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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1153

02/14/2019 Authored by Halverson, Dehn, Long and Freiberg
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to elections; allowing the presidential nomination primary to be conducted
1.3 by mail; restricting access to voter party designation; requiring the use of a single
1.4 ballot in the presidential nomination primary; authorizing additional reimbursements
1.5 to counties for conducting the presidential nomination primary; amending
1.6 Minnesota Statutes 2018, sections 201.091, subdivision 4; 204B.14, subdivisions
1.7 2, 4; 204C.10; 207A.12; 207A.13; 207A.14; 207A.15, subdivision 2; proposing
1.8 coding for new law in Minnesota Statutes, chapter 207A.

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

1.10 Section 1. Minnesota Statutes 2018, section 201.091, subdivision 4, is amended to read:

1.11 Subd. 4. Public information lists. The county auditor shall make available for inspection
1.12 a public information list which must contain the name, address, year of birth, and voting
1.13 history of each registered voter in the county. The list must include the party choice of any
1.14 voter who voted in the most recent presidential nomination primary. The telephone number
1.15 must be included on the list if provided by the voter. The public information list may also
1.16 include information on voting districts. The county auditor may adopt reasonable rules
1.17 governing access to the list. No individual inspecting the public information list shall tamper
1.18 with or alter it in any manner. No individual who inspects the public information list or who
1.19 acquires a list of registered voters prepared from the public information list may use any
1.20 information contained in the list for purposes unrelated to elections, political activities, or
1.21 law enforcement. The secretary of state may provide copies of the public information lists
1.22 and other information from the statewide registration system for uses related to elections,
1.23 political activities, or in response to a law enforcement inquiry from a public official
1.24 concerning a failure to comply with any criminal statute or any state or local tax statute.

2.1 Before inspecting the public information list or obtaining a list of voters or other
 2.2 information from the list, the individual shall provide identification to the public official
 2.3 having custody of the public information list and shall state in writing that any information
 2.4 obtained from the list will not be used for purposes unrelated to elections, political activities,
 2.5 or law enforcement. Requests to examine or obtain information from the public information
 2.6 lists or the statewide registration system must be made and processed in the manner provided
 2.7 in the rules of the secretary of state.

2.8 Upon receipt of a statement signed by the voter that withholding the voter's name from
 2.9 the public information list is required for the safety of the voter or the voter's family, the
 2.10 secretary of state and county auditor must withhold from the public information list the
 2.11 name of a registered voter.

2.12 Sec. 2. Minnesota Statutes 2018, section 204B.14, subdivision 2, is amended to read:

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

2.15 (1) each city ward; and

2.16 (2) each town and each statutory city.

2.17 (b) A single, accessible, combined polling place may be established no later than
 2.18 ~~November 1 if a presidential nomination primary is scheduled to occur in the following~~
 2.19 ~~year or~~ May 1 of any ~~other~~ year:

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

2.22 (2) for contiguous precincts in the same municipality;

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

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

2.27 Subject to the requirements of paragraph (c), a single, accessible, combined polling place
 2.28 may be established after May 1 of any year in the event of an emergency.

2.29 A copy of the ordinance or resolution establishing a combined polling place must be
 2.30 filed with the county auditor within 30 days after approval by the governing body. A polling
 2.31 place combined under clause (3) must be approved by the governing body of each
 2.32 participating municipality. A polling place combined under clause (4) must be approved by

3.1 the governing body of each participating municipality and the secretary of state and may
3.2 be located outside any of the noncontiguous precincts. A municipality withdrawing from
3.3 participation in a combined polling place must do so by filing a resolution of withdrawal
3.4 with the county auditor no later than ~~October 1 if a presidential nomination primary is~~
3.5 ~~scheduled to occur in the following year~~ or April 1 of any other year.

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

3.17 (c) If a local elections official determines that an emergency situation preventing the
3.18 safe, secure, and full operation of a polling place on election day has occurred or is imminent,
3.19 the local elections official may combine two or more polling places for that election pursuant
3.20 to this subdivision. To the extent possible, the polling places must be combined and the
3.21 election conducted according to the requirements of paragraph (b), except that:

3.22 (1) polling places may be combined after May 1 and until the polls close on election
3.23 day;

3.24 (2) any city or town, regardless of size or location, may establish a combined polling
3.25 place under this paragraph;

3.26 (3) the governing body is not required to adopt an ordinance or resolution to establish
3.27 the combined polling place;

3.28 (4) a polling place combined under paragraph (b), clause (3) or (4), must be approved
3.29 by the local election official of each participating municipality;

3.30 (5) the local elections official must immediately notify the county auditor and the
3.31 secretary of state of the combination, including the reason for the emergency combination
3.32 and the location of the combined polling place. As soon as possible, the local elections
3.33 official must also post a notice stating the reason for the combination and the location of
3.34 the combined polling place. The notice must also be posted on the governing board's website,

4.1 if one exists. The local elections official must also notify the election judges and request
 4.2 that local media outlets publicly announce the reason for the combination and the location
 4.3 of the combined polling place; and

4.4 (6) on election day, the local elections official must post a notice in large print in a
 4.5 conspicuous place at the polling place where the emergency occurred, if practical, stating
 4.6 the location of the combined polling place. The local election official must also post the
 4.7 notice, if practical, in a location visible by voters who vote from their motor vehicles as
 4.8 provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to
 4.9 section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph
 4.10 must include a statement that the polling place hours at the combined polling place will be
 4.11 extended until the specified time.

4.12 Sec. 3. Minnesota Statutes 2018, section 204B.14, subdivision 4, is amended to read:

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

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

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

4.28 Sec. 4. Minnesota Statutes 2018, section 204C.10, is amended to read:

4.29 **204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;**
 4.30 **VOTER RECEIPT.**

4.31 (a) An individual seeking to vote shall sign a polling place roster or voter signature
 4.32 certificate which states that the individual is at least 18 years of age, a citizen of the United

5.1 States, has resided in Minnesota for 20 days immediately preceding the election, maintains
 5.2 residence at the address shown, is not under a guardianship in which the court order revokes
 5.3 the individual's right to vote, has not been found by a court of law to be legally incompetent
 5.4 to vote or has the right to vote because, if the individual was convicted of a felony, the
 5.5 felony sentence has expired or been completed or the individual has been discharged from
 5.6 the sentence, is registered and has not already voted in the election. The roster must also
 5.7 state: "I understand that deliberately providing false information is a felony punishable by
 5.8 not more than five years imprisonment and a fine of not more than \$10,000, or both."

5.9 ~~(b) At the presidential nomination primary, the polling place roster must also state: "I~~
 5.10 ~~am in general agreement with the principles of the party for whose candidate I intend to~~
 5.11 ~~vote, and I understand that my choice of a party's ballot will be public information." This~~
 5.12 ~~statement must appear separately from the statements required in paragraph (a). The felony~~
 5.13 ~~penalty provided for in paragraph (a) does not apply to this paragraph.~~

5.14 ~~(e)~~ (b) A judge may, before the applicant signs the roster or voter signature certificate,
 5.15 confirm the applicant's name, address, and date of birth.

5.16 ~~(d)~~ (c) After the applicant signs the roster or voter signature certificate, the judge shall
 5.17 give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge
 5.18 in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand
 5.19 to the voter the ballot. The voters' receipts must be maintained during the time for notice
 5.20 of filing an election contest.

5.21 ~~(e)~~ (d) Whenever a challenged status appears on the polling place roster, an election
 5.22 judge must ensure that the challenge is concealed or hidden from the view of any voter other
 5.23 than the voter whose status is challenged.

5.24 Sec. 5. Minnesota Statutes 2018, section 207A.12, is amended to read:

5.25 **207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.**

5.26 Subdivision 1. Election law applies. ~~(a)~~ Except as otherwise provided by law, the
 5.27 presidential nomination primary must be conducted, and the results canvassed and returned,
 5.28 in the manner provided by law for the state primary and for absentee voting.

5.29 ~~(b) An individual seeking to vote at the presidential nomination primary must be~~
 5.30 ~~registered to vote pursuant to section 201.054, subdivision 1. The voter must request the~~
 5.31 ~~ballot of the party for whose candidate the individual wishes to vote. Notwithstanding section~~
 5.32 ~~204C.18, subdivision 1, the election judge must record in the polling place roster the name~~
 5.33 ~~of the political party whose ballot the voter requested. When posting voter history pursuant~~

6.1 ~~to section 201.171, the county auditor must include the name of the political party whose~~
 6.2 ~~ballot the voter requested. The voter instruction posters, pamphlets, and other informational~~
 6.3 ~~materials prepared for a presidential primary by the secretary of state pursuant to section~~
 6.4 ~~204B.27 must include information about the requirements of this paragraph, including a~~
 6.5 ~~notice that the voter's choice of a political party's ballot will be recorded and is public~~
 6.6 ~~information.~~

6.7 ~~(c) Immediately after the state canvassing board declares the results of the presidential~~
 6.8 ~~nomination primary, the secretary of state must notify the chair of each party of the results.~~

6.9 ~~(d) The results of the presidential nomination primary must bind the election of delegates~~
 6.10 ~~in each party.~~

6.11 Subd. 2. Mail balloting. (a) The presidential nomination primary shall be conducted by
 6.12 mail with no polling place other than the office of the county auditor or other locations
 6.13 designated by the county auditor. The voter may return the ballot by mail or in person to
 6.14 the office of the county auditor or other location as designated by the county auditor.

6.15 (b) Not more than 46 days nor later than 14 days before the date of the presidential
 6.16 nomination primary, the county auditor shall mail ballots by nonforwardable mail to all
 6.17 voters registered in the county. No later than 14 days before the election, the county auditor
 6.18 must make a subsequent mailing of ballots to those voters who register to vote after the
 6.19 initial mailing but before the 20th day before the presidential nomination primary. Eligible
 6.20 voters not registered at the time the ballots are mailed may apply for ballots as provided in
 6.21 chapter 203B.

6.22 Sec. 6. Minnesota Statutes 2018, section 207A.13, is amended to read:

6.23 **207A.13 FORM OF BALLOTS AND ENVELOPES; CANDIDATES ON BALLOT.**

6.24 Subdivision 1. **Form of ballots.** (a) Except as provided by law, presidential nomination
 6.25 primary ballots shall be printed in the same manner as state primary ballots as far as
 6.26 practicable. A sufficient number of ~~each ballot~~ ballots shall be printed for each precinct and
 6.27 ward in the state.

6.28 (b) There must be ~~separate ballots for the names of the candidates of each political party.~~
 6.29 Each ballot must be a single ballot for the presidential nomination primary. The ballot shall
 6.30 be headed by the words "Presidential Nomination Primary Ballot." The heading must also
 6.31 indicate the party that appears on the ballot The presidential nomination primary is exempt
 6.32 from the base rotation requirements of Minnesota Rules, part 8220.0825.

7.1 (c) If requested by a party chair, the column on the ballot for that party must contain a
 7.2 place for a voter to indicate a preference for having delegates to the party's national
 7.3 convention remain uncommitted. If requested by a party chair, the column on the ballot for
 7.4 that party must contain a blank line printed below the other choices on the ballot so that a
 7.5 voter may write in the name of a person who is not listed on the ballot. A request under this
 7.6 paragraph must be submitted to the secretary of state no later than 63 days before the
 7.7 presidential nomination primary.

7.8 Subd. 1a. **Form of envelope.** The signature envelope must include:

7.9 (1) a place for the voter to select which party the voter will vote for; and

7.10 (2) the following statement: "I am in general agreement with the principles of the party
 7.11 for whose candidate I intend to vote."

7.12 **Subd. 2. Candidates on the ballot.** (a) Each party must determine which candidates are
 7.13 to be placed on the presidential nomination primary ballot for that party. The chair of each
 7.14 party must submit to the secretary of state the names of the candidates to appear on the
 7.15 ballot ~~for that party~~ no later than 63 days before the presidential nomination primary. Once
 7.16 submitted, changes must not be made to the candidates that will appear on the ballot.

7.17 (b) No later than the seventh day before the presidential nomination primary, the chair
 7.18 of each party must submit to the secretary of state the names of write-in candidates, if any,
 7.19 to be counted for that party.

7.20 **Sec. 7. [207A.131] BALLOT BOARD; PARTY LISTS; PRIMARY RESULTS.**

7.21 Subdivision 1. **Ballot board.** (a) The county auditor must appoint a ballot board to
 7.22 examine the signature envelopes and mark them "accepted" or "rejected" as provided in
 7.23 section 203B.121. For each signature envelope examined, the county auditor, or designee
 7.24 on the ballot board, must record in the polling place roster the name of the political party
 7.25 selected by the voter. If a voter did not select a party or selected more than one party, the
 7.26 ballot board must reject the ballot. The selection of a political party must not be included
 7.27 in the voter's history or the public information list.

7.28 (b) After opening a signature envelope, the secrecy envelope must be removed and
 7.29 placed into the pile corresponding to the party selected by the voter on the signature envelope.
 7.30 When the secrecy envelopes are opened, a ballot must be spoiled if:

7.31 (1) there are votes for more than one party; or

8.1 (2) the party voted for does not correspond to the party in which pile the ballot was
 8.2 placed.

8.3 Subd. 2. **Party list.** The secretary of state must maintain a list of each voter who voted
 8.4 in the presidential nomination primary and the party selected by that voter. Information
 8.5 maintained on the list is private data on individuals as defined under section 13.02,
 8.6 subdivision 12, except that the secretary of state must provide to the chair of each major
 8.7 political party a list of voters who selected that party for the most recent presidential
 8.8 nomination primary.

8.9 Subd. 3. **Results.** Immediately after the state canvassing board declares the results of
 8.10 the presidential nomination primary, the secretary of state must notify the chair of each
 8.11 party of the results. The results of the presidential nomination primary must bind the election
 8.12 of delegates in each party.

8.13 Sec. 8. Minnesota Statutes 2018, section 207A.14, is amended to read:

8.14 **207A.14 NOTICE OF PRESIDENTIAL NOMINATION PRIMARY; SAMPLE**
 8.15 **BALLOTS.**

8.16 Subdivision 1. **Notice of primary to counties and municipalities.** Twenty weeks before
 8.17 a presidential nomination primary is to be held, the secretary of state shall provide notice
 8.18 to the county auditor of each county of the date of the presidential nomination primary.
 8.19 ~~Within ten days after notification by the secretary of state, each county auditor shall provide~~
 8.20 ~~notice of the date of the presidential nomination primary to each municipal clerk in the~~
 8.21 ~~county.~~

8.22 Subd. 2. **Sample ballots.** No later than 70 days before the presidential nomination
 8.23 primary, the secretary of state must supply each county auditor with a sample ballots ballot
 8.24 to be used at the presidential nomination primary. The sample ballots ballot must illustrate
 8.25 the format required for the ballots used in the presidential nomination primary.

8.26 Subd. 3. **Notice of primary to public.** At least 15 days before the date of the presidential
 8.27 nomination primary, each ~~municipal clerk~~ county auditor shall post a public notice stating
 8.28 the date of the presidential nomination primary, ~~the location of each polling place in the~~
 8.29 ~~municipality, the hours during which the polling places in the municipality will be open,~~
 8.30 ~~and information about the requirements of section 207A.12, paragraph (b), including a~~
 8.31 ~~notice that the voter's choice of a political party's ballot will be recorded and is public~~
 8.32 ~~information. The county auditor shall post a similar notice in the auditor's office with~~
 8.33 ~~information for any polling places in unorganized territory in the county. The governing~~

9.1 body of a ~~municipality or~~ a county may publish the notice in addition to posting it. Failure
9.2 to give notice does not invalidate the election.

9.3 Sec. 9. Minnesota Statutes 2018, section 207A.15, subdivision 2, is amended to read:

9.4 Subd. 2. **Reimbursable local expenses.** (a) The secretary of state shall reimburse the
9.5 counties and municipalities for expenses incurred in the administration of the presidential
9.6 nomination primary from money contained in the presidential nomination primary elections
9.7 account. The following expenses are eligible for reimbursement: preparation and printing
9.8 of ballots; postage for ~~absentee~~ mailing and returning ballots; publication of the sample
9.9 ballot; ~~preparation of polling places in an amount not to exceed \$150 per polling place;~~
9.10 ~~preparation of electronic voting systems in an amount not to exceed \$100 per precinct;~~
9.11 compensation for temporary staff or overtime payments; salaries of election judges; ~~and~~
9.12 compensation of county canvassing board members; and other expenses as approved by the
9.13 secretary of state.

9.14 (b) Within 60 days after the results of a presidential nomination primary are certified
9.15 by the State Canvassing Board, the county auditor must submit a request for payment of
9.16 the costs incurred by the county for conducting the presidential nomination primary, and
9.17 the municipal clerk must submit a request for payment of the costs incurred by the
9.18 municipality for conducting the presidential nomination primary. The request for payment
9.19 must be submitted to the secretary of state, and must be accompanied by an itemized
9.20 description of actual county or municipal expenditures, including copies of invoices. In
9.21 addition, the county auditor or municipal clerk must certify that the request for reimbursement
9.22 is based on actual costs incurred by the county or municipality in the presidential nomination
9.23 primary.

9.24 (c) The secretary of state shall provide each county and municipality with the appropriate
9.25 forms for requesting payment and certifying expenses under this subdivision. The secretary
9.26 of state must not reimburse expenses unless the request for payment and certification of
9.27 costs has been submitted as provided in this subdivision. The secretary of state must complete
9.28 the issuance of reimbursements to the counties and municipalities no later than 90 days after
9.29 the results of the presidential nomination primary have been certified by the State Canvassing
9.30 Board.

9.31 Sec. 10. EFFECTIVE DATE.

9.32 This act is effective July 1, 2019, and applies to presidential nomination primaries
9.33 conducted on or after that date.