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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3705**

02/24/2022 Authored by O'Driscoll, Daudt, Neu Brindley and Theis  
The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act

1.2 relating to elections; changing the date of the state primary from August to June;

1.3 changing the date of primary elections conducted by a political subdivision in

1.4 certain circumstances; amending Minnesota Statutes 2020, sections 204B.14,

1.5 subdivisions 2, 4; 204B.21, subdivision 1; 204D.03, subdivision 1; 204D.09,

1.6 subdivision 1; 204D.28, subdivision 5; 205.065, subdivisions 1, 2; 205A.03,

1.7 subdivisions 1, 2; 205A.06, subdivision 1a; 205A.11, subdivision 2a; 206.61,

1.8 subdivision 5; Minnesota Statutes 2021 Supplement, section 206.82, subdivision

1.9 2.

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

1.11 Section 1. Minnesota Statutes 2020, section 204B.14, subdivision 2, is amended to read:

1.12 Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute

1.13 at least one election precinct:

1.14 (1) each city ward; and

1.15 (2) each town and each statutory city.

1.16 (b) A single, accessible, combined polling place may be established no later than

1.17 November 1 if a presidential nomination primary is scheduled to occur in the following

1.18 year or ~~May~~ March 1 of any other year:

1.19 (1) for any city of the third or fourth class, any town, or any city having territory in more

1.20 than one county, in which all the voters of the city or town shall cast their ballots;

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

1.22 (3) for up to four contiguous municipalities located entirely outside the metropolitan

1.23 area, as defined by section 200.02, subdivision 24, that are contained in the same county;

1.24 or

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

2.2 Subject to the requirements of paragraph (c), a single, accessible, combined polling place  
2.3 may be established after ~~May~~ March 1 of any year in the event of an emergency.

2.4 A copy of the ordinance or resolution establishing a combined polling place must be  
2.5 filed with the county auditor within 30 days after approval by the governing body. A polling  
2.6 place combined under clause (3) must be approved by the governing body of each  
2.7 participating municipality. A polling place combined under clause (4) must be approved by  
2.8 the governing body of each participating municipality and the secretary of state and may  
2.9 be located outside any of the noncontiguous precincts. A municipality withdrawing from  
2.10 participation in a combined polling place must do so by filing a resolution of withdrawal  
2.11 with the county auditor no later than October 1 if a presidential nomination primary is  
2.12 scheduled to occur in the following year or ~~April~~ February 1 of any other year.

2.13 The secretary of state shall provide a separate polling place roster for each precinct  
2.14 served by the combined polling place, except that in a precinct that uses electronic rosters  
2.15 the secretary of state shall provide separate data files for each precinct. A single set of  
2.16 election judges may be appointed to serve at a combined polling place. The number of  
2.17 election judges required must be based on the total number of persons voting at the last  
2.18 similar election in all precincts to be voting at the combined polling place. Separate ballot  
2.19 boxes must be provided for the ballots from each precinct. The results of the election must  
2.20 be reported separately for each precinct served by the combined polling place, except in a  
2.21 polling place established under clause (2) where one of the precincts has fewer than ten  
2.22 registered voters, in which case the results of that precinct must be reported in the manner  
2.23 specified by the secretary of state.

2.24 (c) If a local elections official determines that an emergency situation preventing the  
2.25 safe, secure, and full operation of a polling place on election day has occurred or is imminent,  
2.26 the local elections official may combine two or more polling places for that election pursuant  
2.27 to this subdivision. To the extent possible, the polling places must be combined and the  
2.28 election conducted according to the requirements of paragraph (b), except that:

2.29 (1) polling places may be combined after ~~May~~ March 1 and until the polls close on  
2.30 election day;

2.31 (2) any city or town, regardless of size or location, may establish a combined polling  
2.32 place under this paragraph;

2.33 (3) the governing body is not required to adopt an ordinance or resolution to establish  
2.34 the combined polling place;

3.1 (4) a polling place combined under paragraph (b), clause (3) or (4), must be approved  
 3.2 by the local election official of each participating municipality;

3.3 (5) the local elections official must immediately notify the county auditor and the  
 3.4 secretary of state of the combination, including the reason for the emergency combination  
 3.5 and the location of the combined polling place. As soon as possible, the local elections  
 3.6 official must also post a notice stating the reason for the combination and the location of  
 3.7 the combined polling place. The notice must also be posted on the governing board's website,  
 3.8 if one exists. The local elections official must also notify the election judges and request  
 3.9 that local media outlets publicly announce the reason for the combination and the location  
 3.10 of the combined polling place; and

3.11 (6) on election day, the local elections official must post a notice in large print in a  
 3.12 conspicuous place at the polling place where the emergency occurred, if practical, stating  
 3.13 the location of the combined polling place. The local election official must also post the  
 3.14 notice, if practical, in a location visible by voters who vote from their motor vehicles as  
 3.15 provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant to  
 3.16 section 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph  
 3.17 must include a statement that the polling place hours at the combined polling place will be  
 3.18 extended until the specified time.

3.19 Sec. 2. Minnesota Statutes 2020, section 204B.14, subdivision 4, is amended to read:

3.20 Subd. 4. **Boundary change procedure.** Any change in the boundary of an election  
 3.21 precinct must be adopted at least ten weeks before the date of the next election and, for the  
 3.22 state primary and general election or presidential nomination primary, no later than ~~December~~  
 3.23 April 1 in the year prior to the year of the state general election. The precinct boundary  
 3.24 change shall not take effect until notice of the change has been posted in the office of the  
 3.25 municipal clerk or county auditor for at least 56 days.

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

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

4.1 Sec. 3. Minnesota Statutes 2020, section 204B.21, subdivision 1, is amended to read:

4.2 Subdivision 1. **Appointment lists; duties of political parties and secretary of state.** On  
4.3 ~~May~~ March 1 in a year in which there is an election for a partisan political office, each major  
4.4 political party shall prepare a list of eligible voters to act as election judges in each election  
4.5 precinct. The list provided by the party must indicate which eligible voters are willing to  
4.6 travel to a precinct outside of their home jurisdiction to act as an election judge, and the  
4.7 jurisdictions to which each eligible voter is willing to travel for that purpose. The political  
4.8 parties shall furnish the lists electronically to the secretary of state, in a format specified by  
4.9 the secretary of state. The secretary of state must combine the data received from each  
4.10 political party under this subdivision and must process the data to locate the precinct in  
4.11 which the address provided for each potential election judge is located. If the data submitted  
4.12 by a political party is insufficient for the secretary of state to locate the proper precinct, the  
4.13 associated name must not appear in any list forwarded to an appointing authority under this  
4.14 subdivision. The secretary of state shall notify political parties of any proposed election  
4.15 judges with addresses that could not be located in a precinct.

4.16 By ~~May~~ March 15, the secretary of state shall furnish electronically to the county auditor  
4.17 a list of the appropriate names for each election precinct in the jurisdiction of the appointing  
4.18 authority, and a list of the names of individuals residing outside of the jurisdiction who  
4.19 indicated a willingness to travel to that jurisdiction to act as an election judge, noting the  
4.20 political party affiliation of each individual on the list. The county auditor must promptly  
4.21 forward the appropriate names to the appropriate municipal clerk.

4.22 Sec. 4. Minnesota Statutes 2020, section 204D.03, subdivision 1, is amended to read:

4.23 Subdivision 1. **State primary.** The state primary shall be held on the ~~second~~ first Tuesday  
4.24 in ~~August~~ June in each even-numbered year to select the nominees of the major political  
4.25 parties for partisan offices and the nominees for nonpartisan offices to be filled at the state  
4.26 general election, other than presidential electors.

4.27 Sec. 5. Minnesota Statutes 2020, section 204D.09, subdivision 1, is amended to read:

4.28 Subdivision 1. **Example ballot.** No later than ~~May~~ March 1 of each year, the secretary  
4.29 of state shall supply each auditor with a copy of an example ballot to be used at the state  
4.30 primary and state general election. The example ballot must illustrate the format required  
4.31 for the ballots used in the primary and general elections that year. The county auditor shall  
4.32 distribute copies of the example ballot to municipal and school district clerks in municipalities

5.1 and school districts holding elections that year. The official ballot must conform in all  
5.2 respects to the example ballot.

5.3 Sec. 6. Minnesota Statutes 2020, section 204D.28, subdivision 5, is amended to read:

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

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

5.7 (b) a primary held on the ~~second~~ first Tuesday in ~~August~~ June of odd-numbered years.

5.8 Sec. 7. Minnesota Statutes 2020, section 205.065, subdivision 1, is amended to read:

5.9 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating  
5.10 elective officers may be held in any city on the ~~second~~ first Tuesday in ~~August~~ June of any  
5.11 year in which a municipal general election is to be held for the purpose of electing officers.  
5.12 The date of a municipal primary held in an odd-numbered year may be postponed for  
5.13 inclement weather as provided in section 205.105.

5.14 Sec. 8. Minnesota Statutes 2020, section 205.065, subdivision 2, is amended to read:

5.15 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or  
5.16 resolution adopted by ~~April~~ January 15 in the year when a municipal general election is  
5.17 held, elect to choose nominees for municipal offices by a primary as provided in this section.  
5.18 The resolution or ordinance, when adopted, is effective for all ensuing municipal elections  
5.19 until it is revoked. The municipal clerk shall notify the secretary of state and the county  
5.20 auditor within 30 days after the adoption of the resolution or ordinance.

5.21 Sec. 9. Minnesota Statutes 2020, section 205A.03, subdivision 1, is amended to read:

5.22 Subdivision 1. **Resolution requiring primary in certain circumstances.** The school  
5.23 board of a school district may, by resolution adopted by ~~April~~ January 15 of any year, decide  
5.24 to choose nominees for school board by a primary as provided in this section. The resolution,  
5.25 when adopted, is effective for all ensuing elections of board members in that school district  
5.26 until it is revoked. If the board decides to choose nominees by primary and if there are more  
5.27 than two candidates for a specified school board position or more than twice as many school  
5.28 board candidates as there are at-large school board positions available, the school district  
5.29 must hold a primary.

6.1 Sec. 10. Minnesota Statutes 2020, section 205A.03, subdivision 2, is amended to read:

6.2 Subd. 2. **Date.** The school district primary must be held on the ~~second~~ first Tuesday in  
6.3 ~~August~~ June in the year when the school district general election is held. The clerk shall  
6.4 give notice of the primary in the manner provided in section 205A.07. The date of a school  
6.5 district primary held in an odd-numbered year may be postponed for inclement weather as  
6.6 provided in section 205A.055.

6.7 Sec. 11. Minnesota Statutes 2020, section 205A.06, subdivision 1a, is amended to read:

6.8 Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose  
6.9 nominees for school board by a primary election, affidavits of candidacy must be filed with  
6.10 the school district clerk no earlier than the 84th day and no later than the 70th day before  
6.11 the ~~second~~ first Tuesday in ~~August~~ June in the year when the school district general election  
6.12 is held. In all other school districts, affidavits of candidacy must be filed no earlier than the  
6.13 98th day and no later than the 84th day before the school district general election.

6.14 Sec. 12. Minnesota Statutes 2020, section 205A.11, subdivision 2a, is amended to read:

6.15 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to  
6.16 the voters who will be voting in a combined polling place for a school district special election.  
6.17 The notice must include the following information: the date of the election, the hours of  
6.18 voting, and the location of the voter's polling place. The notice must be sent by  
6.19 nonforwardable mail to every affected household in the school district with at least one  
6.20 registered voter. The notice must be mailed no later than 14 days before the election. The  
6.21 mailed notice is not required for a school district special election that is held on the ~~second~~  
6.22 first Tuesday in ~~August~~ June, the Tuesday following the first Monday in November, or for  
6.23 a special election conducted entirely by mail. A notice that is returned as undeliverable must  
6.24 be forwarded immediately to the county auditor.

6.25 Sec. 13. Minnesota Statutes 2020, section 206.61, subdivision 5, is amended to read:

6.26 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation of  
6.27 names of candidates must be observed as far as practicable by changing the order of the  
6.28 names on an electronic voting system in the various precincts so that each name appears on  
6.29 the machines or marking devices used in a municipality substantially an equal number of  
6.30 times in the first, last, and in each intermediate place in the list or group in which they  
6.31 belong. However, the arrangement of candidates' names must be the same on all voting  
6.32 systems used in the same precinct. If the number of names to be alternated exceeds the

7.1 number of precincts, the election official responsible for providing the ballots, in accordance  
7.2 with subdivision 1, shall determine by lot the alternation of names.

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

7.6 The rules adopted by the secretary of state for the rotation of candidate names must use  
7.7 the number of registered voters in each precinct as of 8:00 a.m. on ~~May~~ March 1 of the year  
7.8 when the rotation will be made as the basis for determining the rotation of names.

7.9 Sec. 14. Minnesota Statutes 2021 Supplement, section 206.82, subdivision 2, is amended  
7.10 to read:

7.11 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting system  
7.12 is used and the county auditor of a county in which an electronic voting system is used in  
7.13 more than one municipality and the county auditor of a county in which a counting center  
7.14 serving more than one municipality is located shall prepare a plan which indicates acquisition  
7.15 of sufficient facilities, computer time, and professional services and which describes the  
7.16 proposed manner of complying with section 206.80. The plan must be signed, notarized,  
7.17 and submitted to the secretary of state more than 60 days before the first election at which  
7.18 the municipality uses an electronic voting system. Before ~~May~~ March 1 of each subsequent  
7.19 general election year, the clerk or auditor shall submit to the secretary of state notification  
7.20 of any changes to the plan on file with the secretary of state. The secretary of state shall  
7.21 review each plan for its sufficiency and may request technical assistance from the Department  
7.22 of Information Technology Services or other agency which may be operating as the central  
7.23 computer authority. The secretary of state shall notify each reporting authority of the  
7.24 sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney  
7.25 general, upon request of the secretary of state, may seek a district court order requiring an  
7.26 election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant  
7.27 to this section.

7.28 Sec. 15. **EFFECTIVE DATE.**

7.29 Sections 1 to 14 are effective January 1, 2023, and apply to primary elections held on  
7.30 or after January 1, 2024.