

This Document can be made available  
in alternative formats upon request

State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-NINTH SESSION

**H. F. No. 3127**

03/14/2016 Authored by Erhardt and Newton

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

1.1 A bill for an act  
1.2 relating to elections; establishing a presidential primary; making technical  
1.3 changes; amending Minnesota Statutes 2014, sections 202A.14, subdivision  
1.4 1; 202A.18, subdivision 2a; 204B.03; 204B.06, subdivision 4; 204B.14,  
1.5 subdivisions 2, 4; 204B.21, subdivision 1; 204D.09, subdivision 1; 204D.24,  
1.6 subdivision 2; 206.82, subdivision 2; Minnesota Statutes 2015 Supplement,  
1.7 section 204C.04, subdivision 2; proposing coding for new law in Minnesota  
1.8 Statutes, chapter 207A.

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

1.10 Section 1. Minnesota Statutes 2014, section 202A.14, subdivision 1, is amended to read:

1.11 Subdivision 1. **Time and manner of holding; postponement.** (a) In every state  
1.12 general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph  
1.13 (b), there shall be held for every election precinct a party caucus in the manner provided  
1.14 in sections 202A.14 to 202A.19.

1.15 (b)(1) The chairs of the two largest major political parties shall jointly submit to  
1.16 the secretary of state, no later than March 1 of each odd-numbered year, the single date  
1.17 on which the two parties have agreed to conduct their precinct caucuses in the next  
1.18 even-numbered year. The precinct caucuses must not be held on the first Tuesday in  
1.19 March in a presidential election year.

1.20 (2) Within two business days after the parties have agreed on a single date on which  
1.21 to conduct their precinct caucuses, the secretary of state shall publicly announce the  
1.22 official state precinct caucus date for the following general election year.

1.23 (3) If the chairs of the two largest major political parties do not jointly submit a  
1.24 single date for conducting their precinct caucuses as provided in this paragraph, then  
1.25 for purposes of the next general election year, the first Tuesday in February shall be

2.1 considered the day of a major political party precinct caucus and sections 202A.19 and  
 2.2 202A.192 shall only apply on that date.

2.3 (4) For purposes of this paragraph, the two largest major political parties shall be the  
 2.4 parties whose candidates for governor received the greatest and second greatest number of  
 2.5 votes at the most recent gubernatorial election.

2.6 (c) In the event of severe weather a major political party may request the secretary of  
 2.7 state to postpone caucuses. If a major political party makes a request, or upon the secretary  
 2.8 of state's own initiative, after consultation with all major political parties and on the advice  
 2.9 of the federal Weather Bureau and the Department of Transportation, the secretary of state  
 2.10 may declare precinct caucuses to be postponed for a week in counties where weather  
 2.11 makes travel especially dangerous. The secretary of state shall submit a notice of the  
 2.12 postponement to news media covering the affected counties by 6:00 p.m. on the scheduled  
 2.13 day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

2.14 Sec. 2. Minnesota Statutes 2014, section 202A.18, subdivision 2a, is amended to read:

2.15 Subd. 2a. **Preference ballot.** Prior to the opening of nominations for the election of  
 2.16 permanent offices and delegates, a ballot must be distributed to permit caucus participants  
 2.17 to indicate their preference for the ~~offices of president of the United States or~~ office of  
 2.18 the governor. The results of preference voting must be reported to the secretary of state  
 2.19 immediately upon conclusion of the voting, in the manner provided by the secretary of  
 2.20 state. The secretary of state shall provide the appropriate forms to the party for reporting  
 2.21 the results.

2.22 Sec. 3. Minnesota Statutes 2014, section 204B.03, is amended to read:

2.23 **204B.03 MANNER OF NOMINATION.**

2.24 Candidates of a major political party for any partisan office except presidential  
 2.25 elector and all candidates for nonpartisan office shall apply for a place on the primary  
 2.26 ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as  
 2.27 otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.

2.28 A candidate who seeks the nomination of a major political party for the president of  
 2.29 the United States must file an affidavit of candidacy as required under section 204B.06.

2.30 Candidates for any partisan office who do not seek the nomination of a major political  
 2.31 party shall be nominated by nominating petition as provided in sections 204B.07 and  
 2.32 204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy  
 2.33 as provided in section 204B.06.

3.1 Sec. 4. Minnesota Statutes 2014, section 204B.06, subdivision 4, is amended to read:

3.2 Subd. 4. **Federal offices.** ~~Candidates for president or vice president of the United~~  
3.3 ~~States are not required to file an affidavit of candidacy for office.~~ (a) Candidates who  
3.4 seek nomination for the office of United States senator or representative shall state the  
3.5 following information on the affidavit:

3.6 (1) for United States senator, that the candidate will be an inhabitant of this state  
3.7 when elected and will be 30 years of age or older and a citizen of the United States for not  
3.8 less than nine years on the next January 3 or, in the case of an election to fill a vacancy,  
3.9 within 21 days after the special election; and

3.10 (2) for United States representative, that the candidate will be an inhabitant of this  
3.11 state when elected and will be 25 years of age or older and a citizen of the United States  
3.12 for not less than seven years on the next January 3 or, in the case of an election to fill a  
3.13 vacancy, within 21 days after the special election.

3.14 (b) A candidate who seeks nomination for president of the United States shall state  
3.15 on the affidavit that the candidate is a natural born citizen of the United States, will have  
3.16 attained the age of 35 years upon taking office, and will have been a resident of the United  
3.17 States for 14 years upon taking office.

3.18 Sec. 5. Minnesota Statutes 2014, section 204B.14, subdivision 2, is amended to read:

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

3.21 (1) each city ward; and

3.22 (2) each town and each statutory city.

3.23 (b) A single, accessible, combined polling place may be established no later than  
3.24 December 1 if a presidential primary is scheduled to occur in the following year or May 1  
3.25 of any other year:

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

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

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

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

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

4.1 by the governing body of each participating municipality and the secretary of state and  
 4.2 may be located outside any of the noncontiguous precincts. A municipality withdrawing  
 4.3 from participation in a combined polling place must do so by filing a resolution of  
 4.4 withdrawal with the county auditor no later than November 1 if a presidential primary is  
 4.5 scheduled to occur in the following year or April 1 of any other year.

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

4.17 Sec. 6. Minnesota Statutes 2014, section 204B.14, subdivision 4, is amended to read:

4.18 Subd. 4. **Boundary change procedure.** Any change in the boundary of an election  
 4.19 precinct must be adopted at least ten weeks before the date of the next election and, for  
 4.20 the state primary and general election or presidential primary, no later than ~~June~~ January  
 4.21 1 in the year of the state general election. The precinct boundary change shall not take  
 4.22 effect until notice of the change has been posted in the office of the municipal clerk or  
 4.23 county auditor for at least 56 days.

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

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

4.33 Sec. 7. Minnesota Statutes 2014, section 204B.21, subdivision 1, is amended to read:

5.1           Subdivision 1. **Appointment lists; duties of political parties and secretary of**  
 5.2 **state.** On May 1 in a year in which there is an election for a partisan political office or  
 5.3 on December 1 in a year prior to a year in which a presidential primary is scheduled,  
 5.4 each major political party shall prepare a list of eligible voters to act as election judges  
 5.5 in each election precinct. The political parties shall furnish the lists electronically to the  
 5.6 secretary of state, in a format specified by the secretary of state. The secretary of state  
 5.7 must combine the data received from each political party under this subdivision and must  
 5.8 process the data to locate the precinct in which the address provided for each potential  
 5.9 election judge is located. If the data submitted by a political party is insufficient for the  
 5.10 secretary of state to locate the proper precinct, the associated name must not appear in any  
 5.11 list forwarded to an appointing authority under this subdivision. The secretary of state  
 5.12 shall notify political parties of any proposed election judges with addresses that could not  
 5.13 be located in a precinct.

5.14           By December 15 in a year prior to a year in which a presidential primary is  
 5.15 scheduled to occur or by May 15 in any other year, the secretary of state shall furnish  
 5.16 electronically to the county auditor a list of the appropriate names for each election  
 5.17 precinct in the jurisdiction of the appointing authority, noting the political party affiliation  
 5.18 of each individual on the list. The county auditor must promptly forward the appropriate  
 5.19 names to the appropriate municipal clerk.

5.20           Sec. 8. Minnesota Statutes 2015 Supplement, section 204C.04, subdivision 2, is  
 5.21 amended to read:

5.22           Subd. 2. **Elections covered.** For purposes of this section, "election" means a  
 5.23 regularly scheduled election, an election to fill a vacancy in the office of United States  
 5.24 senator or United States representative, an election to fill a vacancy in nomination for a  
 5.25 constitutional office, ~~or~~ an election to fill a vacancy in the office of state senator or state  
 5.26 representative, or a presidential primary under chapter 207A.

5.27           Sec. 9. Minnesota Statutes 2014, section 204D.09, subdivision 1, is amended to read:

5.28           Subdivision 1. **Example ballot.** (a) No later than December 1 in a year prior to a  
 5.29 year in which there is a presidential election, the secretary of state shall supply each  
 5.30 auditor with a copy of an example ballot to be used at the presidential primary under  
 5.31 chapter 207A. The example ballot must illustrate the format required for the ballot used in  
 5.32 the presidential primary in the following year.

5.33           (a) (b) No later than May 1 of each year, the secretary of state shall supply each  
 5.34 auditor with a copy of an example ballot to be used at the state primary and state general

6.1 election. The example ballot must illustrate the format required for the ballots used in the  
6.2 primary and general elections that year. ~~(b)~~ The county auditor shall distribute copies of  
6.3 the example ballot to municipal and school district clerks in municipalities and school  
6.4 districts holding elections that year. The official ballot must conform in all respects to  
6.5 the example ballot.

6.6 Sec. 10. Minnesota Statutes 2014, section 204D.24, subdivision 2, is amended to read:

6.7 Subd. 2. **Voter registration.** An individual may register to vote at a special primary  
6.8 or special election at any time before the day that the polling place rosters for the special  
6.9 primary or special election are prepared by the secretary of state. The secretary of state  
6.10 shall provide the county auditors with notice of this date at least seven days before the  
6.11 printing of the rosters. This subdivision does not apply to a special election held on the  
6.12 same day as the presidential primary, state primary, state general election, or the regularly  
6.13 scheduled primary or general election of a municipality, school district, or special district.

6.14 Sec. 11. Minnesota Statutes 2014, section 206.82, subdivision 2, is amended to read:

6.15 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting  
6.16 system is used and the county auditor of a county in which an electronic voting system is  
6.17 used in more than one municipality and the county auditor of a county in which a counting  
6.18 center serving more than one municipality is located shall prepare a plan which indicates  
6.19 acquisition of sufficient facilities, computer time, and professional services and which  
6.20 describes the proposed manner of complying with section 206.80. The plan must be  
6.21 signed, notarized, and submitted to the secretary of state more than 60 days before the  
6.22 first election at which the municipality uses an electronic voting system. Before May 1 of  
6.23 each subsequent general election year or if a presidential primary is scheduled to occur,  
6.24 before December 1 two calendar years prior to the presidential primary year, the clerk or  
6.25 auditor shall submit to the secretary of state notification of any changes to the plan on file  
6.26 with the secretary of state. The secretary of state shall review each plan for its sufficiency  
6.27 and may request technical assistance from the Office of MN.IT Services or other agency  
6.28 which may be operating as the central computer authority. The secretary of state shall  
6.29 notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days  
6.30 of receipt of the plan. The attorney general, upon request of the secretary of state, may  
6.31 seek a district court order requiring an election official to fulfill duties imposed by this  
6.32 subdivision or by rules promulgated pursuant to this section.

6.33 Sec. 12. **[207A.11] PRESIDENTIAL PRIMARY.**

7.1 (a) A presidential primary must be held on the first Tuesday in March of each year in  
7.2 which a president and vice president of the United States are to be nominated and elected,  
7.3 at which the voters of this state may express their preference among the candidates of the  
7.4 major political party of their choice, for that party's nomination to be president of the  
7.5 United States or may vote for uncommitted delegates to the national party convention. For  
7.6 the purposes of this chapter, "political party" or "party" means a major political party as  
7.7 defined in section 200.02, subdivision 7.

7.8 (b) Except as otherwise provided in this chapter, the presidential primary must be  
7.9 conducted, and the results canvassed and returned, in the manner provided by law for the  
7.10 state primary.

7.11 Sec. 13. **[207A.12] CANDIDATES ON BALLOT.**

7.12 Subdivision 1. **Required listing.** The following individuals must be listed as  
7.13 candidates on the presidential primary ballot in the column representing the candidate's  
7.14 party:

7.15 (1) any individual who files an affidavit of candidacy under section 204B.06 and  
7.16 submits the appropriate filing fee or petition in place of filing fee under section 204B.11; and

7.17 (2) any individual nominated as a candidate for the presidential nomination of a  
7.18 political party by a petition submitted not later than ten weeks before the primary and  
7.19 bearing the names of 1,000 eligible voters from each congressional district.

7.20 In addition, the column for each major political party must contain a place for a voter  
7.21 to indicate a preference for having delegates to the party's national convention remain  
7.22 uncommitted, and a blank line printed below the other choices on the ballot so that a voter  
7.23 may write in the name of a person who is not listed on the ballot.

7.24 The candidates must be listed in the appropriate column on the ballot in the order  
7.25 that the affidavits of candidacy or nominating petitions for the candidates are filed with  
7.26 the secretary of state.

7.27 Subd. 2. **Time for filing; fee.** The period for filing an affidavit of candidacy for the  
7.28 presidential primary must begin not more than 84 days nor less than 70 days before the  
7.29 primary. The filing fee is \$500. The period for signing nominating petitions must begin 16  
7.30 weeks before the primary and end ten weeks before the primary.

7.31 Subd. 3. **Announcing candidates.** Candidates who have filed an affidavit of  
7.32 candidacy under subdivision 1, clause (1), for each political party on the primary ballot  
7.33 must be announced by the secretary of state the day after filings close for the purpose of  
7.34 giving voters sufficient time to nominate other candidates by petition.

8.1 Subd. 4. **Announcement.** The determination of which candidates must be listed on  
8.2 the primary ballot must be made by the secretary of state not later than eight weeks before  
8.3 the primary. The secretary of state shall certify to the county auditor of each county the  
8.4 names of all candidates in the presidential primary at least seven weeks before the primary.

8.5 Subd. 5. **Notification.** Not later than three days after the last day for filing a  
8.6 nominating petition under subdivision 1, clause (2), the secretary of state shall notify each  
8.7 individual whose name is to be listed on the primary ballot that the individual's name  
8.8 will be listed unless the individual submits an affidavit stating that the individual is not  
8.9 a candidate for the presidential nomination, does not intend to become a candidate, and  
8.10 would not accept the nomination. The affidavit must be submitted to and received by the  
8.11 secretary of state no later than eight weeks before the primary.

8.12 Sec. 14. **[207A.13] SELECTION OF DELEGATES; NATIONAL CONVENTION**  
8.13 **BALLOTING.**

8.14 Subdivision 1. **Apportionment of votes.** The delegates to the national convention  
8.15 of each political party appearing on the primary ballot who are chosen on the basis of their  
8.16 support for particular presidential candidates must be apportioned among the various  
8.17 candidates of that party receiving votes in the primary in proportion to their respective  
8.18 vote totals.

8.19 The secretary of state shall certify to the state chair of each political party appearing on  
8.20 the primary ballot the number of delegates to which each presidential candidate is entitled.

8.21 Subd. 2. **Chosen delegates.** Delegates to the national convention of each  
8.22 political party appearing on the primary ballot must be chosen by the state convention  
8.23 or congressional district convention of that party, except as otherwise provided in this  
8.24 subdivision. The secretary of each party's state convention or congressional district  
8.25 convention shall promptly notify the secretary of state of the names of the delegates to the  
8.26 national convention chosen as supporters of each presidential candidate.

8.27 Subd. 3. **Delegate votes.** At the national convention, delegates chosen because of  
8.28 their support for a presidential candidate shall vote for that candidate on the first ballot,  
8.29 unless they have been released from that obligation by the candidate. This subdivision  
8.30 does not apply to delegates to the extent that it is inconsistent with the rules of the national  
8.31 party or state party.

8.32 Sec. 15. **[207A.14] AUDITOR FURNISHED INFORMATION BY SECRETARY**  
8.33 **OF STATE; BALLOT PREPARATION.**



9.1            Subdivision 1. **Notice of filing period.** Twenty weeks before a presidential primary  
9.2 is to be held, the secretary of state shall provide notice to the county auditor of each  
9.3 county of the date of the presidential primary. Within ten days after notification by the  
9.4 secretary of state, each county auditor shall provide notice of the date of the presidential  
9.5 primary to each municipal clerk in the county.

9.6            Subd. 2. **Notice of primary.** At least 15 days before the date of the presidential  
9.7 primary, each municipal clerk shall post a public notice stating the date of the presidential  
9.8 primary, the location of each polling place in the municipality, and the hours during which  
9.9 the polling places in the municipality will be open. The county auditor shall post a similar  
9.10 notice in the auditor's office with information for any polling places in unorganized  
9.11 territory in the county. The governing body of a municipality or county may publish the  
9.12 notice in addition to posting it. Failure to give notice does not invalidate the election.

9.13           Subd. 3. **Ballot preparation.** The secretary of state shall prepare paper ballots,  
9.14 absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary  
9.15 statements for use in the presidential primary.

9.16           Sec. 16. **EFFECTIVE DATE.**

9.17           This act is effective the day following final enactment, and applies to elections  
9.18 conducted on or after that date.