

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2552
Version: First engrossment

DATE: February 9, 2010

Authors: Simon

Subject: August Primary

Analyst: Matt Gehring, 651-296-5052

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill expands the time period for absentee voting to 46 days prior to most elections, to conform with new federal requirements. As a result of this expansion, the date of the state primary election is moved from September to August. A number of conforming and related deadlines related to state and local elections are also modified to provide for various election administration requirements to occur, in most cases, on roughly the same time schedule as required under current law with a September primary. A provision related to filling a vacancy in a U.S. Congressional seat is also provided.

Section

- 1 Party accounts.** Modifies the date by which the campaign finance and public disclosure board must distribute money in each party account to float with the date of the state primary.
- 2 Estimates of amount.** Modifies dates related to calculation of amounts in the state elections campaign fund to float relative to the candidate filing period.
- 3 Agreement by candidate.** Requires candidates to file a public subsidy agreement at least three weeks before the state primary election, instead of by September 1.
- 4 Affidavit of contributions.** Modifies a reporting requirement for candidates receiving a public subsidy, requiring a report only to cover certain contributions received between January 1 and before the deadline for transactions included the pre-primary report.

1.

5 Absentee ballot application forms. Requires that absentee ballot application forms be mailed to eligible voters who have requested them at least 60 days prior to any primary or general election for federal, state, county, city, or school board offices, and 45 days prior for all other primaries or elections where a primary is not held.

6 Locations for absentee voting. Requires an absentee voting period of 46 days prior to a regularly-scheduled federal, state, county, city, or school board office election, and for any special election for federal office. The current 30-day absentee voting period is required for any other election.

This section conforms Minnesota law to the federal Military and Overseas Voters Empowerment (MOVE) Act, which requires states to allow at least a 45-day absentee voting period for military and overseas voters in all federal elections.

7 Ballot board duties. Permits an absentee ballot board to begin accepting and rejecting absentee ballots starting 45 days prior to an election.

This is a conforming change to reflect the extension of the absentee balloting period from 30 days to 46 days prior to an election.

8 Application for ballots; UOCAVA Voters. Provides that the federal post card application for absentee ballots is only valid as an application for ballots until the end of the calendar year in which it is submitted.

Current law provides that these postcards are valid through the next two regularly-scheduled general elections for federal office.

This change conforms Minnesota law to the federal standard related to validity of the federal post card application.

9 Transmission of ballots. Modifies technical references related to ballot delivery to reflect that ballots may be transmitted to military and overseas voters electronically, rather than by postal mail.

10 Transmission of ballots; postage. Specifies that the county auditor is not required to provide return postage if a ballot is delivered to a voter electronically.

11 Absentee ballot board; UOCAVA voters. Requires a ballot board handling military and overseas absentee ballots to begin accepting and rejecting them starting 45 day prior to an election.

This is a conforming change to reflect the extension of the absentee balloting period from 30 days to 46 days prior to an election.

- 12 Affidavits of candidacy.** Shifts the candidate filing period for offices to be filled at a state general election earlier, and modifies the filing deadline for candidates for presidential elector.
- In conjunction with the change in the date of the state primary, this would move the filing period from mid-July to late May.
- 13 Combined polling places.** Requires a combined polling place to be formally established by May 1, rather than June 1 of any year, and requires a municipality wishing to withdraw from a combined polling place to do so by April 1, rather than May 1.
- This is a conforming change to reflect the shift in the state primary from September to August.
- 14 Boundary changes.** Requires election precinct boundary changes to be adopted no later than May 1 of a general election year, rather than June 1.
- This is a conforming change to reflect the shift in the state primary from September to August.
- 15 Election judges; appointment lists.** Requires each major political party to submit lists of eligible voters to act as election judges by May 1, rather than June 1. The county auditor would be required to distribute the lists to the appropriate officials by May 15, rather than June 15.
- This is a conforming change to reflect the shift in the state primary from September to August.
- 16 Notice of filing.** Modifies the deadline for the secretary of state to provide official notice of offices to be filled at the next state general election to each county auditor to float with the date of the state primary election.
- 17 Delivery of absentee ballots.** Requires absentee ballots to be delivered to the appropriate officials at least 46 day prior to a federal, state, county, city, or school board election.
- 18 Delivery of ballots; vote-by-mail.** Requires jurisdictions using vote-by-mail to mail the ballots between 46 and 14 days prior to a federal, state, county, city, or school board election.
- This is a conforming change to reflect the extension of the absentee balloting period from 30 days to 46 days prior to an election.
- 19 Summary statements; secretary of state.** Modifies the date by which the secretary of state must prescribe the form of summary statements to float with the date of the state primary.

- 20 State primary date.** Moves the date of the state primary from the first Tuesday after the second Monday in September to the second Tuesday in August.
- This change reflects the extension of the absentee balloting period from 30 days to 46 days prior to an election to conform with federal requirements.
- 21 Example ballots.** Requires the secretary of state to provide an example ballot to each county auditor by May 1, rather than June 1, of each year.
- 22 Vacancy in Congress; special elections.** Strikes provisions related to special elections held to fill a vacancy in a Congressional office, to reflect changes made later in the bill.
- 23 Vacancy in Congress; special elections.** Strikes provisions related to special elections held to fill a vacancy in a Congressional office, to reflect changes made later in the bill.
- 24 Regular state primary.** Modifies a provision related to filling a vacant U.S. Senate seat to reflect the shift in the date of the state primary election.
- 25 Special elections; U.S. Senate vacancy.** Modifies a timeline for determining when a special election is held to fill a vacancy U.S. Senate seat.
- 26 Notice of special election; U.S. Senate.** Modifies notice requirements for filling a vacant U.S. Senate seat when a special election will be held.
- 27 Candidate filing; U.S. Senate.** Modifies the filing period for candidates seeking to fill a vacant U.S. Senate seat at a special election.
- 28 Vacancy; Representative in Congress.** Adopts a procedure for holding an election to fill the unexpired term of a vacant U.S. Congressional seat. If a vacancy occurs 27 weeks or more prior to the state primary, the seat must be filled by a special election.
- If a vacancy occurs more than 22 weeks, but less than 27 weeks before the state primary, the special election must be held on the date of the state primary. A special primary must also be held, if necessary.
- If a vacancy occurs within 22 weeks of a state primary, but before the general election, no special election would be held. Instead, the winner of the regularly-scheduled general election would serve the remainder of the term upon issuance of a certificate of election.
- If a vacancy occurs on or after the date of the general election, the winner of the general election must be seated upon issuance of a certificate of election, or if the incumbent was the winner of the general election, a special election must be scheduled as provided above.

- 29** **Municipal primary.** Shifts the date of the municipal primary election to conform to the new date of the state primary election.
- 30** **Cities; use of primary election.** Modifies the deadline for a city to choose to conduct a primary to elect nominees for city offices.
- 31** **Filing period; cities.** Modifies the filing period for candidates to fill a city office.
- 32** **Notice to auditor.** Modifies certain notice requirement deadlines related to municipal elections.
- 33** **Notice to secretary of state.** Modifies certain notice requirement deadlines related to municipal elections.
- 34** **School districts; use of primary election.** Modifies the deadline for a school district to choose to conduct a primary to elect nominees for school board offices.
- 35** **School district primary.** Shifts the date of the school district primary election to conform to the new date of the state primary election.
- 36** **School board; cancellation of election.** Modifies the deadline for a school board to cancel a previously-ordered special election, if the election is to be held in conjunction with a regularly-scheduled election for federal, state, county, city, or school board office.
- 37** **Filing period; school districts.** Modifies the filing period for candidates to fill a school district office.
- 38** **Notice to auditor.** Modifies certain notice requirement deadlines related to school district elections.
- 39** **Notice to commissioner of education.** Modifies certain notice requirement deadlines related to school district elections.
- 40** **Notice to secretary of state.** Modifies certain notice requirement deadlines related to school district elections.
- 41** **Notice of special election.** Modifies certain notice requirement deadlines related to school district special elections.
- 42** **Alternation of candidate names.** Specifies that the determination of the rotation of candidate names on a ballot must be based on the number of voters registered in a precinct as of May 1 of the year in which the rotation will be used.
- 43** **Plan for use of electronic voting equipment.** Modifies the timeline for a municipality to notify the secretary of state of changes to its plan for use of an electronic voting system. The deadline is moved from July 1 to May 1.

- 44 Presidential electors.** Requires presidential electors to be nominated by each major political party at least 77 days before the general election, rather than on or before the date of the state primary election.

This shift would move the date for nomination of electors to mid-August.

- 45 Noncommercial signs.** Permits noncommercial signs to be posted beginning 46 days before the state primary, rather than August 1.

This is a conforming change to reflect the shift of the state primary from September to August, and to reflect the extension of the absentee balloting period from 30 days to 46 days prior to an election.

- 46 Charter commission proposals.** Shifts the deadline for submission of charter amendments from 12 weeks to 17 weeks prior to a general election.

This shift would move the deadline from early August to early July.

- 47 Hospital board candidates.** Shifts the filing period for hospital board candidates.

- 48 Effective date.** Provides the provisions in the bill are effective the day following final enactment.