

## CHAPTER 207A

## PRESIDENTIAL PRIMARY

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**207A.01 PRESIDENTIAL PRIMARY.**

A presidential primary must be held on the first Tuesday in 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.

*History: 1989 c 291 art 2 s 1; 1990 c 603 s 4*

**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:

(1) any individual 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 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.

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

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. **Announcing candidates.** Candidates 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 the day after filings close for the purpose of giving voters sufficient time to nominate 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 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 eight weeks before the presidential primary.

**History:** 1989 c 291 art 2 s 2; 1990 c 603 s 5; 1993 c 223 s 23

#### **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 conducted, and the results canvassed and returned in the manner provided by law for 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.

**History:** 1989 c 291 art 2 s 3; 1990 c 603 s 6

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

Subdivision 1. **Notice of filing period.** 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.

**History:** 1989 c 291 art 2 s 4; 1990 c 603 s 7

#### **207A.05 [Repealed, 1990 c 603 s 12]**

#### **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 chair 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.

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, 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.

**History:** 1989 c 291 art 2 s 6; 1990 c 603 s 8

#### **207A.07 USE OF VOTING MACHINES.**

The county auditor of each county in which lever voting machines or electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed to place the ballots required by sections 207A.01 to 207A.07 on the voting machines which otherwise are provided by the state when paper ballots are used. The total cost of printing and providing the forms must be paid by the state.

**History:** 1989 c 291 art 2 s 7

#### **207A.08 INFORMATION ON PARTY CHOICE.**

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.

**History:** 1990 c 603 s 9

#### **207A.09 RULEMAKING AUTHORITY.**

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

- (1) to implement section 207A.08;
- (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.

**History:** 1990 c 603 s 10

#### **207A.10 REIMBURSEMENT OF ELECTION EXPENSES.**

Subdivision 1. **Duties of secretary of state.** The secretary of state shall reimburse the counties and municipalities for expenses incurred in the administration of the presidential primary from the funds appropriated by the legislature for this purpose, as provided in this section. Up to \$7,500 of the appropriation for reimbursement of election expenses may be retained by the secretary of state to administer the reimbursement program.

Subd. 2. **Reimbursable expenses.** The following expenses are eligible for reimbursement: salaries of election judges; postage for absentee ballots; preparation of polling places, in an amount not to exceed \$25 per polling place; preparation of electronic voting systems or lever voting machines, in an amount not to exceed \$50 per precinct;

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compensation of county canvassing board members; publication of the sample ballot; and compensation for temporary staff or overtime payments.

**Subd. 3. Certification of costs.** The county auditor shall certify to the secretary of state the costs incurred by the county for the presidential primary. The municipal clerk shall certify to the secretary of state the costs incurred by the municipality for the presidential primary. If the total amount certified by all units for temporary staff and overtime payments exceeds \$480,000, the secretary of state shall reduce those amounts so that they do not exceed \$480,000. The secretary of state shall provide each county and municipality with the appropriate forms for this certification. The secretary of state may require that the county auditor or municipal clerk provide documentation of actual expenditures made for the presidential primary. The certification of costs must be submitted to the secretary of state no later than 60 days after the presidential primary. No reimbursement of expenses must be made unless the certification of costs has been submitted as provided in this subdivision.

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

**History:** 1992 c 511 art 1 s 4; 1993 c 223 s 24