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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1123

03/04/2013 Authored by Simon

The bill was read for the first time and referred to the Committee on Elections

1.1 A bill for an act
1.2 relating to elections; amending process to be placed on primary ballots for
1.3 constitutional officers; changing the date of the state primary from August to
1.4 June; changing the data of primary elections conducted by a political subdivision
1.5 in certain circumstances; allowing for the description "endorsed" on general
1.6 election ballots; amending Minnesota Statutes 2012, sections 204B.03; 204B.06,
1.7 subdivision 2; 204B.14, subdivisions 2, 4; 204B.21, subdivision 1; 204B.27,
1.8 subdivision 2; 204B.36, subdivision 2; 204D.03, subdivision 1; 204D.07,
1.9 subdivision 2; 204D.09, subdivision 1; 204D.28, subdivision 5; 205.065,
1.10 subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.06, subdivision 1a; 205A.11,
1.11 subdivision 2a; 206.61, subdivision 5; 206.82, subdivision 2.

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

1.13 Section 1. Minnesota Statutes 2012, section 204B.03, is amended to read:

1.14 **204B.03 MANNER OF NOMINATION.**

1.15 (a) Candidates of a major political party for any partisan office except presidential
1.16 elector, United States senator, governor, lieutenant governor, secretary of state, state
1.17 auditor, and attorney general, and all candidates for nonpartisan office shall apply for a place
1.18 on the primary ballot by filing an affidavit of candidacy as provided in section 204B.06,
1.19 and except as otherwise provided in section 204D.07, subdivision 3, shall be nominated
1.20 by primary. Except as provided by paragraph (b), candidates for any partisan office who
1.21 do not seek the nomination of a major political party shall be nominated by nominating
1.22 petition as provided in sections 204B.07 and 204B.08, and, except for presidential elector
1.23 candidates, shall file an affidavit of candidacy as provided in section 204B.06.

1.24 (b) Candidates for United States senator, governor, lieutenant governor, secretary of
1.25 state, state auditor, and attorney general shall apply for a place on the primary ballot by
1.26 filing an affidavit of candidacy as provided in section 204B.06 or by filing a nominating
1.27 petition as provided in sections 204B.07 and 204B.08.

Sec. 2. Minnesota Statutes 2012, section 204B.06, subdivision 2, is amended to read:

Subd. 2. **Major party candidates.** (a) Except as provided in paragraph (b), a candidate who seeks the nomination of a major political party for a partisan office shall state on the affidavit of candidacy that the candidate either participated in that party's most recent precinct caucus or intends to vote for a majority of that party's candidates at the next ensuing general election.

(b) A candidate who seeks the nomination of a major political party for United States senator, governor, lieutenant governor, secretary of state, state auditor, or attorney general shall state on the affidavit of candidacy that the candidate received 20 percent delegate support on any ballot at a state party convention. A candidate shall not be placed on the primary or general election ballot if the candidate does not include this statement or if the secretary of state concludes that the candidate did not receive 20 percent of delegate support on any ballot at a state party convention.

Sec. 3. Minnesota Statutes 2012, section 204B.14, subdivision 2, is amended to read:

Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than ~~May~~ March 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for contiguous precincts in the same municipality;

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

(4) for noncontiguous precincts located in one or more counties.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than ~~April~~ February 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 4. Minnesota Statutes 2012, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election precinct must be adopted at least ten weeks before the date of the next election and, for the state primary and general election, no later than ~~June~~ April 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 56 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days before the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 5. Minnesota Statutes 2012, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. **Appointment lists; duties of political parties and secretary of state.** On ~~May~~ March 1 in a year in which there is an election for a partisan political office, each major political party shall prepare a list of eligible voters to act as election judges in each election precinct. The political parties shall furnish the lists electronically to the secretary of state, in a format specified by the secretary of state. The secretary of state must combine the data received from each political party under this subdivision and must process the data to locate the precinct in which the address provided for each potential election judge is located. If the data submitted by a political party is insufficient for the secretary of state to locate the proper precinct, the associated name must not appear

in any list forwarded to an appointing authority under this subdivision. The secretary of state shall notify political parties of any proposed election judges with addresses that could not be located in a precinct.

By ~~May~~ March 15, the secretary of state shall furnish electronically to the county auditor a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority, noting the political party affiliation of each individual on the list. The county auditor must promptly forward the appropriate names to the appropriate municipal clerk.

Sec. 6. Minnesota Statutes 2012, section 204B.27, subdivision 2, is amended to read:

Subd. 2. **Election law and instructions.** The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before ~~August~~ June 1 of every odd-numbered year the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this volume so that each county auditor and municipal clerk will have at least one copy. On or before ~~July~~ May 1 of every even-numbered year, the secretary of state shall prepare and make an electronic copy available on the office's Web site. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 7. Minnesota Statutes 2012, section 204B.36, subdivision 2, is amended to read:

Subd. 2. **Candidates and offices.** (a) The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

(b) At an election for a partisan office, a candidate may request that the word "endorsed" be placed on the ballot near the candidate's name if the candidate was endorsed by the candidate's party. The request shall be made to the secretary of state on a form prescribed by the secretary of state. The secretary of state shall verify that the candidate is endorsed by the stated political party before the word is printed on any ballot. At a primary election, the word "endorsed" shall be printed next to or below the name of the candidate if the candidate was endorsed by the candidate's party prior to the primary election. It shall be printed in capital and lowercase letters of the same type, with capital letters at least one-half the height of the capital letters used for names of the candidate. At a general election, the word "endorsed" shall be printed next to or below the name of the political party or political principle if the candidate was endorsed either before the primary election and won the primary election or was endorsed after the primary election and before the general election. It shall be in the same type and size as the type for the name of the political party or political principle.

(c) On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate a vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

Sec. 8. Minnesota Statutes 2012, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. **State primary.** The state primary shall be held on the second first Tuesday after the third Monday in August June in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Sec. 9. Minnesota Statutes 2012, section 204D.07, subdivision 2, is amended to read:

Subd. 2. **Exception; Petition candidates.** The name of a candidate for United States senator, governor, lieutenant governor, secretary of state, state auditor, or attorney general nominated by petition shall be placed on the primary ballot. All other candidates nominated by petition shall not be placed on any state primary ballot.

Sec. 10. Minnesota Statutes 2012, section 204D.09, subdivision 1, is amended to read:

6.1 Subdivision 1. **Example ballot.** (a) No later than ~~May~~ March 1 of each year, the
6.2 secretary of state shall supply each auditor with a copy of an example ballot. The example
6.3 ballot must illustrate the format required for the ballots used in the primary and general
6.4 elections that year.

6.5 (b) The county auditor shall distribute copies of the example ballot to municipal and
6.6 school district clerks in municipalities and school districts holding elections that year. The
6.7 official ballot must conform in all respects to the example ballot.

6.8 Sec. 11. Minnesota Statutes 2012, section 204D.28, subdivision 5, is amended to read:

6.9 Subd. 5. **Regular state primary.** "Regular state primary" means:

6.10 (a) the state primary at which candidates are nominated for offices elected at the
6.11 state general election; or

6.12 (b) a primary held on the ~~second~~ first Tuesday after the third Monday in August June
6.13 of odd-numbered years.

6.14 Sec. 12. Minnesota Statutes 2012, section 205.065, subdivision 1, is amended to read:

6.15 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
6.16 nominating elective officers may be held in any city on the ~~second~~ first Tuesday after the
6.17 third Monday in August June of any year in which a municipal general election is to
6.18 be held for the purpose of electing officers. The date of a municipal primary held in
6.19 an odd-numbered year may be postponed for inclement weather as provided in section
6.20 205.105.

6.21 Sec. 13. Minnesota Statutes 2012, section 205.065, subdivision 2, is amended to read:

6.22 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance
6.23 or resolution adopted by ~~April~~ January 15 in the year when a municipal general election
6.24 is held, elect to choose nominees for municipal offices by a primary as provided in this
6.25 section. The resolution or ordinance, when adopted, is effective for all ensuing municipal
6.26 elections until it is revoked. The municipal clerk shall notify the secretary of state and the
6.27 county auditor within 30 days after the adoption of the resolution or ordinance.

6.28 Sec. 14. Minnesota Statutes 2012, section 205A.03, subdivision 1, is amended to read:

6.29 Subdivision 1. **Resolution requiring primary in certain circumstances.** The
6.30 school board of a school district may, by resolution adopted by ~~April~~ January 15 of any
6.31 year, decide to choose nominees for school board by a primary as provided in this section.
6.32 The resolution, when adopted, is effective for all ensuing elections of board members in

that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions available, the school district must hold a primary.

Sec. 15. Minnesota Statutes 2012, section 205A.03, subdivision 2, is amended to read:

Subd. 2. **Date.** The school district primary must be held on the ~~second~~ first Tuesday after the third Monday in August June in the year when the school district general election is held. The clerk shall give notice of the primary in the manner provided in section 205A.07. The date of a school district primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205A.055.

Sec. 16. Minnesota Statutes 2012, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose nominees for school board by a primary election, affidavits of candidacy must be filed with the school district clerk no earlier than the 84th day and no later than the 70th day before the ~~second~~ first Tuesday after the third Monday in August June in the year when the school district general election is held. In all other school districts, affidavits of candidacy must be filed no earlier than the 98th day and no later than the 84th day before the school district general election.

Sec. 17. Minnesota Statutes 2012, section 205A.11, subdivision 2a, is amended to read:

Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to the voters who will be voting in a combined polling place for a school district special election. The notice must include the following information: the date of the election, the hours of voting, and the location of the voter's polling place. The notice must be sent by nonforwardable mail to every affected household in the school district with at least one registered voter. The notice must be mailed no later than 14 days before the election. The mailed notice is not required for a school district special election that is held on the ~~second~~ first Tuesday after the third Monday in August June, the Tuesday following the first Monday in November, or for a special election conducted entirely by mail. In addition, the mailed notice is not required for voters residing in a township if the school district special election is held on the second Tuesday in March and the town general election is held on that day. A notice that is returned as undeliverable must be forwarded immediately to the county auditor.

8.1 Sec. 18. Minnesota Statutes 2012, section 206.61, subdivision 5, is amended to read:

8.2 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation
8.3 of names of candidates must be observed as far as practicable by changing the order of the
8.4 names on an electronic voting system in the various precincts so that each name appears
8.5 on the machines or marking devices used in a municipality substantially an equal number
8.6 of times in the first, last, and in each intermediate place in the list or group in which
8.7 they belong. However, the arrangement of candidates' names must be the same on all
8.8 voting systems used in the same precinct. If the number of names to be alternated exceeds
8.9 the number of precincts, the election official responsible for providing the ballots, in
8.10 accordance with subdivision 1, shall determine by lot the alternation of names.

8.11 If an electronic ballot marker is used with a paper ballot that is not an optical scan
8.12 ballot card, the manner of alternation of candidate names on the paper ballot must be as
8.13 prescribed for optical scan ballots in this subdivision.

8.14 The rules adopted by the secretary of state for the rotation of candidate names must
8.15 use the number of registered voters in each precinct as of 8:00 a.m. on ~~May~~ March 1 of
8.16 the year when the rotation will be made as the basis for determining the rotation of names.

8.17 Sec. 19. Minnesota Statutes 2012, section 206.82, subdivision 2, is amended to read:

8.18 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting
8.19 system is used and the county auditor of a county in which an electronic voting system
8.20 is used in more than one municipality and the county auditor of a county in which a
8.21 counting center serving more than one municipality is located shall prepare a plan which
8.22 indicates acquisition of sufficient facilities, computer time, and professional services
8.23 and which describes the proposed manner of complying with section 206.80. The plan
8.24 must be signed, notarized, and submitted to the secretary of state more than 60 days
8.25 before the first election at which the municipality uses an electronic voting system. Before
8.26 ~~May~~ March 1 of each subsequent general election year, the clerk or auditor shall submit
8.27 to the secretary of state notification of any changes to the plan on file with the secretary
8.28 of state. The secretary of state shall review each plan for its sufficiency and may request
8.29 technical assistance from the Office of Enterprise Technology or other agency which may
8.30 be operating as the central computer authority. The secretary of state shall notify each
8.31 reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt
8.32 of the plan. The attorney general, upon request of the secretary of state, may seek a district
8.33 court order requiring an election official to fulfill duties imposed by this subdivision or by
8.34 rules promulgated pursuant to this section.

9.1

Sec. 20. **EFFECTIVE DATE.**

9.2

Sections 1 to 19 are effective January 1, 2014, and apply to elections conducted

9.3

on or after that date.