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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 3979

03/19/2018 Authored by Garofalo  
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; requiring the state primary to be held on the same day as the  
1.3 presidential nomination primary in calendar year 2020; amending Minnesota  
1.4 Statutes 2016, sections 204D.03, subdivision 1; 204D.09, subdivision 1; 205.065,  
1.5 subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.06, subdivision 1a; 205A.11,  
1.6 subdivision 2a; 206.61, subdivision 5; 206.82, subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2016, section 204D.03, subdivision 1, is amended to read:

1.9 Subdivision 1. **State primary.** (a) Except as provided in paragraph (b), the state primary  
1.10 shall be held on the second Tuesday in August in each even-numbered year to select the  
1.11 nominees of the major political parties for partisan offices and the nominees for nonpartisan  
1.12 offices to be filled at the state general election, other than presidential electors.

1.13 (b) In calendar year 2020, the state primary shall be held on the same day as the  
1.14 presidential nomination primary as established under section 207A.11.

1.15 Sec. 2. Minnesota Statutes 2016, section 204D.09, subdivision 1, is amended to read:

1.16 Subdivision 1. **Example ballot.** No later than May 1 of each year, or if the state primary  
1.17 is scheduled to be held on the same day as the presidential nomination primary, no later  
1.18 than 70 days before the date established under section 207A.11, the secretary of state shall  
1.19 supply each auditor with a copy of an example ballot to be used at the state primary and  
1.20 state general election. The example ballot must illustrate the format required for the ballots  
1.21 used in the primary and general elections that year. The county auditor shall distribute copies  
1.22 of the example ballot to municipal and school district clerks in municipalities and school

2.1 districts holding elections that year. The official ballot must conform in all respects to the  
2.2 example ballot.

2.3 Sec. 3. Minnesota Statutes 2016, section 205.065, subdivision 1, is amended to read:

2.4 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating  
2.5 elective officers may be held in any city on the second Tuesday in August of any year in  
2.6 which a municipal general election is to be held for the purpose of electing officers. If a  
2.7 municipal primary is to be held in the year established under section 204D.03, subdivision  
2.8 1, paragraph (b), the municipal primary must be held on the same day as the presidential  
2.9 nomination primary as established under section 207A.11. The date of a municipal primary  
2.10 held in an odd-numbered year may be postponed for inclement weather as provided in  
2.11 section 205.105.

2.12 Sec. 4. Minnesota Statutes 2016, section 205.065, subdivision 2, is amended to read:

2.13 Subd. 2. **Resolution or ordinance.** (a) The governing body of a city may, by ordinance  
2.14 or resolution adopted by April 15 in the year when a municipal general election is held,  
2.15 elect to choose nominees for municipal offices by a primary as provided in this section.

2.16 (b) If the state primary is to be held on the same day as the presidential nomination  
2.17 primary established under section 207A.11 and the governing body of a city has not already  
2.18 elected to choose nominees for municipal offices by a primary election as provided in this  
2.19 section, the governing body of the city may, by ordinance or resolution adopted by January  
2.20 15 of the year established under section 204D.03, subdivision 1, paragraph (b), elect to  
2.21 choose nominees for municipal offices by a primary as provided in this section.

2.22 (c) The resolution or ordinance, when adopted, is effective for all ensuing municipal  
2.23 elections until it is revoked. The municipal clerk shall notify the secretary of state and the  
2.24 county auditor within 30 days after the adoption of the resolution or ordinance.

2.25 Sec. 5. Minnesota Statutes 2016, section 205A.03, subdivision 1, is amended to read:

2.26 Subdivision 1. **Resolution requiring primary in certain circumstances.** (a) The school  
2.27 board of a school district may, by resolution adopted by April 15 of any year, decide to  
2.28 choose nominees for school board by a primary as provided in this section.

2.29 (b) If the state primary is to be held on the same day as the presidential nomination  
2.30 primary as established under section 207A.11 and the school board of a school district has  
2.31 not already decided to choose nominees for school board by a primary election as provided  
2.32 in this section, the school board may, by resolution adopted by January 15 of the year

3.1 established under section 204D.03, subdivision 1, paragraph (b), decide to choose nominees  
3.2 for school board by a primary election as provided in this section.

3.3 (c) The resolution, when adopted, is effective for all ensuing elections of board members  
3.4 in that school district until it is revoked. If the board decides to choose nominees by primary  
3.5 and if there are more than two candidates for a specified school board position or more than  
3.6 twice as many school board candidates as there are at-large school board positions available,  
3.7 the school district must hold a primary.

3.8 Sec. 6. Minnesota Statutes 2016, section 205A.03, subdivision 2, is amended to read:

3.9 Subd. 2. **Date.** The school district primary must be held on the second Tuesday in August  
3.10 in the year when the school district general election is held. If a school district primary is  
3.11 to be held in the year established under section 204D.03, subdivision 1, paragraph (b), the  
3.12 school district primary must be held on the same day as the presidential nomination primary  
3.13 as established under section 207A.11. The clerk shall give notice of the primary in the  
3.14 manner provided in section 205A.07. The date of a school district primary held in an  
3.15 odd-numbered year may be postponed for inclement weather as provided in section 205A.055.

3.16 Sec. 7. Minnesota Statutes 2016, section 205A.06, subdivision 1a, is amended to read:

3.17 Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose  
3.18 nominees for school board by a primary election, affidavits of candidacy must be filed with  
3.19 the school district clerk no earlier than the 84th day and no later than the 70th day before  
3.20 either (1) the second Tuesday in August in the year when the school district general election  
3.21 is held, or (2) the date established under section 207A.11, if the school district general  
3.22 election is to be held in the year established under section 204D.03, subdivision 1, paragraph  
3.23 (b). In all other school districts, affidavits of candidacy must be filed no earlier than the  
3.24 98th day and no later than the 84th day before the school district general election.

3.25 Sec. 8. Minnesota Statutes 2016, section 205A.11, subdivision 2a, is amended to read:

3.26 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to  
3.27 the voters who will be voting in a combined polling place for a school district special election.  
3.28 The notice must include the following information: the date of the election, the hours of  
3.29 voting, and the location of the voter's polling place. The notice must be sent by  
3.30 nonforwardable mail to every affected household in the school district with at least one  
3.31 registered voter. The notice must be mailed no later than 14 days before the election. The  
3.32 mailed notice is not required for a school district special election that is held on the second

4.1 Tuesday in August, the date established under section 207A.11, the Tuesday following the  
4.2 first Monday in November, or for a special election conducted entirely by mail. A notice  
4.3 that is returned as undeliverable must be forwarded immediately to the county auditor.

4.4 Sec. 9. Minnesota Statutes 2016, section 206.61, subdivision 5, is amended to read:

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

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

4.17 The rules adopted by the secretary of state for the rotation of candidate names must use  
4.18 the number of registered voters in each precinct as of 8:00 a.m. on May 1 of the year when  
4.19 the rotation will be made as the basis for determining the rotation of names. For years when  
4.20 the state primary is held on the same day as the presidential nomination primary, the rotation  
4.21 of candidate names must use the number of registered voters in each precinct as of 8:00  
4.22 a.m. on January 15 of the year established under section 204D.03, subdivision 1, paragraph  
4.23 (b).

4.24 Sec. 10. Minnesota Statutes 2016, section 206.82, subdivision 2, is amended to read:

4.25 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting system  
4.26 is used and the county auditor of a county in which an electronic voting system is used in  
4.27 more than one municipality and the county auditor of a county in which a counting center  
4.28 serving more than one municipality is located shall prepare a plan which indicates acquisition  
4.29 of sufficient facilities, computer time, and professional services and which describes the  
4.30 proposed manner of complying with section 206.80. The plan must be signed, notarized,  
4.31 and submitted to the secretary of state more than 60 days before the first election at which  
4.32 the municipality uses an electronic voting system. Before May 1 of each subsequent general  
4.33 election year or before January 15 in a year when the state primary is to be held on the same

5.1 day as the presidential nomination primary, the clerk or auditor shall submit to the secretary  
5.2 of state notification of any changes to the plan on file with the secretary of state. The secretary  
5.3 of state shall review each plan for its sufficiency and may request technical assistance from  
5.4 the Office of MN.IT Services or other agency which may be operating as the central computer  
5.5 authority. The secretary of state shall notify each reporting authority of the sufficiency or  
5.6 insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon  
5.7 request of the secretary of state, may seek a district court order requiring an election official  
5.8 to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.