

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETY-FOURTH SESSION

H. F. No. 96

01/22/2025

Authored by Quam
The bill was read for the first time and referred to the Committee on Elections Finance and Government Operations

- 1.1A bill for an act
- 1.2relating to elections; changing the date of the state primary to the same date as the
- 1.3presidential primary nomination; amending requirements for the presidential
- 1.4nomination primary; amending Minnesota Statutes 2024, sections 204B.14,
- 1.5subdivisions 2, 4; 204B.21, subdivision 1; 204C.10; 204D.03, subdivision 1;
- 1.6204D.05, subdivision 1; 204D.08, by adding a subdivision; 204D.09, subdivision
- 1.71; 204D.28, subdivision 5; 205.065, subdivisions 1, 2; 205A.03, subdivisions 1,
- 1.82; 205A.11, subdivision 2a; 206.61, subdivision 5; 206.82, subdivision 2; 207A.12;
- 1.9207A.13, subdivision 1; repealing Minnesota Statutes 2024, sections 207A.14;
- 1.10207A.15.
- 1.11BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.12Section 1. Minnesota Statutes 2024, section 204B.14, subdivision 2, is amended to read:
- 1.13Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute
- 1.14at least one election precinct:
- 1.15(1) each city ward; and
- 1.16(2) each town and each statutory city.
- 1.17(b) A single, accessible, combined polling place may be established no later than
- 1.18November 1 ~~if a presidential nomination primary is scheduled to occur in the following~~
- 1.19~~year or May 1 of any other year~~ in the year prior to the general election year:
- 1.20(1) for any city of the third or fourth class, any town, or any city having territory in more
- 1.21than one county, in which all the voters of the city or town shall cast their ballots;
- 1.22(2) for contiguous precincts in the same municipality;

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

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

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

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body, and the county auditor must provide notice within ten days to the secretary of state, in a manner and including information prescribed by the secretary of state. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than October 1 ~~if a presidential nomination primary is scheduled to occur in the following year or April 1 of any other year~~ in the year prior to the general election year, and the county auditor must provide notice within ten days to the secretary of state, in a manner and including information prescribed by the secretary of state.

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

(c) If a local elections official determines that an emergency situation preventing the safe, secure, and full operation of a polling place on election day has occurred or is imminent, the local elections official may combine two or more polling places for that election pursuant

to this subdivision. To the extent possible, the polling places must be combined and the election conducted according to the requirements of paragraph (b), except that:

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2024, section 204B.14, subdivision 4, is amended to read:

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

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

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

4.10 Sec. 3. Minnesota Statutes 2024, section 204B.21, subdivision 1, is amended to read:

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

4.25 By ~~May~~ December 15, the secretary of state shall furnish electronically to the county
4.26 auditor a list of the appropriate names for each election precinct in the jurisdiction of the
4.27 appointing authority, and a list of the names of individuals residing outside of the jurisdiction
4.28 who indicated a willingness to travel to that jurisdiction to act as an election judge, noting
4.29 the political party affiliation of each individual on the list. The county auditor must promptly
4.30 forward the appropriate names to the appropriate municipal clerk.

5.1 Sec. 4. Minnesota Statutes 2024, section 204C.10, is amended to read:

5.2 **204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;**
5.3 **VOTER RECEIPT.**

5.4 (a) An individual seeking to vote shall sign a polling place roster or voter signature
5.5 certificate which states that the individual:

5.6 (1) is at least 18 years old;

5.7 (2) is a citizen of the United States;

5.8 (3) has maintained residence in Minnesota for 20 days immediately preceding the election;

5.9 (4) maintains residence at the address shown;

5.10 (5) is not under a guardianship in which the court order revokes the individual's right to
5.11 vote;

5.12 (6) has not been found by a court of law to be legally incompetent to vote;

5.13 (7) has the right to vote because, if the individual was convicted of a felony, the individual
5.14 is not currently incarcerated for that conviction;

5.15 (8) is registered; and

5.16 (9) has not already voted in the election.

5.17 The roster must also state: "I understand that deliberately providing false information
5.18 is a felony punishable by not more than five years imprisonment and a fine of not more than
5.19 \$10,000, or both."

5.20 (b) At the ~~presidential nomination~~ state primary, the polling place roster must also state:
5.21 "If I participate in the presidential nomination primary, I am in general agreement with the
5.22 principles of the party for whose candidate I intend to vote." This statement must appear
5.23 separately from the statements required in paragraph (a). The felony penalty provided for
5.24 in paragraph (a) does not apply to this paragraph.

5.25 (c) A judge may, before the applicant signs the roster or voter signature certificate,
5.26 confirm the applicant's name, address, and date of birth.

5.27 (d) After the applicant signs the roster or voter signature certificate, the judge shall give
5.28 the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in
5.29 charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to
5.30 the voter the ballot. The voters' receipts must be maintained during the time for notice of
5.31 filing an election contest.

(e) Whenever a challenged status appears on the polling place roster, an election judge must ensure that the challenge is concealed or hidden from the view of any voter other than the voter whose status is challenged.

Sec. 5. Minnesota Statutes 2024, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. **State primary.** Except as otherwise provided in this subdivision, the state primary shall be held on the ~~second~~ first Tuesday in ~~August~~ March in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors. In the year of the presidential election, the state primary must be held on the date of the presidential nomination primary as provided in section 207A.11.

Sec. 6. Minnesota Statutes 2024, section 204D.05, subdivision 1, is amended to read:

Subdivision 1. **State partisan primary ballot.** The state partisan primary ballot shall contain the names of the candidates seeking the nomination of each major political party for the partisan offices filled at the state general election. In the year of the presidential election, the state partisan primary ballot must also include the presidential nomination primary ballot.

Sec. 7. Minnesota Statutes 2024, section 204D.08, is amended by adding a subdivision to read:

Subd. 7. **Presidential nomination primary ballot.** In the year of the presidential election, there must be separate ballots that include a presidential nomination primary ballot for each political party participating in the presidential nomination primary, as defined in chapter 207A. The state primary ballot must be designed so that the presidential nomination primary ballot appears first on the ballot and conforms to the requirements of chapter 207A. The state primary ballot must be printed on the same ballot and appear below the presidential nomination primary ballot. There must also be a ballot without a presidential nomination primary ballot section for voters who do not wish to participate in the presidential nomination primary.

Sec. 8. Minnesota Statutes 2024, section 204D.09, subdivision 1, is amended to read:

Subdivision 1. **Example ballot.** No later than ~~May~~ December 1 of each year, the secretary of state shall supply each auditor with a copy of an example ballot to be used at the state primary and state general election. The example ballot must illustrate the format required

for the ballots used in the primary and general elections that year. In a year when the presidential nomination primary is conducted, the example ballot must include the presidential nomination primary ballot. The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballot must conform in all respects to the example ballot.

Sec. 9. Minnesota Statutes 2024, section 204D.28, subdivision 5, is amended to read:

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

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

(b) a primary held on the ~~second Tuesday in August of odd-numbered years~~ date specified in section 204D.03, subdivision 1.

Sec. 10. Minnesota Statutes 2024, section 205.065, subdivision 1, is amended to read:

Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating elective officers may be held in any city on the ~~second Tuesday in August~~ first Tuesday of March of any year in which a municipal general election is to be held for the purpose of electing officers, except that in a year of the presidential election, a municipal primary must be held on the date of the presidential nomination primary as provided in section 207A.11. The date of a municipal primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Sec. 11. Minnesota Statutes 2024, section 205.065, subdivision 2, is amended to read:

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

Sec. 12. Minnesota Statutes 2024, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **Resolution requiring primary in certain circumstances.** The school board of a school district may, by resolution adopted by ~~April~~ October 15 of ~~any year~~ the year prior to the general election year, decide to choose nominees for school board by a primary as provided in this section. The resolution, when adopted, is effective for all ensuing

elections of board members in that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions available, the school district must hold a primary.

Sec. 13. Minnesota Statutes 2024, section 205A.03, subdivision 2, is amended to read:

Subd. 2. **Date.** The school district primary must be held on the ~~second~~ first Tuesday in ~~August~~ March in the year when the school district general election is held, except that in a year of the presidential election, a municipal primary must be held on the date of the presidential nomination primary as provided in section 207A.11. The clerk shall give notice of the primary in the manner provided in section 205A.07. The date of a school district primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205A.055.

Sec. 14. Minnesota Statutes 2024, section 205A.11, subdivision 2a, is amended to read:

Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice to the voters who will be voting in a combined polling place for a school district special election. The notice must include the following information: the date of the election, the hours of voting, and the location of the voter's polling place. The notice must be sent by nonforwardable mail to every affected household in the school district with at least one registered voter. The notice must be mailed no later than 14 days before the election. The mailed notice is not required for a school district special election that is held on the ~~second Tuesday in August~~ date identified in section 204D.03, subdivision 1, the Tuesday following the first Monday in November, or for a special election conducted entirely by mail. A notice that is returned as undeliverable must be forwarded immediately to the county auditor.

Sec. 15. Minnesota Statutes 2024, section 206.61, subdivision 5, is amended to read:

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

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

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

Sec. 16. Minnesota Statutes 2024, section 206.82, subdivision 2, is amended to read:

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

Sec. 17. Minnesota Statutes 2024, section 207A.12, is amended to read:

207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.

(a) The presidential nomination primary must be held in conjunction with the state primary election. Except as otherwise provided by law, the presidential nomination primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary. All notice and publication requirements applicable to the state primary apply to the presidential nomination primary in years when the presidential nomination primary is conducted.

(b) An individual ~~seeking~~ voting at the state primary election that seeks to vote at the presidential nomination primary must be registered to vote pursuant to section 201.054, subdivision 1. The voter must request the ballot of the party for whose candidate the individual wishes to vote. Notwithstanding section 204C.18, subdivision 1, the election judge must record in the polling place roster the name of the political party whose ballot the voter requested. When posting voter history pursuant to section 201.171, the county auditor must include the name of the political party whose ballot the voter requested. The political party ballot selected by a voter is private data on individuals as defined under section 13.02, subdivision 12, except as provided in section 201.091, subdivision 4a. A voter eligible to cast a ballot as provided in section 5B.06 must be permitted to cast a ballot at the presidential nomination primary consistent with the requirements of that section.

(c) Immediately after the state canvassing board declares the results of the presidential nomination primary, the secretary of state must notify the chair of each party of the results.

(d) The results of the presidential nomination primary must bind the election of delegates in each party.

Sec. 18. Minnesota Statutes 2024, section 207A.13, subdivision 1, is amended to read:

Subdivision 1. **Form.** (a) Except as provided by law, presidential nomination primary ballots shall be printed in the same manner as state primary ballots as far as practicable. A sufficient number of each ballot shall be printed for each precinct and ward in the state.

(b) There must be separate ballots for the names of the candidates of each participating political party. Each ballot must be headed by the words "Presidential Nomination Primary Ballot." The heading must also indicate the party that appears on the ballot. The presidential nomination primary ballot must be included first on the state primary ballot as provided in section 204D.08.

(c) If requested by a party chair, the ballot for that participating party must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted. If requested by a party chair, the ballot for that participating party must contain 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. A request under this paragraph must be submitted to the secretary of state no later than 63 days before the presidential nomination primary.

- 11.1
- Sec. 19. **REPEALER.**
- 11.2
- Minnesota Statutes 2024, sections 207A.14; and 207A.15, are repealed.
- 11.3
- Sec. 20. **EFFECTIVE DATE.**
- 11.4
- This act is effective December 1, 2025, and applies to primary elections held on or after
- 11.5
- that date.

APPENDIX

Repealed Minnesota Statutes: 25-00007

207A.14 NOTICE OF PRESIDENTIAL NOMINATION PRIMARY; EXAMPLE BALLOTS.

Subdivision 1. **Notice of primary to counties and municipalities.** Twenty weeks before a presidential nomination 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 nomination primary. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date of the presidential nomination primary to each municipal clerk in the county.

Subd. 2. **Example ballots.** No later than 70 days before the presidential nomination primary, the secretary of state must supply each county auditor with example ballots to be used at the presidential nomination primary. The example ballots must illustrate the format required for the ballots used in the presidential nomination primary.

Subd. 3. **Notice of primary to public.** At least 15 days before the date of the presidential nomination primary, each municipal clerk shall post a public notice stating the date of the presidential nomination primary, the location of each polling place in the municipality, the hours during which the polling places in the municipality will be open, and information about the requirements of section 207A.12, paragraph (b). 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.

207A.15 PRESIDENTIAL NOMINATION PRIMARY ELECTION EXPENSES; LOCAL REIMBURSEMENT.

Subdivision 1. **Presidential nomination primary elections account; special revenue fund.** (a) A presidential nomination primary elections account is created in the special revenue fund.

(b) No later than September 1 of the year preceding a presidential election year, the secretary of state shall certify to the commissioner of management and budget the estimated state and local cost of administering the presidential nomination primary election. The secretary of state may make supplemental certifications to the commissioner of management and budget if new information indicates that the actual costs of conducting the election will exceed the secretary's initial estimate.

(c) Within 15 days of a certification under paragraph (b), the commissioner of management and budget must transfer an amount equal to the certification from the general fund to the presidential nomination primary elections account. The funds in the presidential nomination primary elections account are appropriated to the secretary of state for:

- (1) state costs associated with administering the presidential nomination primary election; and
- (2) making the reimbursements required by subdivision 2.

The commissioner of management and budget must transfer back to the general fund any funds remaining in the presidential nomination primary elections account 120 days after the results of a presidential nomination primary election have been certified by the State Canvassing Board.

Subd. 2. **Reimbursable local expenses.** (a) The secretary of state must reimburse the counties and municipalities for expenses incurred in the administration of the presidential nomination primary from money contained in the presidential nomination primary elections account. The following expenses are eligible for reimbursement: preparation and printing of ballots; postage for absentee ballots; publication of notice to voters pursuant to section 204D.16; preparation of polling places in an amount not to exceed \$150 per polling place; preparation of electronic voting systems in an amount not to exceed \$100 per precinct; compensation for temporary staff or overtime payments; salaries of election judges; compensation of county canvassing board members; and other expenses as approved by the secretary of state.

(b) Within 60 days after the results of a presidential nomination primary are certified by the State Canvassing Board, the county auditor must submit a request for payment of the costs incurred by the county for conducting the presidential nomination primary, and the municipal clerk must submit a request for payment of the costs incurred by the municipality for conducting the presidential nomination primary. The request for payment must be submitted to the secretary of state, and must be accompanied by an itemized description of actual county or municipal expenditures, including copies of invoices. In addition, the county auditor or municipal clerk must certify that the request for reimbursement is based on actual costs incurred by the county or municipality in the presidential nomination primary.

APPENDIX

Repealed Minnesota Statutes: 25-00007

(c) The secretary of state must provide each county and municipality with the appropriate forms for requesting payment and certifying expenses under this subdivision. The secretary of state must not reimburse expenses unless the request for payment and certification of costs has been submitted as provided in this subdivision. The secretary of state must complete the issuance of reimbursements to the counties and municipalities no later than 90 days after the results of the presidential nomination primary have been certified by the State Canvassing Board.