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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1567

03/09/2015 Authored by Hoppe

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; changing the date of the state primary from August to
 1.3 March; requiring a presidential primary with the state primary; changing the date
 1.4 of local primary elections in certain circumstances; amending Minnesota Statutes
 1.5 2014, sections 202A.13; 204B.03; 204B.06, subdivision 4; 204B.14, subdivisions
 1.6 2, 4; 204B.21, subdivision 1; 204D.03, subdivision 1; 204D.09, subdivision 1;
 1.7 204D.28, subdivision 5; 205.065, subdivisions 1, 2; 205A.03, subdivisions 1, 2;
 1.8 205A.06, subdivision 1a; 205A.11, subdivision 2a; 206.61, subdivision 5; 206.82,
 1.9 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 204D.

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

1.11 Section 1. Minnesota Statutes 2014, section 202A.13, is amended to read:

1.12 **202A.13 COMMITTEES, CONVENTIONS.**

1.13 (a) The rules of each major political party shall provide that for each congressional
 1.14 district and each county or legislative district a convention shall be held at least once
 1.15 every state general election year. Each major political party shall also provide for each
 1.16 congressional district and each county or legislative district an executive committee
 1.17 consisting of a chair and such other officers as may be necessary. The party rules may
 1.18 provide for only one executive committee and one convention where any county and
 1.19 congressional district have the same territorial limits.

1.20 A delegate or alternate who is deaf, deafblind, or hard-of-hearing who needs
 1.21 interpreter services at a county, legislative district, congressional district, or state
 1.22 convention shall so notify the executive committee of the major political party unit whose
 1.23 convention the delegate or alternate plans to attend. Written notice must be given by
 1.24 certified mail to the executive committee at least 30 days before the convention date. The
 1.25 major political party, not later than 14 days before the convention date, shall secure the
 1.26 services of one or more interpreters if available and shall assume responsibility for the cost

2.1 of the services. The state central committee of the major political party shall determine
 2.2 the process for reimbursing interpreters.

2.3 A visually impaired delegate or alternate to a county, legislative district,
 2.4 congressional district, or state convention may notify the executive committee of the major
 2.5 political party unit that the delegate or alternate requires convention materials in audio
 2.6 tape, Braille, or large print format. Upon receiving the request, the executive committee
 2.7 shall provide all official written convention materials as soon as they are available, so
 2.8 that the visually impaired individual may have them converted to audio tape, Braille, or
 2.9 large print format, prior to the convention.

2.10 (b) Delegates who are pledged to a specific candidate are bound to vote for that
 2.11 candidate unless the candidate withdraws or releases the delegates.

2.12 Sec. 2. Minnesota Statutes 2014, section 204B.03, is amended to read:

2.13 **204B.03 MANNER OF NOMINATION.**

2.14 Candidates of a major political party for any partisan office ~~except presidential~~
 2.15 ~~elector~~ and all candidates for nonpartisan office shall apply for a place on the primary
 2.16 ballot by filing an affidavit of candidacy as provided in section 204B.06, and except as
 2.17 otherwise provided in section 204D.07, subdivision 3, shall be nominated by primary.
 2.18 Candidates for any partisan office who do not seek the nomination of a major political
 2.19 party shall be nominated by nominating petition as provided in sections 204B.07 and
 2.20 204B.08, and, except for presidential elector candidates, shall file an affidavit of candidacy
 2.21 as provided in section 204B.06.

2.22 Sec. 3. Minnesota Statutes 2014, section 204B.06, subdivision 4, is amended to read:

2.23 Subd. 4. **Federal offices.** ~~Candidates for president or vice president of the United~~
 2.24 ~~States are not required to file an affidavit of candidacy for office.~~ Candidates who
 2.25 seek nomination for the office of United States senator or representative shall state the
 2.26 following information on the affidavit:

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

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

3.1 Sec. 4. Minnesota Statutes 2014, section 204B.14, subdivision 2, is amended to read:

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

3.4 (1) each city ward; and

3.5 (2) each town and each statutory city.

3.6 (b) A single, accessible, combined polling place may be established no later than
3.7 ~~May~~ December 1 of any year:

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

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

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

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

3.14 A copy of the ordinance or resolution establishing a combined polling place must
3.15 be filed with the county auditor within 30 days after approval by the governing body. A
3.16 polling place combined under clause (3) must be approved by the governing body of each
3.17 participating municipality. A polling place combined under clause (4) must be approved
3.18 by the governing body of each participating municipality and the secretary of state and
3.19 may be located outside any of the noncontiguous precincts. A municipality withdrawing
3.20 from participation in a combined polling place must do so by filing a resolution of
3.21 withdrawal with the county auditor no later than ~~April~~ November 1 of any year.

3.22 The secretary of state shall provide a separate polling place roster for each precinct
3.23 served by the combined polling place, except that in a precinct that uses electronic rosters
3.24 the secretary of state shall provide separate data files for each precinct. A single set of
3.25 election judges may be appointed to serve at a combined polling place. The number of
3.26 election judges required must be based on the total number of persons voting at the last
3.27 similar election in all precincts to be voting at the combined polling place. Separate ballot
3.28 boxes must be provided for the ballots from each precinct. The results of the election must
3.29 be reported separately for each precinct served by the combined polling place, except in a
3.30 polling place established under clause (2) where one of the precincts has fewer than ten
3.31 registered voters, in which case the results of that precinct must be reported in the manner
3.32 specified by the secretary of state.

3.33 Sec. 5. Minnesota Statutes 2014, section 204B.14, subdivision 4, is amended to read:

3.34 Subd. 4. **Boundary change procedure.** Any change in the boundary of an election
3.35 precinct must be adopted at least ten weeks before the date of the next election and, for

4.1 the state primary and general election, no later than ~~June~~ January 1 in the year of the
 4.2 state general election. The precinct boundary change shall not take effect until notice of
 4.3 the change has been posted in the office of the municipal clerk or county auditor for at
 4.4 least 56 days.

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

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

4.14 Sec. 6. Minnesota Statutes 2014, section 204B.21, subdivision 1, is amended to read:

4.15 Subdivision 1. **Appointment lists; duties of political parties and secretary of**
 4.16 **state.** On ~~May~~ December 1 in a year prior to a year in which there is an election for a
 4.17 partisan political office, each major political party shall prepare a list of eligible voters
 4.18 to act as election judges in each election precinct. The political parties shall furnish the
 4.19 lists electronically to the secretary of state, in a format specified by the secretary of state.
 4.20 The secretary of state must combine the data received from each political party under this
 4.21 subdivision and must process the data to locate the precinct in which the address provided
 4.22 for each potential election judge is located. If the data submitted by a political party is
 4.23 insufficient for the secretary of state to locate the proper precinct, the associated name
 4.24 must not appear in any list forwarded to an appointing authority under this subdivision.
 4.25 The secretary of state shall notify political parties of any proposed election judges with
 4.26 addresses that could not be located in a precinct.

4.27 By ~~May~~ December 15, the secretary of state shall furnish electronically to the county
 4.28 auditor a list of the appropriate names for each election precinct in the jurisdiction of
 4.29 the appointing authority, noting the political party affiliation of each individual on the
 4.30 list. The county auditor must promptly forward the appropriate names to the appropriate
 4.31 municipal clerk.

4.32 Sec. 7. Minnesota Statutes 2014, section 204D.03, subdivision 1, is amended to read:

4.33 Subdivision 1. **State primary.** The state primary shall be held on the ~~second~~ last
 4.34 Tuesday in ~~August~~ March in each even-numbered year to select the nominees of the major

5.1 political parties for partisan offices and the nominees for nonpartisan offices to be filled at
 5.2 the state general election, ~~other than presidential electors.~~ The state primary shall include
 5.3 a presidential primary as required by sections 204D.30 to 204D.32.

5.4 Sec. 8. Minnesota Statutes 2014, section 204D.09, subdivision 1, is amended to read:

5.5 Subdivision 1. **Example ballot.** (a) No later than ~~May~~ December 1 of each year,
 5.6 the secretary of state shall supply each auditor with a copy of an example ballot. The
 5.7 example ballot must illustrate the format required for the ballots used in the primary and
 5.8 general elections ~~that~~ for the following year.

5.9 (b) The county auditor shall distribute copies of the example ballot to municipal
 5.10 and school district clerks in municipalities and school districts holding elections ~~that the~~
 5.11 following year. The official ballot must conform in all respects to the example ballot.

5.12 Sec. 9. Minnesota Statutes 2014, section 204D.28, subdivision 5, is amended to read:

5.13 Subd. 5. **Regular state primary.** "Regular state primary" means:

5.14 (a) the state primary at which candidates are nominated for offices elected at the
 5.15 state general election; or

5.16 (b) a primary held on the ~~second last~~ last Tuesday in ~~August~~ March of odd-numbered
 5.17 years.

5.18 Sec. 10. **[204D.30] PRESIDENTIAL PRIMARY.**

5.19 (a) A presidential primary must be held on the last Tuesday in March of each
 5.20 year in which a president and vice president of the United States are to be nominated
 5.21 and elected, at which the voters of this state may express their preference among the
 5.22 candidates of the major political party of their choice, for that party's nomination to be
 5.23 president of the United States or may vote for uncommitted delegates to the national party
 5.24 convention. The presidential primary is held in conjunction with the state primary. For
 5.25 the purposes of this chapter, "political party" or "party" means a major political party as
 5.26 defined in section 200.02, subdivision 7.

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

5.30 Sec. 11. **[204D.31] CANDIDATES ON BALLOT.**

5.31 Subdivision 1. **Required listing.** The following individuals must be listed as
 5.32 candidates on the state primary ballot in the column representing the candidate's party:

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

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

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

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

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

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

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

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

6.32 **Sec. 12. [204D.32] SELECTION OF DELEGATES; NATIONAL CONVENTION**
6.33 **BALLOTING.**

6.34 Subdivision 1. **Apportionment of votes.** The delegates to the national convention
6.35 of each political party appearing on the primary ballot who are chosen on the basis of their

7.1 support for particular presidential candidates must be apportioned among the various
 7.2 candidates of that party receiving votes in the primary in proportion to their respective
 7.3 vote totals.

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

7.6 Subd. 2. **Chosen delegates.** Delegates to the national convention of each
 7.7 political party appearing on the primary ballot must be chosen by the state convention
 7.8 or congressional district convention of that party, except as otherwise provided in this
 7.9 subdivision. The secretary of each party's state convention or congressional district
 7.10 convention shall promptly notify the secretary of state of the names of the delegates to the
 7.11 national convention chosen as supporters of each presidential candidate.

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

7.17 Sec. 13. Minnesota Statutes 2014, section 205.065, subdivision 1, is amended to read:

7.18 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
 7.19 nominating elective officers may be held in any city on the ~~second~~ last Tuesday in ~~August~~
 7.20 March of any year in which a municipal general election is to be held for the purpose of
 7.21 electing officers. The date of a municipal primary held in an odd-numbered year may be
 7.22 postponed for inclement weather as provided in section 205.105.

7.23 Sec. 14. Minnesota Statutes 2014, section 205.065, subdivision 2, is amended to read:

7.24 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance
 7.25 or resolution adopted by ~~April~~ October 15 in the year prior to the year when a municipal
 7.26 general election is held, elect to choose nominees for municipal offices by a primary
 7.27 as provided in this section. The resolution or ordinance, when adopted, is effective for
 7.28 all ensuing municipal elections until it is revoked. The municipal clerk shall notify the
 7.29 secretary of state and the county auditor within 30 days after the adoption of the resolution
 7.30 or ordinance.

7.31 Sec. 15. Minnesota Statutes 2014, section 205A.03, subdivision 1, is amended to read:

7.32 Subdivision 1. **Resolution requiring primary in certain circumstances.** The
 7.33 school board of a school district may, by resolution adopted by ~~April~~ October 15 of any

8.1 year, decide to choose nominees for school board by a primary as provided in this section
8.2 starting in the following calendar year. The resolution, when adopted, is effective for all
8.3 ensuing elections of board members in that school district until it is revoked. If the board
8.4 decides to choose nominees by primary and if there are more than two candidates for a
8.5 specified school board position or more than twice as many school board candidates as
8.6 there are at-large school board positions available, the school district must hold a primary.

8.7 Sec. 16. Minnesota Statutes 2014, section 205A.03, subdivision 2, is amended to read:

8.8 Subd. 2. **Date.** The school district primary must be held on the ~~second~~ last Tuesday
8.9 in ~~August~~ March in the year when the school district general election is held. The clerk
8.10 shall give notice of the primary in the manner provided in section 205A.07. The date of a
8.11 school district primary held in an odd-numbered year may be postponed for inclement
8.12 weather as provided in section 205A.055.

8.13 Sec. 17. Minnesota Statutes 2014, section 205A.06, subdivision 1a, is amended to read:

8.14 Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose
8.15 nominees for school board by a primary election, affidavits of candidacy must be filed with
8.16 the school district clerk no earlier than the 84th day and no later than the 70th day before
8.17 the ~~second~~ last Tuesday in ~~August~~ March in the year when the school district general
8.18 election is held. In all other school districts, affidavits of candidacy must be filed no earlier
8.19 than the 98th day and no later than the 84th day before the school district general election.

8.20 Sec. 18. Minnesota Statutes 2014, section 205A.11, subdivision 2a, is amended to read:

8.21 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice
8.22 to the voters who will be voting in a combined polling place for a school district special
8.23 election. The notice must include the following information: the date of the election, the
8.24 hours of voting, and the location of the voter's polling place. The notice must be sent by
8.25 nonforwardable mail to every affected household in the school district with at least one
8.26 registered voter. The notice must be mailed no later than 14 days before the election. The
8.27 mailed notice is not required for a school district special election that is held on the ~~second~~
8.28 last Tuesday in ~~August~~ March, the Tuesday following the first Monday in November, or
8.29 for a special election conducted entirely by mail. In addition, the mailed notice is not
8.30 required for voters residing in a township if the school district special election is held on
8.31 the second Tuesday in March and the town general election is held on that day. A notice
8.32 that is returned as undeliverable must be forwarded immediately to the county auditor.

9.1 Sec. 19. Minnesota Statutes 2014, section 206.61, subdivision 5, is amended to read:

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

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

9.14 The rules adopted by the secretary of state for the rotation of candidate names must
9.15 use the number of registered voters in each precinct as of 8:00 a.m. on ~~May~~ December 1
9.16 of the year prior to the year when the rotation will be made as the basis for determining the
9.17 rotation of names.

9.18 Sec. 20. Minnesota Statutes 2014, section 206.82, subdivision 2, is amended to read:

9.19 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting
9.20 system is used and the county auditor of a county in which an electronic voting system is
9.21 used in more than one municipality and the county auditor of a county in which a counting
9.22 center serving more than one municipality is located shall prepare a plan which indicates
9.23 acquisition of sufficient facilities, computer time, and professional services and which
9.24 describes the proposed manner of complying with section 206.80. The plan must be
9.25 signed, notarized, and submitted to the secretary of state more than 60 days before the
9.26 first election at which the municipality uses an electronic voting system. Before ~~May~~
9.27 December 1 of each subsequent general election year, the clerk or auditor shall submit
9.28 to the secretary of state notification of any changes to the plan on file with the secretary
9.29 of state. The secretary of state shall review each plan for its sufficiency and may request
9.30 technical assistance from the Office of MN.IT Services or other agency which may be
9.31 operating as the central computer authority. The secretary of state shall notify each
9.32 reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt
9.33 of the plan. The attorney general, upon request of the secretary of state, may seek a district
9.34 court order requiring an election official to fulfill duties imposed by this subdivision or by
9.35 rules promulgated pursuant to this section.

10.1 Sec. 21. **EFFECTIVE DATE.**

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