

CHAPTER 207A

PRESIDENTIAL PRIMARY

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207A.01 PRESIDENTIAL PRIMARY.

A presidential primary must be held on the fourth Tuesday in February of each year in which a president and vice president of the United States are to be nominated and elected, at which the voters of this state may express their preference among the candidates of the major political party of their choice, for that party's nomination to be president of the United States. For the purposes of sections 207A.01 to 207A.07, "political party" or "party" means a political party as defined in section 200.02, subdivision 7.

History: 1989 c 291 art 2 s 1

207A.02 CANDIDATES ON BALLOT.

Subdivision 1. **Required listing.** The following individuals must be listed as candidates on the appropriate major political party presidential ballot with a separate ballot for each major political party:

(1) any individual whose name has been entered as a candidate for the nomination of a major political party in presidential primaries in two or more other states during the same year; and

(2) any individual nominated as a candidate for the presidential nomination of a political party by a petition bearing the names of 2,000 eligible voters from each congressional district.

Subd. 2. **Tentative listing.** A tentative determination of the candidates to be listed for each political party on the presidential primary ballot must be announced by the secretary of state ten weeks before the primary for the purpose of giving voters sufficient time to nominate unlisted candidates by petition.

Subd. 3. **Announcement.** The determination of which candidates must be listed on the presidential primary ballot must be made by the secretary of state not later than six weeks before the presidential primary.

Subd. 4. **Notification.** The secretary of state shall notify each individual whose name is to be listed on the presidential primary ballot that the individual's name will be listed unless the individual submits an affidavit stating that the individual is not a candidate for the presidential nomination, does not intend to become a candidate, and would not accept the nomination. The affidavit must be submitted to and received by the secretary of state no later than five weeks before the presidential primary.

History: 1989 c 291 art 2 s 2

207A.03 PRESIDENTIAL PRIMARY; HOW CONDUCTED.

Except as otherwise provided in sections 207A.01 to 207A.07, the presidential primary must be announced, held, and conducted, and the results canvassed and returned in the manner provided by law for other primaries and in accordance with the general election laws of the state, as applicable. If a municipality which uses lever voting machines or an electronic voting system determines that the use of the machines or voting system would not be practical in the presidential primary, the municipality may use a paper ballot for the presidential primary.

History: 1989 c 291 art 2 s 3

207A.04 AUDITOR FURNISHED INFORMATION BY SECRETARY OF STATE; BALLOT PREPARATION.

Subdivision 1. **Notice.** Before December 1 of the year before a presidential primary is to be held, the secretary of state shall provide notice to the county auditor of each county of the date of the presidential primary. Each county auditor shall provide notice of the date of the presidential primary to each municipal clerk in the county. At least 15 days before the date of the presidential primary, each municipal clerk shall post a public notice stating the date and hours during which the polling places in the municipality will be open. Failure to give notice does not invalidate the election.

Subd. 2. **Ballot preparation.** The secretary of state shall prepare paper ballots, absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary statements for use in the presidential primary. The ballots must be printed on white paper with a separate ballot for the names of the candidates of each political party.

History: 1989 c 291 art 2 s 4

207A.05 ENDORSED CANDIDATE.

The candidate who receives a plurality of the votes cast for candidates of the candidate's political party must be declared the endorsed candidate of that party.

History: 1989 c 291 art 2 s 5

207A.06 SELECTION OF DELEGATES; NATIONAL CONVENTION BALLOTING.

Subdivision 1. **Apportionment of votes.** The delegates to the national convention of each political party appearing on the presidential primary ballot must be apportioned among the various candidates of that party receiving votes in the presidential primary, in proportion to their respective vote totals.

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

Subd. 2. **Chosen delegates.** Delegates to the national convention of each political party appearing on the presidential primary ballot must be chosen by the state convention of that party, except as otherwise provided in this subdivision. The secretary of each party's state convention shall promptly notify the secretary of state of the names of the delegates to the national convention chosen as supporters of each presidential candidate. Only supporters of candidates whose names appeared on the presidential primary ballot may be chosen by the state convention of that party to be delegates to the national convention. The secretary of state shall promptly notify each presidential candidate of the names of the delegates to the national convention chosen as supporters of that candidate. If the presidential candidate determines that the delegates chosen as supporters by the state convention are not in fact committed to the candidate's candidacy, the candidate shall, within ten days of receiving the notification from the secretary of state, advise the secretary of state of the names of those delegates to whom the candidate objects on those grounds and shall name as substitute delegates any other individuals who are committed to the candidacy. The determination and selection by the presidential candidate shall take precedence over the decision of the state convention and is final. The secretary of state shall promptly notify the secretary of the state convention of the affected political party of the action by a presidential candidate.

Subd. 3. **Delegate votes.** At the national convention, delegates chosen because of their support for a presidential candidate shall vote for that candidate on the first ballot at the national convention regardless of the number of votes the candidate receives, and shall also vote for the candidate on the second and third ballots if the candidate receives at least 20 percent of the votes cast on the preceding ballot, unless they have been released from that obligation by the candidate.

History: 1989 c 291 art 2 s 6

207A.07 USE OF VOTING MACHINES.

The county auditor of each county in which lever voting machines or electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed to place the ballots required by sections 207A.01 to 207A.07 on the voting machines which otherwise are provided by the state when paper ballots are used. The total cost of printing and providing the forms must be paid by the state.

History: 1989 c 291 art 2 s 7