Supplement, section 201.091, subdivision 4a, is repealed.

3.3 **EFFECTIVE DATE.** This section is effective retroactively to January 1, 2020.

Sec. 4. 3

### APPENDIX Repealed Minnesota Statutes: 20-6532

## 201.091 REGISTERED VOTER LISTS; REPORTS; REGISTRATION PLACES.

Subd. 4a. **Presidential primary political party list.** The secretary of state must maintain a list of the voters who voted in a presidential nomination primary and the political party each voter selected. Information maintained on the list is private data on individuals as defined under section 13.02, subdivision 12, except that the secretary of state must provide the list to the chair of each major political party.