

CHAPTER 603—S.F.No. 2421

An act relating to elections; presidential primary; changing the primary date; providing procedures for conducting the primary; changing the requirements for being a candidate at the primary; allowing voters to prefer uncommitted delegates; allowing write-in votes; providing for voter receipt of ballots; eliminating the provision that the primary winner is the party's endorsed candidate; changing the apportionment of party delegates; requiring provision of certain information to interested persons; amending Minnesota Statutes 1988, sections 10A.15, subdivision 3b; 204B.06, by adding a subdivision; and 204B.11, subdivision 2; Minnesota Statutes 1989 Supplement, sections 207A.01; 207A.02; 207A.03; 207A.04; and 207A.06; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1989 Supplement, section 207A.05.

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

Section 1. Minnesota Statutes 1988, section 10A.15, subdivision 3b, is amended to read:

Subd. 3b. ~~BY INDIVIDUAL MEMBERS OF POLITICAL FUND OR COMMITTEE ATTRIBUTABLE CONTRIBUTIONS.~~ Contributions made to a candidate or principal campaign committee ~~by individual members of a political fund or committee that are solicited~~ directed to that candidate or principal campaign committee by ~~the~~ a political fund or committee must be reported as attributable to the political fund or committee and count toward the contribution limits of that fund or committee specified in section 10A.27, if the political fund or committee was organized or is operated primarily to ~~solicit or direct the contributions of its members and other than from its own funds to influence the nomination or election of a candidate.~~ The term "individual members" as used in this subdivision means a person or entity who in any manner participates in or in any manner contributes financially or otherwise to the activities of the political fund or committee. one or more candidates or principal campaign committees. The treasurer of the political fund or committee shall advise the candidate or the candidate's principal campaign committee if the contribution or contributions are not from the funds of the political fund or the political committee and the original source of the funds. As used in this subdivision, the term "direct" includes, but is not limited to, order, command, control, or instruct. A violation of this subdivision is a violation of section 10A.29.

Sec. 2. Minnesota Statutes 1988, section 204B.06, is amended by adding a subdivision to read:

Subd. 1a. PRESIDENTIAL PRIMARY AFFIDAVIT. An affidavit of candidacy for the presidential primary must include the candidate's name, address, office sought, and the candidate's political party or principal in three words or less. The affidavit must include a statement that the candidate satisfies the federal constitutional requirements for holding office.

Sec. 3. Minnesota Statutes 1988, section 204B.11, subdivision 2, is amended to read:

New language is indicated by underline, deletions by strikeout.

Subd. 2. **PETITION IN PLACE OF FILING FEE.** At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) For a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) For a congressional office, 1,000;

(c) For a county or legislative office, or for the office of district, county or county municipal judge, 500; and

(d) For any other office which requires a filing fee as prescribed by law, municipal charter or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 4. Minnesota Statutes 1989 Supplement, section 207A.01, is amended to read:

207A.01 PRESIDENTIAL PRIMARY.

A presidential primary must be held on the ~~fourth~~ first Tuesday in ~~February~~ April 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 or may vote for uncommitted delegates to the national party convention. 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.

Sec. 5. Minnesota Statutes 1989 Supplement, section 207A.02, is amended to read:

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:

New language is indicated by underline, deletions by ~~strikeout~~.

(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 who files an affidavit of candidacy pursuant to section 204B.06 and submits the appropriate filing fee or petition in place of filing fee pursuant to section 204B.11; and

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

In addition, each major political party's ballot must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted, and 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.

Subd. 1a. TIME FOR FILING; FEE. The period for filing an affidavit of candidacy for the presidential primary must begin 16 weeks before the primary and end 14 weeks before the primary. The filing fee is \$500. The period for signing nominating petitions must begin 16 weeks before the primary and end ten weeks before the primary.

~~Subd. 2. TENTATIVE LISTING ANNOUNCING CANDIDATES. A tentative determination of the Candidates to be listed who have filed an affidavit of candidacy pursuant to subdivision 1, clause (1), for each political party on the presidential primary ballot must be announced by the secretary of state ten weeks before the primary the day after filings close for the purpose of giving voters sufficient time to nominate ~~unlisted~~ other 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~~ eight weeks before the presidential primary. The secretary of state shall certify to the county auditor of each county the names of all candidates in the presidential primary at least seven weeks before the primary.~~

~~Subd. 4. NOTIFICATION. Not later than three days after the last day for filing a nominating petition pursuant to subdivision 1, clause (2), 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~~ eight weeks before the presidential primary.~~

Sec. 6. Minnesota Statutes 1989 Supplement, section 207A.03, is amended to read:

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207A.03 PRESIDENTIAL PRIMARY; HOW CONDUCTED.

Subdivision 1. GENERAL RULE. 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~~ the state primary. 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.

Subd. 2. VOTER CERTIFICATION; BALLOT. An individual seeking to vote at the presidential primary shall request the ballot of the party for whose candidates the individual wishes to vote. The voter registration certificate or duplicate registration file for the presidential primary must list the names of the political parties appearing on the ballot at the presidential primary. Before receiving a ballot, a voter shall sign the voter's certificate or duplicate registration file and shall place a check mark beside the name of the political party whose ballot the voter requested.

Sec. 7. Minnesota Statutes 1989 Supplement, section 207A.04, is amended to read:

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

Subdivision 1. NOTICE OF FILING PERIOD. ~~Before December 4 of the year~~ Twenty weeks 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. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date of the presidential primary to each municipal clerk in the county.

Subd. 2. NOTICE OF PRIMARY. At least 15 days before the date of the presidential primary, each municipal clerk shall post a public notice stating the date of the presidential primary, the location of each polling place in the municipality, and the hours during which the polling places in the municipality will be open. 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.

Subd. 3. 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.

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Sec. 8. Minnesota Statutes 1989 Supplement, section 207A.06, is amended to read:

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 who are chosen on the basis of their support for particular presidential candidates 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 or congressional district convention of that party, except as otherwise provided in this subdivision. The secretary of each party's state convention or congressional district 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.~~ This subdivision does not apply to delegates to the extent that it is inconsistent with the rules of the national party or state party.

Sec. 9. [207A.08] INFORMATION ON PARTY CHOICE.

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Notwithstanding section 204C.18, subdivision 1, or other law to the contrary, a person entitled to inspect the duplicate registration file or receive a copy of a current precinct list under section 201.091, must also be informed of the party choice of any voter who voted in the most recent presidential primary under this chapter.

Sec. 10. **[207A.09] RULEMAKING AUTHORITY.**

The secretary of state shall adopt rules to implement the provisions of this chapter as follows:

(1) to implement section 9;

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

(3) to determine the format of the presidential primary ballots; and

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

Sec. 11. **REGIONAL PRIMARY STUDY.**

The secretary of state shall study the feasibility of Minnesota's joining any other state to hold a regional presidential primary and shall report conclusions to the chairs of the general legislation, veterans affairs and gaming committee in the house of representatives and the elections and ethics committee in the senate by February 1, 1991.

Sec. 12. **REPEALER.**

Minnesota Statutes 1989 Supplement, section 207A.05, is repealed.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:51 p.m.

CHAPTER 604—H.F.No. 2478

An act relating to the financing and operation of government in Minnesota; providing a taxpayer bill of rights; updating references to the Internal Revenue Code; imposing an annual fee on corporations and partnerships; changing the computation of state aids to local units of governments; modifying the computation and administration of taxes and property tax refunds; changing tax rates and providing exemptions; requiring payment of the prevailing wage for financial assistance; permitting the cities of Bloomington and Roseville to impose lodging taxes; changing truth-in-taxation requirements; modifying the requirements

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