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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

relating to elections; allowing a primary election for presidential candidates as determined by each major political party; permitting each party to determine the date of its precinct caucuses in nonpresidential election years; requiring precinct caucuses to be held on the first date another state in the region conducts a caucus or primary in a presidential election year; amending Minnesota Statutes 2006, sections 202A.14, subdivision 1; 202A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 207A.

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

Section 1. Minnesota Statutes 2006, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** ~~At 7:00 p.m. on the first Tuesday in March in~~ (a) In every state general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph (b), there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in.

(b) (1) In a year in which a president of the United States is to be nominated and elected, the party's precinct caucuses must be held on the earliest date on which a political party in either North Dakota, South Dakota, Iowa, Wisconsin, or Illinois is conducting a primary or caucus to begin the process of selecting delegates to the national party convention, provided that the caucus must be held no later than the second Tuesday in January.

(2) In any state general election year in which a president of the United States will not be elected, the date of a party's precinct caucuses must be determined by the state executive committee of the party, in consultation with the secretary of state. The executive

2.1 committee must provide notice of its chosen caucus date to the secretary of state at least
2.2 90 days prior to the date on which the caucus is to be held.

2.3 (c) In the event of severe weather, on the advice of the federal Weather Bureau and
2.4 the Department of Transportation, and in consultation with the secretary of state, a major
2.5 political party may request the secretary of state to postpone caucuses. If a major political
2.6 party makes a request, or upon the secretary of state's own initiative, after consultation
2.7 with all major political parties and on the advice of the federal Weather Bureau and the
2.8 Department of Transportation, the secretary of state may declare precinct caucuses to be
2.9 postponed for a week in counties where weather makes travel especially dangerous. The
2.10 secretary of state shall party must submit a notice of the postponement to news media
2.11 covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A
2.12 postponed caucus may also be postponed pursuant to this subdivision.

2.13 Sec. 2. Minnesota Statutes 2006, section 202A.15, subdivision 2, is amended to read:

2.14 Subd. 2. **Place.** (a) (1) The precinct caucuses shall be held at the regular polling
2.15 places for each precinct or other suitable places designated in the call, and no caucus may
2.16 be adjourned to any other place or time.

2.17 (2) In the event a major political party is holding a presidential primary pursuant to
2.18 chapter 207A at the same time and in the same location a caucus is to be held, the caucus
2.19 location must be moved to an alternate location, consistent with the requirements of this
2.20 section, that is as near as practicable to the location of the polling place. If possible, the
2.21 alternate location must be in the same building as the polling place, provided that the
2.22 caucus attendees may not directly or indirectly influence or disrupt voters or otherwise
2.23 interfere with the conduct of the primary election.

2.24 (b) In the event that there is only one suitable meeting place in the precinct polling
2.25 place and the major political parties cannot agree as to its use, the county auditor shall
2.26 decide by lot prior to January 15, 1970, the party which is to receive the use of the meeting
2.27 place in years evenly divisible by four and which party shall receive the use of the meeting
2.28 place in other years in which a state general election is held. The report of such selections
2.29 by lot in the county shall be filed by the auditor with the county board which shall publish
2.30 the same as a part of the minutes of the board meeting at which the report is filed.

2.31 A precinct caucus must be held at a place that meets the accessibility standards for
2.32 precinct polling places specified in section 204B.16, subdivision 5. In addition, the place
2.33 where a precinct caucus is held must contain restrooms that conform to the standards in
2.34 the State Building Code for accessibility by disabled persons. If a precinct caucus is held
2.35 on a floor of a building that is either above or below the entrance level for the building, an

3.1 elevator must be available. Any elevators used for access to the room where the precinct
3.2 caucus is held must conform to the standards in the State Building Code for accessibility
3.3 by disabled persons.

3.4 If there are not enough places within a precinct that are or can be made accessible as
3.5 provided by this subdivision and section 204B.16, subdivision 5, for each major party to
3.6 hold its precinct caucus, a major party may hold its caucus at a place outside one of the
3.7 boundaries of the precinct in order to comply with accessibility requirements.

3.8 If only one place satisfies the accessibility and location requirements of this
3.9 subdivision, the major parties shall alternate use of the place. Prior to January 1, 1990,
3.10 the county auditor shall decide by lot which party is to use the accessible place in years
3.11 evenly divisible by four and which party is to use the place in other years when a state
3.12 general election is held.

3.13 Sec. 3. **[207A.11] APPLICABILITY.**

3.14 (a) Notwithstanding chapter 202A, a major party may choose to select its delegates
3.15 to the national party convention as provided in this chapter in a year in which a president
3.16 of the United States is to be nominated and elected. If a major party chooses to hold a
3.17 primary election, it must inform the secretary of state of its decision at least 180 days
3.18 before the date on which the primary election is to be held.

3.19 (b) The provisions of this chapter apply only if a major party has chosen to hold a
3.20 presidential primary election and has provided notice to the secretary of state consistent
3.21 with paragraph (a).

3.22 Sec. 4. **[207A.12] DEFINITIONS.**

3.23 (a) Except as otherwise provided, the definitions in chapter 200 apply to this chapter.

3.24 (b) For purposes of this chapter, "upper midwest region" means the states of
3.25 Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, and Illinois.

3.26 Sec. 5. **[207A.13] PRESIDENTIAL PRIMARY.**

3.27 In a year in which a president of the United States is to be nominated and elected, if
3.28 a party chooses to hold a primary election, the primary must be held on the earliest date on
3.29 which another state in the upper midwest region is also conducting a primary or caucus to
3.30 begin the process of selecting delegates to the national party convention, provided that the
3.31 primary must be held no later than the second Tuesday in January. The voters of this state
3.32 may express their preference among the candidates of the major political party of their

4.1 choice for that party's nomination to be president of the United States or may indicate a
4.2 preference for uncommitted delegates to the national party convention.

4.3 **Sec. 6. [207A.14] CANDIDATES ON BALLOT.**

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

4.7 (1) any individual who files an affidavit of candidacy pursuant to section 204B.06
4.8 and submits the appropriate filing fee or petition in place of the filing fee pursuant to
4.9 section 204B.11; and

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

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

4.17 The candidates must be listed on the appropriate major political party ballot in
4.18 the order that the affidavits of candidacy or nominating petitions for the candidates are
4.19 filed with the secretary of state.

4.20 Subd. 2. **Time for filing; fee.** The period for filing an affidavit of candidacy for a
4.21 presidential primary must begin 16 weeks before the primary and end 14 weeks before the
4.22 primary. The filing fee is \$500. The period for signing nominating petitions must begin 16
4.23 weeks before the primary and end ten weeks before the primary.

4.24 Subd. 3. **Announcing candidates.** Candidates who have filed an affidavit of
4.25 candidacy pursuant to subdivision 1, clause (1), for each major political party on the
4.26 presidential primary ballot must be announced by the secretary of state the day after filings
4.27 close so that voters have sufficient time to nominate other candidates by petition.

4.28 Subd. 4. **Announcement.** The determination of which candidates must be listed
4.29 on the presidential primary ballot must be made by the secretary of state not later than
4.30 eight weeks before the presidential primary. The secretary of state must certify to the
4.31 county auditor of each county the names of all candidates in the presidential primary
4.32 at least seven weeks before the primary.

4.33 Subd. 5. **Notification.** Not later than three days after the last day for filing a
4.34 nominating petition pursuant to subdivision 1, clause (2), the secretary of state must notify
4.35 each individual whose name is to be listed on the presidential primary ballot that the

5.1 individual's name will be listed unless the individual submits an affidavit stating that the
5.2 individual is not a candidate for the presidential nomination, does not intend to become a
5.3 candidate, and would not accept the nomination. The affidavit must be submitted to and
5.4 received by the secretary of state no later than eight weeks before the presidential primary.

5.5 **Sec. 7. [207A.15] PRESIDENTIAL PRIMARY; HOW CONDUCTED.**

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

5.9 (b) If more than one major political party is conducting a presidential primary, an
5.10 individual seeking to vote at the primary must, after signing the polling place roster,
5.11 request the ballot of the party for whose candidates the individual wishes to vote. The
5.12 polling place roster for the primary must list the names of the political parties appearing
5.13 on the ballot at the primary.

5.14 **Sec. 8. [207A.16] AUDITOR FURNISHED INFORMATION BY SECRETARY**
5.15 **OF STATE; BALLOT PREPARATION.**

5.16 Subdivision 1. **Notice of filing period.** Twenty weeks before a presidential primary
5.17 is to be held, the secretary of state must provide notice to the county auditor of each
5.18 county of the date of the presidential primary. Within ten days after notification by the
5.19 secretary of state, each county auditor must provide notice of the date of the presidential
5.20 primary to each municipal clerk in the county.

5.21 Subd. 2. **Notice of primary.** At least 15 days before the date of the presidential
5.22 primary, each municipal clerk must post a public notice stating the date of the presidential
5.23 primary, the location of each polling place in the municipality, and the hours during which
5.24 the polling places in the municipality will be open. The county auditor must post a similar
5.25 notice in the auditor's office with information for any polling places in unorganized
5.26 territory in the county. In addition to posting, the governing body of a municipality or
5.27 county may also publish the notice. Failure to give notice does not invalidate the election.

5.28 Subd. 3. **Ballot preparation.** The secretary of state must prepare paper ballots,
5.29 absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary
5.30 statements for use in the presidential primary. Ballots must follow the form required for
5.31 state primary elections as described in sections 204D.04 to 204D.08.

5.32 **Sec. 9. [207A.17] SELECTION OF DELEGATES.**

6.1 (a) If a primary election is conducted, delegates to a major party's national
6.2 convention must be chosen consistent with the results of the primary election as certified
6.3 by the state canvassing board.

6.4 (b) At the national convention, delegates chosen because of their support for a
6.5 presidential candidate must vote for that candidate on the first ballot, unless they have
6.6 been released from that obligation by the candidate.

6.7 (c) This section must not apply to the extent its requirements are inconsistent with
6.8 the rules of the national or state party.

6.9 **Sec. 10. [207A.18] USE OF VOTING MACHINES.**

6.10 The county auditor of each county must provide all ballots, ballot labels, ballot
6.11 cards, and other necessary printed forms and supplies needed to place the ballots required
6.12 by this chapter on the voting machines which otherwise are provided by the state when
6.13 paper ballots are used. The total cost of printing and providing the forms must be paid by
6.14 the state.

6.15 **Sec. 11. [207A.19] RULEMAKING AUTHORITY.**

6.16 The secretary of state must adopt rules to implement the provisions of this chapter
6.17 as follows:

6.18 (1) to determine a method for verifying the signatures on nominating petitions and
6.19 petitions in place of filing fees for the presidential primary; and

6.20 (2) to determine the manner of paying or reimbursing the costs to the counties of
6.21 conducting the presidential primary.

6.22 **Sec. 12. [207A.20] REIMBURSEMENT OF ELECTION EXPENSES.**

6.23 Subdivision 1. **Duties of secretary of state.** The secretary of state must reimburse
6.24 counties and municipalities for expenses incurred in the administration of the presidential
6.25 primary from the funds appropriated by the legislature for this purpose as provided in this
6.26 section. Up to \$..... of the appropriation for reimbursement of election expenses may be
6.27 retained by the secretary of state to administer the reimbursement program.

6.28 Subd. 2. **Reimbursable expenses.** The following expenses are eligible for
6.29 reimbursement: salaries of election judges; postage for absentee ballots; preparation of
6.30 polling places, in an amount not to exceed \$25 per polling place; preparation of electronic
6.31 voting systems, in an amount not to exceed \$50 per precinct; compensation of county
6.32 canvassing board members; publication of the sample ballot; and compensation for
6.33 temporary staff or overtime payments.

7.1 Subd. 3. **Certification of costs.** The county auditor must certify to the secretary
7.2 of state the costs incurred by the county for the presidential primary. The municipal
7.3 clerk must certify to the secretary of state the costs incurred by the municipality for the
7.4 presidential primary. If the total amount certified by all units for temporary staff and
7.5 overtime payments exceeds \$....., the secretary of state must reduce those amounts
7.6 so that they do not exceed \$..... The secretary of state must provide each county
7.7 and municipality with the appropriate forms for this certification. The secretary of
7.8 state may require that the county auditor or municipal clerk provide documentation of
7.9 actual expenditures made for the presidential primary. The certification of costs must be
7.10 submitted to the secretary of state no later than 60 days after the presidential primary.
7.11 No reimbursement of expenses may be made unless the certification of costs has been
7.12 submitted as provided in this subdivision.

7.13 Subd. 4. **Apportionment of reimbursements.** If the total amount of requests for
7.14 reimbursement of expenses exceeds the total amount appropriated to the secretary of state
7.15 for this purpose, the secretary of state must proportionately reduce the reimbursements so
7.16 that they do not exceed the amount appropriated.