

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3846

(SENATE AUTHORS: REST and Kent)

DATE
03/27/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act
1.2 relating to elections; making changes to the presidential nomination primary law;
1.3 allowing mail balloting for the presidential nomination primary; making technical
1.4 changes; amending Minnesota Statutes 2016, sections 201.091, subdivision 4;
1.5 204B.27, subdivisions 3, 5; 207A.12; 207A.13, subdivision 1; 207A.14; 207A.15,
1.6 subdivision 2; Minnesota Statutes 2017 Supplement, section 204C.10.

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

1.8 Section 1. Minnesota Statutes 2016, section 201.091, subdivision 4, is amended to read:

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

1.23 Before inspecting the public information list or obtaining a list of voters or other
1.24 information from the list, the individual shall provide identification to the public official

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

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

2.10 Sec. 2. Minnesota Statutes 2016, section 204B.27, subdivision 3, is amended to read:

2.11 Subd. 3. **Instruction posters.** At least 25 days before every state primary and presidential
2.12 nomination primary election, the secretary of state shall prepare and furnish to the county
2.13 auditor of each county voter instruction posters printed in large type upon cards or heavy
2.14 paper. The instruction posters must contain the information needed to enable the voters to
2.15 cast their paper ballots quickly and correctly and indicate the types of assistance available
2.16 for elderly and disabled voters. Two instruction posters shall be furnished for each precinct.
2.17 Upon mutual agreement, the secretary of state may provide the posters in an electronic
2.18 format.

2.19 Sec. 3. Minnesota Statutes 2016, section 204B.27, subdivision 5, is amended to read:

2.20 Subd. 5. **Conferences for county auditors.** Before each state primary and presidential
2.21 nomination primary the secretary of state shall conduct conferences with county auditors
2.22 to instruct them on the administration of election laws and the training of local election
2.23 officials and election judges.

2.24 Sec. 4. Minnesota Statutes 2017 Supplement, section 204C.10, is amended to read:

2.25 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

2.26 (a) An individual seeking to vote shall sign a polling place roster or voter signature
2.27 certificate which states that the individual is at least 18 years of age, a citizen of the United
2.28 States, has resided in Minnesota for 20 days immediately preceding the election, maintains
2.29 residence at the address shown, is not under a guardianship in which the court order revokes
2.30 the individual's right to vote, has not been found by a court of law to be legally incompetent
2.31 to vote or has the right to vote because, if the individual was convicted of a felony, the
2.32 felony sentence has expired or been completed or the individual has been discharged from

3.1 the sentence, is registered and has not already voted in the election. The roster must also
 3.2 state: "I understand that deliberately providing false information is a felony punishable by
 3.3 not more than five years imprisonment and a fine of not more than \$10,000, or both."

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

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

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

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

3.19 Sec. 5. Minnesota Statutes 2016, section 207A.12, is amended to read:

3.20 **207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.**

3.21 (a) Except as otherwise provided by law, the presidential nomination primary must be
 3.22 conducted, and the results canvassed and returned, in the manner provided by law for the
 3.23 state primary.

3.24 (b) By December 31 of the year before the presidential nomination primary is to be held,
 3.25 a county may designate, by resolution, combined polling places. The combined polling
 3.26 places designated in the resolution are the polling places for the following presidential
 3.27 nomination primary, unless a change is made:

3.28 (1) pursuant to section 204B.175; or

3.29 (2) because a polling place has become unavailable.

3.30 (c) If the county board designates combined polling places pursuant to this subdivision,
 3.31 polling places must be designated throughout the district, taking into account both

4.1 geographical distribution and population distribution. A combined polling place must be at
 4.2 a location designated for use as a polling place for the state primary and general elections.

4.3 (d) A governing body of a county may decide by resolution to conduct a presidential
 4.4 nomination primary by mail in the manner provided by section 204B.45, as far as practicable.

4.5 ~~(b) (e) An individual seeking to vote at the presidential nomination primary must be~~
 4.6 ~~registered to vote pursuant to section 201.054, subdivision 1. The voter must request the~~
 4.7 ~~ballot of the party for whose candidate the individual wishes to vote. Notwithstanding section~~
 4.8 ~~204C.18, subdivision 1, the election judge must record in the polling place roster the name~~
 4.9 ~~of the political party whose ballot the voter requested. When posting voter history pursuant~~
 4.10 ~~to section 201.171, the county auditor must include the name of the political party whose~~
 4.11 ~~ballot the voter requested. The voter instruction posters, pamphlets, and other informational~~
 4.12 ~~materials prepared for a presidential primary by the secretary of state pursuant to section~~
 4.13 ~~204B.27 must include information about the requirements of this paragraph, including a~~
 4.14 ~~notice that the voter's choice of a political party's ballot will be recorded and is public~~
 4.15 ~~information.~~

4.16 ~~(e) (f) Immediately after the state canvassing board declares the results of the presidential~~
 4.17 ~~nomination primary, the secretary of state must notify the chair of each party of the results.~~

4.18 ~~(d) (g) The results of the presidential nomination primary must bind the election of~~
 4.19 ~~delegates in each party.~~

4.20 Sec. 6. Minnesota Statutes 2016, section 207A.13, subdivision 1, is amended to read:

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

4.24 ~~(b) There must be separate ballots for the names of the candidates of each political party.~~
 4.25 Each ballot must be headed by the words "Presidential Nomination Primary Ballot." ~~The~~
 4.26 ~~heading must also indicate the party that appears on the ballot.~~

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

5.1 Sec. 7. Minnesota Statutes 2016, section 207A.14, is amended to read:

5.2 **207A.14 NOTICE OF PRESIDENTIAL NOMINATION PRIMARY; ~~SAMPLE~~**
5.3 **EXAMPLE BALLOTS.**

5.4 Subdivision 1. **Notice of primary to counties and municipalities.** Twenty weeks before
5.5 a presidential nomination primary is to be held, the secretary of state shall provide notice
5.6 to the county auditor of each county of the date of the presidential nomination primary.
5.7 Within ten days after notification by the secretary of state, each county auditor shall provide
5.8 notice of the date of the presidential nomination primary to each municipal clerk in the
5.9 county.

5.10 Subd. 2. **Sample Example ballots.** No later than 70 days before the presidential
5.11 nomination primary, the secretary of state must supply each county auditor with ~~sample~~
5.12 example ballots to be used at the presidential nomination primary. The ~~sample~~ example
5.13 ballots must illustrate the format required for the ballots used in the presidential nomination
5.14 primary.

5.15 Subd. 3. **Notice of primary to public.** At least 15 days before the date of the presidential
5.16 nomination primary, each municipal clerk shall post a public notice stating the date of the
5.17 presidential nomination primary, the location of each polling place in the municipality, and
5.18 the hours during which the polling places in the municipality will be open, ~~and information~~
5.19 ~~about the requirements of section 207A.12, paragraph (b), including a notice that the voter's~~
5.20 ~~choice of a political party's ballot will be recorded and is public information.~~ The county
5.21 auditor shall post a similar notice in the auditor's office with information for any polling
5.22 places in unorganized territory in the county. The governing body of a municipality or
5.23 county may publish the notice in addition to posting it. Failure to give notice does not
5.24 invalidate the election.

5.25 Sec. 8. Minnesota Statutes 2016, section 207A.15, subdivision 2, is amended to read:

5.26 Subd. 2. **Reimbursable local expenses.** (a) The secretary of state shall reimburse the
5.27 counties and municipalities for expenses incurred in the administration of the presidential
5.28 nomination primary from money contained in the presidential nomination primary elections
5.29 account. ~~The following expenses are eligible for reimbursement: preparation and printing~~
5.30 ~~of ballots; postage for absentee ballots; publication of the sample ballot; preparation of~~
5.31 ~~polling places in an amount not to exceed \$150 per polling place; preparation of electronic~~
5.32 ~~voting systems in an amount not to exceed \$100 per precinct; including compensation for~~
5.33 ~~temporary staff or overtime payments; salaries of election judges; and compensation of~~
5.34 county canvassing board members.

6.1 (b) Within 60 days after the results of a presidential nomination primary are certified
6.2 by the State Canvassing Board, the county auditor must submit a request for payment of
6.3 the costs incurred by the county for conducting the presidential nomination primary, and
6.4 the municipal clerk must submit a request for payment of the costs incurred by the
6.5 municipality for conducting the presidential nomination primary. The request for payment
6.6 must be submitted to the secretary of state, and must be accompanied by an itemized
6.7 description of actual county or municipal expenditures, including copies of invoices. In
6.8 addition, the county auditor or municipal clerk must certify that the request for reimbursement
6.9 is based on actual costs incurred by the county or municipality in the presidential nomination
6.10 primary.

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