

## CHAPTER 207A

### PRESIDENTIAL PRIMARY

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**207A.01** [Repealed, 1999 c 250 art 1 s 115]

**207A.02** [Repealed, 1999 c 250 art 1 s 115]

**207A.03** [Repealed, 1999 c 250 art 1 s 115]

**207A.04** [Repealed, 1999 c 250 art 1 s 115]

**207A.05** [Repealed, 1990 c 603 s 12]

**207A.06** [Repealed, 1999 c 250 art 1 s 115]

**207A.07** [Repealed, 1999 c 250 art 1 s 115]

**207A.08** [Repealed, 1999 c 250 art 1 s 115]

**207A.09** [Repealed, 1999 c 250 art 1 s 115]

**207A.10** [Repealed, 1999 c 250 art 1 s 115]

#### **207A.11 PRESIDENTIAL NOMINATION PRIMARY ESTABLISHED.**

(a) A presidential nomination primary must be held each year in which a president and vice president of the United States are to be nominated and elected.

(b) The party chairs must jointly submit to the secretary of state, no later than March 1 in a year prior to a presidential election year, the single date on which the parties have agreed to conduct the presidential nomination primary in the next year. The date selected must not be the date of the town general election provided in section 205.075, subdivision 1. If a date is not jointly submitted by the deadline, the presidential nomination primary must be held on the first Tuesday in March in the year of the presidential election. No other election may be conducted on the date of the presidential nomination primary.

(c) The secretary of state must adopt rules to implement the provisions of this chapter. The secretary of state shall consult with the party chairs throughout the rulemaking process, including seeking advice about possible rules before issuing a notice of intent to adopt rules, consultation before the notice of comment is published, consultation on the statement of need and reasonableness, consultation in drafting and revising the rules, and consultation regarding any modifications to the rule being considered.

(d) For purposes of this chapter, "political party" or "party" means a major political party as defined in section 200.02, subdivision 7.

**History:** 2016 c 162 s 9

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

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

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

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

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

**History:** 2016 c 162 s 10

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

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

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

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

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

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

**History:** 2016 c 162 s 11

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

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

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

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

**History:** 2016 c 162 s 12

#### **207A.15 PRESIDENTIAL NOMINATION PRIMARY ELECTION EXPENSES; LOCAL REIMBURSEMENT.**

Subdivision 1. **Presidential nomination primary elections account; special revenue fund.** (a) A presidential nomination primary elections account is created in the special revenue fund.

(b) No later than September 1 of the year preceding a presidential election year, the secretary of state shall certify to the commissioner of management and budget the estimated state and local cost of administering the presidential nomination primary election. The secretary of state may make supplemental certifications to the commissioner of management and budget if new information indicates that the actual costs of conducting the election will exceed the secretary's initial estimate.

(c) Within 15 days of a certification under paragraph (b), the commissioner of management and budget must transfer an amount equal to the certification from the general fund to the presidential nomination primary elections account. The funds in the presidential nomination primary elections account are appropriated to the secretary of state for:

- (1) state costs associated with administering the presidential nomination primary election; and
- (2) making the reimbursements required by subdivision 2.

The commissioner of management and budget must transfer back to the general fund any funds remaining in the presidential nomination primary elections account 120 days after the results of a presidential nomination primary election have been certified by the State Canvassing Board.

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

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

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

**History:** 2016 c 162 s 13