



## **OFFICE OF THE SECRETARY OF STATE**

### *Statement of Need and Reasonableness*

**Proposed Amendment to Permanent Rules Relating to Voter Registration, Petitions, Absentee Ballots, Optical Scan Voting Systems and Ballot Preparation, *Minnesota Rules*, Chapters 8200, 8205, 8210, and 8250; and Proposed Repeal of *Minnesota Rules*, parts 8200.0800; 8210.0600, subpart 2; 8210.0730, subparts 1, 3, and 4; 8230.4360; 8255.0020; and 8255.0025.**

### **Introduction**

In 2014 and 2015, multiple changes were made to the statutes governing elections and election administration. As a result of these changes, there were many places that Minnesota Statutes and Minnesota Rules conflicted. In addition, certain statutory changes from 2015 required rule changes before the full statutory purpose could be achieved. As a result, the Secretary of State began a rulemaking process to amend the current rules governing elections and election administration.

In addition to the proposed changes in direct response to legislative action, since the last election-related rulemaking, the Office of the Secretary of State has received comments from election officials and citizens requesting changes to forms, instructions, and other items reflected in the rules. The Office has been collecting these comments and suggestions, and has considered them in the proposed rule revisions.

A Request for Comments was published in the State Register on June 29, 2015, and a number of responses were received. The Request for Comments was also sent to a broad spectrum of interested parties pursuant to a Notice Plan described in this Statement of Need and Reasonableness ("SONAR"). The Additional Notice Plan was approved by Administrative Law Judge Barbara Neilson on June 22, 2015. The Secretary's staff used these comments as well as comments and suggestions received prior to the rulemaking to draft the proposed rules.

### **Alternative Format**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or audio file. To make a request, contact Julie Strother at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr.

Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, Julie.Strother@state.mn.us, 651-201-1342, 651-215-0682 (fax). TTY users may call the Minnesota Relay Service at 711.

### **Statutory Authority**

*Minnesota Statutes*, sections 201.022, 201.061, 201.071, 201.091, 201. 221, 203B.04, 203B.08, 203B.09, 203B.125, 204B.071, 204B.45, 204C.361, 204D.08, 204D.11, 205.17, 205A.08, and 206.84, authorize the Office: to adopt rules for the administration of the statewide voter registrations system; to define documentation sufficient for election day registration; to define the form of the voter registration application and the voter certificate of eligibility; to provide for public information list or statewide information system requests; governing the general administration of voter registration and the format and use of polling place rosters; governing absentee ballot procedures for persons permanently unable to go to the polling place due to illness or disability; providing procedures for the accurate and timely return of absentee ballots; establishing methods and procedures for issuing ballot cards and related absentee ballot forms; establishing the form, content and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot; governing the manner in which petitions required for any election are circulated, signed, filed and inspected; providing for the conduct of mail balloting, including instructions to voters, procedures for the challenge of voters, public observation of the counting of ballots, and procedures for the proper handling and safeguarding of ballots to ensure the integrity of the election; providing for the format and preparation of the state primary ballot and the state general election ballot as well as municipal and school district ballots; and providing for procedures to instruct election judges and voters in the use of electronic voting systems and electronic ballot markers, as well as standard ballot formats for electronic voting systems; governing the rotation of candidate names.

The Secretary's statutory authority to adopt rules governing voting is set forth in:

Minnesota Statutes, section 201.022, subd. 2, which provides:

The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1.

Minnesota Statutes, section 201.061, subd. 3, which provides:

(a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

- (1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) presenting any document approved by the secretary of state as proper identification;
- (3) presenting one of the following:
  - (i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or
  - (ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or
- (4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to eight proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

(e) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Minnesota Statutes, section 201.071, subd. 4, which provides:

A county auditor who receives a registration application indicating that an individual was previously registered in a different county in Minnesota shall update the voter's record electronically through the statewide registration system in the manner prescribed by the secretary of state. A county auditor who receives a registration application or notification requiring a change of registration records under this subdivision as a result of an election day registration shall also check the statewide registration system to determine

whether the individual voted in more than one precinct in the most recent election.

Minnesota Statutes, section 201.091, subd. 4, which provides:

The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Upon receipt of a statement signed by the voter that withholding the voter's name from the public information list is required for the safety of the voter or the voter's family, the secretary of state and county auditor must withhold from the public information list the name of a registered voter.

Minnesota Statutes, section 201.221, subdivision 1, which provides:

To implement the provisions of this chapter, the secretary of state shall adopt rules consistent with federal and state election laws.

Minnesota Statutes, section 201.221, subdivision 2, which provides:

The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for maintaining voter registration records on the statewide registration system. The secretary of state shall supervise the development and use of the statewide registration system to insure that it conforms to applicable federal and state laws and rules.

Minnesota Statutes, section 201.221, subdivision 3, which provides:

The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Minnesota Statutes, section 203B.04, subd. 5(c), which provides:

The secretary of state shall adopt rules governing procedures under this subsection.

Minnesota Statutes, section 203B.08, subd. 4, which provides:

The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

Minnesota Statutes, section 203B.09, which provides:

The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.

Minnesota Statutes, section 203B.125, which provides:

The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section 204C.20, subd. 1.

Minnesota Statutes, section 204B.071, which provides:

The secretary of state shall adopt rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials.

Minnesota Statutes, section 204B.45, subdivision 3, which provides:

The Minnesota Election Law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting, including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election.

Minnesota Statutes, section 204D.08, subdivision 1, which provides:

Except as provided in this section, state primary ballots shall be printed in the same manner as state general election ballots as far as practicable. A sufficient number shall be printed for each precinct and ward in the state.

The secretary of state shall adopt rules for the format and preparation of the state primary ballot.

Minnesota Statutes, section 204D.11, subdivision 1, which provides:

The names of the candidates for all state and federal offices, all proposed constitutional amendments, all county offices and questions, and all judicial offices voted on at the state general election shall be placed on a single ballot that shall be known as the “state general election ballot.” This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The secretary of state shall adopt rules for preparation and time of delivery of the state general election ballot.

Minnesota Statutes, section 205.17, subdivision 6, which provides:

The ballots for municipal elections must be prepared by the municipal clerk in the manner provided in the rules of the secretary of state.

Minnesota Statutes, section 205A.08, subdivision 5, which provides:

The ballots for school district elections must be prepared by the school district clerk in the manner provided in the rules of the secretary of state.

Minnesota Statute, section 206.84, subdivision 2, which provides:

The ballot information must be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems. Electronic ballot displays and audio ballot readers shall be in the order provided for on the optical scan ballot. Electronic ballot displays may employ zooms or other devices as assistive voting technology. Audio ballot readers may employ rewinds or audio cues as assistive voting technology.

Ballot cards may contain special printed marks as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

Under these statutes, the Secretary of State has the necessary statutory authority to adopt the proposed rules.

## Regulatory Analysis

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and give the Office's response.

**“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”**

The proposed rules will benefit multiple classes of persons including voters, election officials and local governments, and the Office of the Secretary of State.

**Eligible voters** will benefit from the proposed rule amendments because the rules clarify forms in response to reported confusion by voters. These changes include changes to the voucher form and absentee ballot instructions. Additionally, the proposed changes include revisions to the standard ballot design. The proposed rules require the ballot be printed in mixed upper and lower case to improve readability, and provides flexibility to increase the font on the ballot for ballot question text and allows the reduction of font size for those items utilized by election administrators. Finally, these rules benefit voters –specifically voters who are military veterans – by allowing the use of the veteran identification card as one of the approved documents for election day registration.

**Election officials and local governments** will benefit from the proposed rule amendments because they address issues and points of confusion identified by voters. Responding to voter questions takes government staff time and often requires the resending of voting materials at a cost to the local governments. Further, the proposed rule changes allow for flexibility in the printing of voter registration materials and additional flexibility in ballot layout and design. This allows for some potential cost savings for local election officials and their respective local governments.

The proposed rules are updated to conform to the recent changes in Minnesota law and obsolete rules have been repealed, allowing local elections officials to better rely upon the rules as a guide. Finally, the proposed rules are updated to reflect the changing voter technology, allowing elections officials to better apply the rules to the changing technological environment including the use of electronic roster technology.

The **Office of the Secretary of State** will benefit from the proposed rules because they clarify the rules, modify the rules so that they comply with current law, make changes requested by local election officials, and remove obsolete rules. The more that voters and election officials understand the rules, the fewer resources the Office of the Secretary of State must expend to answer questions.

Many of the groups that benefit from the proposed rules will also bear some of the costs associated with implementing the rules.

The **Office of the Secretary of State**, for example, will bear some of the costs of the proposed rules. The Office will incur staff costs, for example, to prepare new sample instructions and materials that comply with the changes made in the proposed rules. These costs should be minimal, however, because the Office's staff simply will make the changes to the current electronic versions of the forms and print these new samples.

**Election officials and the local governments for whom they work** will bear some costs related to printing new instructions, forms and materials, but these costs should be minimal as many of these materials are printed for each election and counties, cities, and towns do not keep a large supply of pre-printed materials on hand. In addition, some of the changes are designed specifically to permit cost savings by election officials – in the printing of voter registration materials, for example.

**“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”**

The Secretary of State will be required to provide training on these rule changes, but the Secretary of State is already required to conduct training for election officials. The provisions of the new rules will be incorporated into the current training session. As discussed in factor **(1)**, the Secretary's office already provides samples of the material discussed in the rules to local governments and does not expect to incur any additional costs due to the proposed rules.

To the best of the knowledge and belief of the Office of the Secretary of State, there will be no impact on state or local revenues, nor will the proposed rules cause any other state agency to incur costs.

**“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”**

Where applicable, this factor is discussed in the rule-by-rule section of the analysis. In addition to the discussion in the rule-by-rule section of the analysis, the Office considered allowing counties, cities, and towns to continue to use any remaining stock of certain materials such as the voucher form. However, because the amendments are designed to address problems with forms and instruction identified by voters and election administrators, the office declined to propose the continued use of the existing stock of those forms.

**“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”**

Where applicable, this factor is discussed in the rule-by-rule section of the analysis. In addition to the discussion in the rule-by-rule section of the analysis, the Office looked to other states and solicited feedback from election administrators to determine alternative means for achieving the purpose of the proposed rules. Because of the unique nature of many of Minnesota’s election laws, many alternative methods employed by other states were not applicable in Minnesota.

**“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”**

There will be some very limited one-time cost increases to county, city, township, and school district election officials due to the need to re-print forms and instructions (for those that have leftover stock remaining to be used). However, this should be minimal as the forms requiring reprinting are those that are generally printed in the spring of an election year. Further, some proposed changes to the forms are required by the legislative changes adopted in 2014 and 2015 and not independently imposed by the proposed rules.

**“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”**

The majority of the proposed rule changes are a result of legislative changes in 2014 and 2015. Without these proposed rule changes, the Administrative Rules would conflict with statute. Further, these changes reduce the cost of printing some materials, such as voter registration materials. Finally, there would be non-financial costs with respect to voter confusion, reduction in election integrity, and additional burdens carried by election administrators.

**“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”**

Nothing in the proposed rules is in conflict with federal regulations. Various federal laws and regulations govern election administration, but the proposed changes do not conflict with nor modify any federal regulation.

**“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”**

The primary purpose of the proposed rule amendments are to bring the rules in line with current Minnesota law and increase clarity and accessibility for voters. Because the proposed rule amendments do not cover areas addressed by federal law, and because proposed rule amendments relating to state law are designed to bring the rules in line with state statute, this consideration is not applicable. To the extent that a proposed rule amendment is designed to bring the rules in line with state statute, that is noted in the rule-by-rule section of the analysis.

### **Commissioner of Management and Budget Review**

As required by Minn. Stat. § 14.131, the Secretary of State has consulted with the Minnesota Management and Budget agency. Minnesota Management and Budget was provided a copy of the proposed rule revisions as well as the draft SONAR. The Office of the Secretary of State will supplement the record with any formal response from the Minnesota Management and Budget.

In this portion of the SONAR, there usually appears a discussion of the fiscal impact and benefit of the proposed rules on local government. However, because the proposed rules directly impact local government and as the impact and benefits are addressed throughout the SONAR, both in the Regulatory Analysis preceding this section and in the rule-by-rule analysis, that information is not repeated here.

### **Cost of Complying for Small City or Small Business**

As required by Minn. Stat. § 14.127, the Office has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small city or small business and the Office has determined that it will not. The Office has made this determination based on the minimal printing costs needed to comply with the proposed rule, as described in the Regulatory Analysis section of this SONAR and the rule-by-rule analysis.

In addition, the Office also asked Wendy Lewin, City Clerk of the City of Spring Park, Minnesota, to estimate whether the cost to the city of complying with the proposed rules during the first year would exceed \$25,000.

## **Determination About Rules Requiring Local Implementation**

As required by Minn. Stat. § 14.128, subd. 1, the Office has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Office has determined that they do not because all elections in Minnesota are governed exclusively by federal and state laws and cannot be established at the local level. Thus, no local ordinance or regulatory changes are required.

## **Performance Based Rules**

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the Office, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the Office in meeting those goals. The proposed rules are specifically designed to improve the performance election administration as well as in-person, absentee, and mail ballot voting. Details of these considerations can be found in the rule-by-rule analysis.

## **Additional Notice**

Minnesota Statutes, section 14.131, requires a description of the agency's efforts to provide additional notification under § 14.14, subd. 1a, to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The following is: (1) a description of the Office's Additional Notice Plan and (2) an explanation of why the Office believes the Additional Notice Plan complies with Minn. Stat. § 14.131, i.e., why the Additional Notice Plan constitutes good faith efforts to seek information by other methods designed to reach persons or classes of persons who might be significantly affected by the proposal.

The Additional Notice Plan is to send a copy of the Proposed Amendments to Rules and the Statement of Need and Reasonableness for those Proposed Amendments, the Dual Notice, and a transmittal letter to the following persons by electronic mail wherever possible and by United States mail where electronic mail addresses are unavailable:

All members of the following legislative committees with policy oversight in this area of law:

House Government Operations and Elections Committee  
Senate Rules Subcommittee on Elections

Chairs and Ranking Minority Members of the following legislative committees with fiscal oversight in this area:

- House State Government Finance Committee
- House Veterans Affairs Committee
- House Ways and Means Committee
- Senate State Departments and Veterans Division
- Senate Finance Committee

House and Senate Leadership from the Majority and Minority Caucuses

Governor Dayton

Former Secretaries of State:

- Mark Ritchie
- Mary Kiffmeyer
- Joan Anderson Growe
- Arlen Erdahl

Chairs of the Minnesota's political parties:

- Democratic-Farmer-Labor
- Republican
- Independence
- Green
- Libertarian
- Constitution
- Grassroots Legalize Cannabis
- Legal Marijuana Now

The following election attorneys:

- Alan Weinblatt
- Tony Trimble
- Eric Magnuson
- Fritz Knaak
- Reid LeBeau
- Charles Nauen
- David Asp
- Jay Benanav
- Matthew Haapoja
- Erick Kaardal

John Knapp  
William Mohrman  
Brian Rice  
David Zoll

Representatives of voting equipment and service vendors:

Dominion  
Election Systems & Software  
Everyone Counts  
Sequoia  
Synergy Graphics  
Hart  
Knowink  
Data Card  
Election Administrators  
SOE

Representatives of:

Association of Minnesota Counties  
League of Minnesota Cities  
Minnesota Association of County Officers/Minnesota County Auditors  
Minnesota Association of Townships  
Minnesota School Boards Association

Representatives of the following public-interest groups:

AARP  
ACLU  
Catholic Charities  
Citizens for Election Integrity  
Center of the American Experiment  
Common Cause  
Education Minnesota  
League of Women Voters  
Minnesota Citizens Concerned for Life  
Minnesota Council of Nonprofits  
Minnesota Majority  
Minnesota Taxpayers League  
Minnesota Voter's Alliance  
Minnesota School Employees Association  
Minnesota Board on Aging

Minnesota Department of Veterans Affairs  
Minnesota Public Interest Research Group  
TakeAction Minnesota

Representatives of the following agencies and organizations of people with disabilities:

ARC Minnesota  
Minnesota Commission Serving Deaf, Deaf-Blind and Hard of Hearing People  
Minnesota Disability Law Center  
Minnesota State Council on Disability  
National Federation of the Blind  
National Alliance for the Mentally Ill

Representatives of the following groups representing communities of color in Minnesota:

Council on Asian-Pacific Minnesotans  
Council on Black Minnesotans  
Chicano/Latino Affairs Council of Minnesota  
Minnesota Indian Affairs Council  
Native Vote Alliance of Minnesota  
Asian American Organizing Project  
Hmong American Partnership  
Immigrant Law Center of Minnesota  
International Institute of Minnesota  
Karen Organization of Minnesota  
Minneapolis Urban League  
NAACP Minneapolis  
NAACP St. Paul  
Somali Action Alliance

The Office of the Secretary of State believes that this Additional Notice Plan complies with the statute because the notice materials – described above – provide the principal representatives of the affected parties with ample notice and opportunity to provide suggestions, proposals and comments regarding the proposed rule amendments.

The listed persons and organizations receiving the Additional Notice together represent the vast majority of persons interested in these rules. They frequently comment on (or make) public policy. They represent several parties and a number of different positions on the spectrum of political thought, and will adequately represent the views of a diverse group of Minnesota citizens, which is a central purpose of the rulemaking process. They represent:

Policymakers, especially in the Legislature, who have oversight of this subject matter area;

Political parties;  
Professional elections administrators;  
Former Secretaries of State;  
Local governments that actually implement elections;  
Lawyers with expertise in elections matters; and  
Public-Policy groups representing a spectrum of populations and views held within the general public.

The scope of persons to receive notice and the main points of this Additional Notice Plan include everyone from those included in the Additional Notice Plan for the Request for Comments that was reviewed by the Office of Administrative Hearings and approved by Administrative Law Judge Barbara L. Neilson in a June 22, 2015, order and by Administrative Law Judge James E. LaFave in a January 5, 2015, order.

The Notice Plan also includes giving notice required by statute. The Office will send the proposed rules and Notice of Intent to Adopt to everyone who has registered to be on the Office's rulemaking mailing list under Minn. Stat. § 14.14, subd. 1a. The Office will also give notice to the Legislature per Minn. Stat. § 14.116.

## **List of Witnesses**

The Office anticipates having the following witnesses testify in support of the need for and reasonableness of the rules at the public hearing:

Gary Poser, Director of Elections, Office of the Secretary of State  
Julie Strother, Director of Government Relations, Office of the Secretary of State

## **Rule-by-Rule Analysis**

The Secretary is proposing relatively few changes to the rules other than those required by or in response to the statutory amendments adopted by the Minnesota Legislature in 2014 and 2015. Nevertheless, the proposed rule document is longer than one might expect due to the fact that the statutory amendments require changes to be made to multiple rule subparts.

When reviewing the rules draft, please note that some text in the instructions for voters is underlined to indicate the newly added language. Other text is underlined for emphasis in the current rules, and is not proposed to be changed. Only the proposed changes are outlined below.

## **8200 Voter Registration**

The proposed changes to **8200.1100** are needed and reasonable in order to update the rules to incorporate two key statutory changes. First, in 2015, the Legislature removed the requirement that paper voter registration applications be printed on paper suitable for mailing. *Minnesota Laws 2015, Chapter 70, Article I, Section 8*. Though the current rules require that voter registration applications be printed in a form suitable for mailing, the rules also provide the option for counties to use a lighter-weight paper when a voter registers at the county office or at the polling place. The proposed rule change would now allow a county to continue to use the heavier voter registration stock if the county so chooses, but would allow counties to print voter registration applications on any paper so long as the paper is white and 8.5 by 11 inches in size. This proposed change is needed to reflect the intent of the 2015 legislative change and is reasonable because counties maintain the flexibility to produce voter registration cards on heavier stock. This proposed change is also a benefit to the local election officials because it reduces the cost of producing voter registration materials.

The second statutory change reflected in the proposed changes to 8200.1100 is the addition of the word “paper” in subpart 2. This change is needed and reasonable to reflect the use of online voter registration. In 2014, the legislature authorized the use of online voter registration. Voters can now register or update their registration electronically, without use of a paper application. Therefore it is needed and reasonable to reflect that the size-specifications in 8200.1100 apply only to paper voter registration applications, and not the online applications.

The proposed changes to **8200.1200** are needed and reasonable to reflect the use of online voter registration. The first change to 8200.1200, subpart 1, strikes the words “have printed” and inserts the word “include” to reflect that not all voter registration applications are printed but are still required to contain the information in paragraphs E through H. The second change reflects that subpart 2 and subpart 3 are specific only to paper registration forms. Subpart 2 is a requirement that the voter registration form have a space for election judges to mark the form with ward, precinct, and school district information. With online voter registration applications, this information is entered automatically into the Statewide Voter Registration System when the registration is processed, and it is therefore needed and reasonable to reflect that this requirement on the face of the application only applies to paper forms. Similarly, it is needed and reasonable to specify that subpart 3 applies only to paper voter registration applications. All online voter registrations must be completed on a website maintained by the Office of the Secretary of State. Minn. Stat. § 201.061. Because all applications “obtain” their registration application on the Office’s website, because there is no way to “mark” the face of online application with anything other than the applicant’s information, and because the Statewide Voter Registration System internally records that

the application was received online, it is needed and reasonable to reflect that this possible identifying mark only applies to paper voter registration applications.

The proposed changes to **8200.5100, subpart 2** adds a veteran identification card to the list of acceptable photo identification documents that must be combined with an authorized proof of residence to register to vote on the same day as casting a ballot. Currently, 8200.5100, subpart 2, authorizes the use of military identification cards, but does not specifically authorize the use of veteran identification cards. The Office became aware of the potential need to add the veteran identification card following a request from the Minnesota Department of Veterans Affairs to include the identification card on the list of approved registration documents. The request was made on the basis that the veteran identification card is a government issued photo identification that many veterans may have as their only form of current identification.

In determining that it is reasonable to add a veteran identification card, the Office considered the security around the issuance of the card. Veteran identification cards are issued by the U.S. Department of Veterans Affairs and are issued to veterans who are enrolled in the VA health care system. These cards contain a photo of the individual and the individual's full name. Veteran identification cards are used to access health benefits through the VA. In addition, because of the security requirements that need to be met to obtain a veteran identification card, these cards can also be used to access U.S. military bases and, in some cases, access through U.S. airport security. See Veterans Health Identification Card, <http://www.va.gov/healthBenefits/vhic/index.asp>.

As of November 2015, 31 states and the District of Columbia accept the veteran identification card as a form of either primary or secondary identification for voting. Because of the security surrounding the issuance of the veteran identification card, because the veteran identification card is commonly used for voting purposes in other states, and because the veteran identification card may be the only identification card in the possession of a veteran, it is needed and reasonable to add this identification to the list of approved documents under 8200.5100.

The proposed changes to **8200.5100, subpart 3**, are needed to ensure that the rules properly reflect state law in relation to student housing lists. Prior to 2014, Minnesota Rule 82100.5100 contained two subparts relating to student housing lists. Subpart 3 addressed those students living on a college campus and on a student housing list provided under Minnesota Statutes, section 135A.17. Subpart 4 addressed those students living off campus but also on a student housing list provided under Minnesota Statutes, section 135A.17. Minnesota Statutes, section 135A.17, allows for enrolled students living both on and off-campus students to be included on a residential housing list for the purpose of election-day registration:

All postsecondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3. A residential housing list provided under this subdivision may not be used or disseminated by a county auditor or the secretary of state for any other purpose.

Minn. Stat. § 135A.17, subd. 2. When the Office of the Secretary of State proposed repealing Minnesota Rule 8200.5100, subp. 4, in 2014, the Office failed to incorporate the provisions of section 135A.17 addressing off-campus students into subpart 3.

The proposed changes are needed and reasonable to fix this omission in the 2013/2014 rulemaking. The residential housing list authorized in Minnesota Statutes section 135A.17 has two distinct parts: (1) students that live on campus owned housing and (2) students that live in private housing within 10 miles of campus. Since the statute still permits the student housing list to include students living off campus but within 10 miles of campus, this change is needed and reasonable to ensure that the rule part reflects Minnesota law related to student housing lists.

The proposed change to **8200.5400** is needed and reasonable to reflect the change in **8250.5100, subp. 2**. The rationale for this proposed change is discussed above.

The proposed changes to **8200.9115** are needed and reasonable to reflect the legislative changes allowing for the use of new technology and in response to concerns from county attorneys regarding potential voting crime prosecutions. The first changes on lines 4.20-4.23, 5.6, and 5.10-5.11 of the rule draft provide flexibility to accommodate the formatting used in electronic rosters. The use of electronic rosters was authorized in the 2014 legislature, and these changes are needed and reasonable to reflect that electronic rosters would not have information "printed on" the roster but instead the information would be "included in" the roster.

The change on line 4.24 of the rule draft is in response to a request from county attorneys. County attorneys were declining to prosecute some alleged voter crimes because they felt that the language "certify" was not sufficient to prosecute certain crimes. By adding "swear or affirm" the prosecutors indicated it would be easier to prosecute if an individual provides

false information. This change is needed and reasonable to allow counties to pursue allegations of voter crimes and to insure the integrity of Minnesota's electoral system.

The proposed changes to **8200.9939** are in response to reports of voter confusion in completing the voucher oath. Under Minnesota Law, the oath contained in 8200.9939 can be used in the polling location for election day registration and when a voter is registering in conjunction with casting an absentee ballot. Although the form is used in these two circumstances, the current form is written as if it is being used only in the polling location. Because this form is also used with unregistered absentee voters, there was confusion specifically around what should be included in the "Voter ID" line and the "signature of the election judge." Although not specified on the current form, the "Voter ID" line and the "signature of the election judge" do not need to be completed by the voucher before returning the voucher form with an absentee ballot. This has caused confusion for voters submitting an absentee ballot resulting in errors in the completion of the form and frequent questions for election officials.

In order to address these issues, the Office proposes adding clear indications of what fields need to be completed by the election judge, as opposed to the voucher. This will allow the form to continue to be used at both the polling location and with absentee voting, while addressing the confusion reported by voters. These proposed changes are needed and reasonable to address the confusion with the form identified by voters and election administrators.

The Office considered creating two separate forms, one voucher oath for use in the polling location and a separate voucher oath form for use with absentee voting, but ultimately determined that a single form was preferable. In making this determination, the Office considered whether a single form could be revised to avoid voter confusion and whether an additional form would result in additional costs to election administrators. Because the Office determined that the single form could be revised to eliminate voter confusion and because additional forms would place additional administrative and printing costs on counties, the Office decided to propose only revisions to the current form and not propose a new form for absentee voting only.

Finally, the Office received reports of concerns that signatures on this form were illegible. By adding a line for the voucher's printed name on line 5.17 of the rule draft, election officials will have a clear record of the voucher's name. Because there is a limit on the number of voters a single person can vouch for, election officials need to be able to read the voucher's name. Adding a requirement that a voucher provide his or her printed name ensures that election officials can accurately track the number of voters an individual has vouched for.

## **8205 Petitions**

The proposed changes to **8205.3200** are needed and reasonable to reflect the 2015 change to Minnesota law that clarified that major and minor party petitions must be signed within a year of submission. *See Minnesota Laws 2015, Chapter 70, Article 1, Subdivision 7.* In incorporating this legislative change, the Office considered whether the language in the proposed rule change should state that the office would “verify” that the signatory signed the petition not more than one year prior to filing the petition. The Office verifies the addresses of signatories to the petition, but the Office does this by simply comparing the address on the petition to the precinct finder in the Statewide Voter Registration System to ensure that the address is within the district of the candidate on the petition. The Office has no way to verify that the petition was signed on the date the signatory dates his or her signature, and can only determine through visual inspection that the date is within the year period. Because of this, the Office concluded that it was appropriate to use the term “determine” in the proposed rule change. This language is needed and reasonable because it incorporates and reflects the new statutory requirements for petitions while also accurately reflecting the procedure that the Office will follow.

## **8210 Absentee Ballots**

The first proposed change to **8210.0500** is the specification that there be a privacy notice included with the instructions provided to the absentee voter. Currently, the rule part includes the entire text of the privacy notice (the “Tennessee Warning”) in each sample absentee voter instruction. A Tennessee Warning is designed to provide information to an individual about how his or her data will be used. Minnesota law specifies that a Tennessee Warning must contain:

- (a) the purpose and intended use of the requested data within the collecting government entity;
- (b) whether the individual may refuse or is legally required to supply the requested data;
- (c) any known consequence arising from supplying or refusing to supply private or confidential data;
- and (d) the identity of other persons or entities authorized by state or federal law to receive the data.

Minn. Stat. § 13.04, subd. 2. The specification in rules of the exact language of the Tennessee warning presented a challenge in 2014 when the legislature changed the data that could be shared about absentee voters prior to election day. The Office was unable to update the Tennessee warning without conflicting with Rules.

In considering how best to address this issue, the Office considered simply updating the current Tennessee warning within the rules to reflect the 2014 law change. However,

because the obligation to include a Tennessee warning is prescribed by statute and because the text of Tennessee warnings is generally not included in rules or statute, the Office declined to rewrite the language in the proposed rule. This change is reflected on lines 7.19-7.20, 10.22-1.26, 15.17-15.24, 18.22-18.72, and 22.15-22.21 of the rule draft.

The remaining proposed changes to **8210.0500** are needed and reasonable to remove outdated language, update certain language to reflect legislative changes, and to reflect that a veteran identification card can be used for registration purposes. Specifically, this section covering instructions to absentee voters reflects the following: (1) that counties have stopped using the absentee envelopes with flaps; (2) the legislative change allowing voters to return their absentee ballots on election day before 3:00 p.m.; (3) the need to provide voters the contact information of their local election office if they make a mistake on their ballot so they can request a replacement ballot; and (4) that voters can use a veteran ID card as an alternative proof (in combination with a document showing an address) under the proposed rule change in 8200.5100. These changes appear throughout these rule parts and are repeated in several sections.

The changes needed to reflect that counties no longer use absentee envelopes with security flaps, and instead use a third envelope, requires incorporating the language on lines 10.27-11.9, 15.23-16.6, and 19.1-19.9 of the rule draft within the standard instructions. Because all counties now use the third envelope, it is needed and reasonable to now incorporate this language throughout the instructions. Previous to this revision, counties using the third envelope would have had to incorporate these instructions on their own. Because no county now uses the envelope with flap system, it is needed and reasonable to incorporate the third-envelope instructions as the standard instructions.

The Office considered leaving the language regarding the flap-envelope system but ultimately decided to remove the language entirely. In deciding to remove the language the Office considered the benefit to voters that would be gained by having a uniform set of instructions and absentee materials, the fact that the flap system has caused problems in processing for some counties, and that no county has expressed interest in returning to a envelope-with-flap system. For these reasons, the Office has chosen to remove all references to the envelope-with-flap absentee system.

The changes needed to reflect that Minnesota law now permits an absentee voter to return his or her own ballot on election day can be found on lines 9.21-9.22 and 13.15-13.16. It is needed and reasonable to update these instructions to reflect current Minnesota law and to provide voters with the correct information regarding their options to return their ballot.

The next category of changes to rule 8210.0500 are designed to provide voters with contact information for their local election official within the instructions. These changes can be found on lines 10.1-10.4, 14.31-14.34, 18.2-18.4, and 21.20 of the rule draft. Under the

current rules, military and overseas voters and mail ballot voters have this contact information printed on the instructions, but regular absentee voters do not. Providing this information on the form is a benefit to voters because they will have this information readily accessible. Further, there will be no additional printing costs associated with this change because election officials will already need to reprint these forms because the old forms contain out of date information about when a voter can return his or her ballot. Because this will provide a benefit to voters without additional printing costs to election officials, and because this provides uniformity of instructions across all absentee and mail balloting, these changes are needed and reasonable.

The final category of changes to rule 8210.0500 is the incorporation of the veteran identification card as an approved document for the purposes of election day registration. This change can be found on line 14.2 of the rule draft. This change is needed and reasonable for the reasons outlined in 8200.5100, described above.

The changes to **8210.0710** are needed and reasonable to reflect that no county uses the return envelopes with flaps, and instead use an additional envelope to return ballot materials. The proposed changes to 8210.0710, subparts 4 and 5, are needed and reasonable to reflect that the additional or third envelope system is now the only absentee ballot envelope system used in Minnesota. Similarly, the changes to 8210.0710, subparts 6 and 7, incorporate the language from 8210.0730, which is required to be used when a county uses a third envelope instead of an envelope with a flap. It is needed and reasonable to incorporate this language because all counties now use the third envelope and the envelope-with-flap system is no longer used in Minnesota.

The change to **8210.0720** removes unnecessary language. Since the only return envelope used in Minnesota is the third envelope, the struck language is no longer necessary. In order to reflect the current system and to avoid confusion, this change is needed and reasonable.

The proposed change to **8210.0800** merely reflects that, without the envelopes with flaps, the proper reference to the location of the certificate of eligibility is the signature envelope. This change is needed and reasonable to reflect the discontinuation of the use of return envelopes with flaps. This change from “return envelope” to “signature envelope” is also included in **8210.2000 and 8210.2450**.

The proposed change to **8210.2000** adding language regarding the label placement on the envelope is needed to incorporate the non-redundant language from the repealed 8210.0600, subpart 2 (see repealer). This change is needed and reasonable because it merely incorporates the non-redundant language of the proposed-repealed rule.

The proposed change to **8210.2200** is needed to reflect the legislative change that allowed either the voter or the voter's agent to return an absentee ballot by 3:00 pm on election day. This change brings the rules in line with Minnesota Statute, as amended by *Minnesota Laws* 2015, Chapter 70, Article I, Sections 13 and 14. Prior to the 2015 legislative change, only a voter's agent could return an absentee ballot on election day. Under current Minnesota Law, a voter or a voter's agent may return the absentee ballot in-person by 3:00 p.m. on election day. This proposed rule change is needed and reasonable to reflect current law.

The proposed change to **8210.2450** on lines 27.16-27.17 of the rule draft is needed and reasonable to reflect the 2015 legislative change that permitted Absentee Ballot Board members to check the identification numbers on the signature envelope against the absentee ballot application or Statewide Voter Registration System. Previous to the 2015 legislative change, Absentee Ballot Board members could only compare the numbers on the signature envelope to those on the application. This change merely ensures that the rules comport with Minnesota Law. See *Minnesota Laws* 2015, Chapter 70, Article I, Section 15. The remaining changes are needed and reasonable for the reasons discussed in relation to the proposed changes to **8210.0800**, described above.

The proposed change to **8210.2500** removes the reference to the last mail delivery, but maintains the requirement that municipal clerks take reasonable steps to ensure that all return envelopes received by the post office before 4 p.m. are delivered. This is needed and reasonable because, regardless of the time of the last mail delivery, the municipal clerks maintain the requirement that all ballots received by the post office before 4 p.m. on election day are delivered and received by the absentee ballot board. This ensures voters are not penalized if their municipality happens to have a very early regularly scheduled mail delivery time.

The first proposed change to **8210.3000** inserts a requirement that the instructions include a privacy notice that complies with Minn. Stat. § 13.04, and then removes from the rule part the specific text of the privacy statement. The next change includes the contact information for the election official on lines 32.1-32.4. Although mail ballot voters are also provided with a phone number for the election official on the front side of the instruction, providing this information on the back side of the instructions ensures mail ballot voters' instructions regarding correcting mistakes are the same as all other absentee voters submitting a ballot by mail. These changes are consistent with the changes made to the absentee ballot instructions, and are needed and reasonable for the reasons outlined with respect to the changes to **8250.0500**, described above.

The proposed changes to **8230.1130** are needed and reasonable to reflect that ballot duplication must be completed in accordance with 8230.3850, regardless of whether it is in relation to a central count system or at the precinct. This change is needed and reasonable because the procedures for duplicating outlined in 8230.3850 are specifically stated to be

used in both a polling location (where a precinct counter would be used) or at a central counting center (where a central count voting system would be used). This change makes no substantive change to the rules but instead streamlines the rules by removing the unneeded reference to 8230.4360 and instead directly reference rule part 8230.3850.

The proposed changes to **8230.3560 and 8230.4365** are needed and reasonable to reflect the changes in technology. Previously, central count technology could not count more than 10 precincts, and precinct count equipment could not count more than four precincts. As technology has evolved, this limit is no longer needed. Instead, central count and precinct count equipment can be used for as many precincts as the county so desires and the equipment can be programed for, so long as the election results can be reported on a precinct-by-precinct basis. This change is needed to remove the arbitrary requirement that the central count equipment be used for only 10 precincts and precinct count for only four, while specifying that the central count and precinct count equipment used in multiple precincts must be able to provide segregated results.

Finally, the proposed changes to **8230.3950, 8230.4050 and 8230.4380** are needed and reasonable to reflect that only one summary statement is required to be produced, and that the Secretary of State is not required to receive a summary statement form the county auditor. These changes are needed and reasonable to reflect the 2015 legislative repeal of the requirement that county auditors send the Secretary of State a copy of the summary statement. *See Minnesota Laws 2015, Chapter 70, Article I, Section 63.* By conforming these rule parts to the legislative change, this change also saves counties time and costs associated with mailing the summary statement to the Secretary of State.

### **8250 Ballot Preparation**

Many of the proposed changes to rule parts in chapter 8250 are made throughout the rule chapter rule parts. Because of this, the SONAR will first examine those changes made consistently throughout the chapter rule parts, and then will address the additional individual proposed changes.

The first proposed changes to **8250.0375, 8250.0385, and 8250.1810** requires ballots be printed in mixed upper and lower case letters. This is needed and reasonable to reflect the legislative change in 2015 which allowed the printing of ballots in mixed upper and lower case letters. *See Minnesota Laws 2015, Chapter 70, Article I, Sections 27-30.* The legislature repealed the requirement that ballots be printed in upper case to improve the readability of the ballot. Organizations representing low vision readers and the elderly and aging support the use of mixed case lettering. The organizations supporting the use of mixed case lettering include:

- The AARP

- American Printing House for the Blind
- Brennan Center for Justice
- Center for Disease Control
- Federal Elections Commission – Usability Standards
- National Institute on Aging
- Royal National Institute for the Blind
- U.S. Election Assistance Commission
- U.S. National Library of Medicine
- Usability.gov

In addition, several non-partisan organizations have researched and provided recommendations for ballot design. Based on research from the 2007 Democracy Project for the U.S. Election Assistance Commission, the American Institute’s Graphic Association (AIGA) delineated 10 recommendations for making ballots more understandable. In their field research, AIGA’s first recommendation was to “use all lower case letters, as lowercase letters are more legible than ALL CAPITAL LETTERS because they make shapes that are easier to recognize.”<sup>1</sup> Much like AIGA, the Brennan Center for Justice’s Better Ballots project also recommended to “[d]isplay all text in mixed case, rather than all capital letters.”<sup>2</sup>

Because this is a benefit to voters, because technology in use in Minnesota allows for mixed upper and lower case lettering on ballots, and because the legislature considered this benefit when permitting ballots to be printed in mixed upper and lower case and repealing the all upper case requirement, these changes are needed and reasonable.

The next proposed rule changes to **8250.0385 and 8250.1810** provide flexibility on the instructions for filling in the target shape on the ballot. This change is needed and reasonable both to reflect the statutory language regarding target shapes and to reflect the target shapes used by different voting systems within the state. In 2015, Minnesota statutes were updated to reflect that, while an oval target shape has been the most common target shape used over the past decade, it is not the only possible target shape. *Minnesota Laws 2015*, Chapter 70, Article I, Sections 27-29. The changes to the instructions regarding target shapes are needed and reasonable to directly reflect these legislative changes.

The proposed rule changes to **8250.0385 and 8250.1810** also include changes to the presumptive font size of some portions of the ballot. The Office considered multiple factors when examining possible changes to the presumptive font size, including: (1) the desire to ensure that all ballot information be contained on one as opposed to two ballot cards whenever possible; (2) the costs to local election officials associated with printing on longer

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<sup>1</sup> See <http://civicdesigning.org/wp-content/uploads/2012/06/Field-Guide-Vol-011.pdf>.

<sup>2</sup> See <http://www.brennancenter.org/sites/default/files/legacy/Democracy/Better%20Ballots.pdf> page 64.

ballot; (3) and the need for voters to be able to read and comprehend the voted portion of the ballot. In order to balance the interest of election officials in keeping the costs associated with larger sized ballots down, but also improving the usability of the ballot for voters, the Office decided to provide election officials the flexibility to reduce the font size of those items that are not within the voted portion of the ballot (i.e., the portion of the ballot that the voter needs to comprehend in order to effectively cast his or her vote) while increasing the minimum font size of the text of ballot questions.

Specifically, on line 41.24 of the rule draft, the minimum font size of the ballot heading is reduced to 10-point font. Election officials have the option of increasing the size of the ballot heading if they have space on the ballot, but this change provides them with the flexibility to reduce the size of the heading if needed. This is needed and reasonable to ensure that election officials can include all necessary information on the ballot and because the ballot heading only signifies the type of election, and is not within the voted portion of the ballot.

Similarly, on lines 38.4 and 41.26 of the rule draft, the minimum font size of the words “official ballot” is reduced to 8-point font, and on line 42.2 the minimum font size for the word “Judge” is also reduced to 8-point font. These items are used by election officials, and are not within the voted portion of the ballot. Election officials maintain the ability to print the words as large as practicable, but this change provides them with the flexibility to reduce the font size to 8-points. This change is needed and reasonable to ensure that election officials can include all necessary information on the ballot while maximizing the font-size of the voted portion of the ballot.

Finally, on lines 47.23 and 48.19, the minimum font size of ballot question text is increased from 8-point font to 10-point font. The Office considered increasing the font-size to a minimum of 12-point font, but declined to increase to 12-point font because of the costs associated with increasing ballot size and because of the assistive voting technology required to be used in polling places. Assistive voting technology, among other features, allows voters to magnify portions of the ballot for better readability. This proposed change is needed in order to improve readability of the ballot for the average voter and reasonable because it balances the needs of local election officials to keep ballot sizes manageable while increasing the readability for voters.

These change to the minimum font sizes are need and reasonable because they provide election officials the flexibility to reduce the font size of those items that are not within the voted portion of the ballot while increasing readability of ballot questions within the voted portion of the ballot.

Finally, the last general proposed change to **8250.0385 and 8250.1810** related to ballot form is with respect to shading on the ballot. The proposed changes would provide election officials with greater flexibility regarding the shading on different portions of the ballot. This

change is needed, in part, to reflect the changes in technology. While most counties in Minnesota used the same voting equipment over the past decade, new voting equipment has been certified for use in Minnesota. Providing local election officials with the flexibility to work with their respective voting equipment vendors to layout the ballot in the most efficient way possible provides a benefit to both the voters and to the county. These proposed changes include, on lines 39.8-39.9 of the rule draft, removing the requirement that the shade screen be exactly 30 percent and setting a minimum screen of 10 percent. Similarly, on line 43.14 of the rule draft, the proposed change removes the requirement that the screen be either printed with a shade screen of 10 percent or less or white on black, and instead provides the flexibility of a shade screen of at least 10 percent. These changes ensure that there is a minimum shade screen to signal to the voters different portions of the ballot, but provides flexibility to elections administrators in the design of the ballot.

In proposing this change, the Office considered removing the requirement of shade screens completely, but declined to remove the requirement entirely because a minimum shade screen provides voters with a visual demarcation between races on the ballot.

The proposed rule changes to **8250.1600** is needed and reasonable to remove an outdated cross reference and insert the correct cross reference. The rule parts referenced in the current rule part 8250.1600 have been repealed and replaced with rule part 8250.1810. For this reason, it is needed and reasonable to update this cross reference.

The proposed rule changes to **8250.1810, subpart 2, paragraphs B and D**, are needed and reasonable to provide flexibility in the ballot design demarcation between the partisan and nonpartisan section of the ballot. This change is reasonable because it still maintains the requirement that there be a demarcation between the partisan and nonpartisan sections of the ballot, but is needed to allow election officials to work with their voting equipment vendors to provide the most efficient ballot layout. This change provides needed flexibility to election officials while maintaining the requirement of a demarcation that provides notice to voters of the beginning of the nonpartisan section of the ballot.

The proposed rule changes to **8250.1810, subpart 2, paragraph E**, is needed and reasonable to reflect that it is possible for a primary ballot to contain only a partisan primary. Currently the rules provide instructions for when the ballot contains partisan and non-partisan races, but does not specify the instructions to voters if there is only partisan races on the primary ballot. The Office considered leaving the instructions to the election officials' discretion, but because of the need to have uniform written instructions to voters on all ballots, the Office instead proposes instructions that would be used on all primary ballots containing partisan only races.

The proposed rule changes to **8250.1810, subpart 2**, adding a new **paragraph F**, is needed and reasonable to incorporate the requirements for partisan-primary ballot design outlined

in Minn. Stat. § 204D.08. This change is needed and reasonable because, though the requirements are also set out in Minn. Stat. § 204D.08, this rule part sets a comprehensive list of requirements for ballot design, including primary ballots. The omission of the requirements of Minn. Stat. § 204D.08 is inconsistent with the purpose of rule part 8250.1810, and the inclusion is needed and reasonable to ensure that rule part 8250.1810 serves and effective guide for election officials in preparing optical scan ballots.

The proposed rule changes to **8250.1810, subpart 3**, include the addition of two additional ballot headings. These additions are needed and reasonable to include two valid and used ballot styles in relation to special elections: “special primary ballots” and “special election ballots.” In addition, this change is needed and reasonable to reflect the requirements in Minn. Stat. §204D.25, regarding special election ballots.

Finally, the last proposed change to this rule chapter is found in **8250.1810, subpart 4**, which provides the option for county election officials to include an image demonstrating the voter instruction. As new voting technology enters the market, the technology has the ability to provide graphic instructions to voters on how to completely fill the oval or similar mark. This change is needed to incorporate the new functionality of the voting equipment that is designed to help voters visually understand how to complete the ballot. In addition, the proposed language requires that the Office of the Secretary of State approve the image. This is needed and reasonable to ensure that the image is appropriate and accurately reflects the instruction without specifying in rules what the image must be.

### **Proposed Repealed Rule Parts**

The proposed repeal of **8200.0800** is needed and reasonable because it is redundant to 8200.9300, subpart 9, if the proposed changes to 8200.9300, discussed above, are accepted.

The proposed repeal of **8210.0600, subpart 2**, is needed and reasonable because it is redundant to 8210.2000 if the proposed changes to 8210.000, discussed above, are accepted.

The proposed repeal of **8210.0730, subparts 1, 3, and 4**, is needed and reasonable because these requirements have been incorporated into 8210.0710. This alternative language was needed when the presumption was that counties were using envelopes with security flaps. Since the proposed changes to 8210.0710 reflect that all counties are now using a third envelope instead of an envelope with the flap, it is needed and reasonable to incorporate this language into rule parts 8210.0710 and repeal this rule part.

The proposed repeal of **8230.4360** is needed and reasonable in light of the proposed changes to **8230.1130**, described above. The repeal of this rule part makes no substantive change to the rules but instead streamlines the rules because the proposed change to 8230.1130 would directly reference 8230.3850.

The proposed repeal of **8255.0020 and 8255.0025** are needed and reasonable to reflect the repeal in 2015 of the corresponding statutory provision. *See Minnesota Laws 2015, Chapter 70, Article I, Sections 63* (repealing Minn. Stat. § 204B.14, subd. 6).

## List of Exhibits

In support of the need for and reasonableness of the proposed rules, the Office anticipates that it will enter the following exhibits into the hearing record:

- Example of a revised voucher form
- Information provided by the Department of Veteran's Affairs on Veteran identification cards
- Example of a revised absentee and mail ballot instructions
- Example of a revised ballot using mixed upper and lower case letters

## Conclusion

Based on the foregoing, the proposed rules are both needed and reasonable.

January 15, 2016



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Steve Simon  
Secretary of State

1.1 **Secretary of State**1.2 **Proposed Permanent Rules Relating to Election Administration**1.3 **8200.1100 PRINTING SPECIFICATIONS.**

1.4 Subpart 1. **Applications returned by mail.** Voter registration applications printed  
1.5 for the purpose of distribution and mailing ~~must~~ may be printed pursuant to items A to D.

1.6 [For text of items A to E, see M.R.]

1.7 Subp. 2. **Other applications.** Paper voter registration applications for use at county  
1.8 auditor offices or at polling places on election day ~~may~~ must be printed pursuant to  
1.9 items A to D.

1.10 A. The size must be 8-1/2 by 11 inches.

1.11 B. The paper must be ~~at least 40-pound~~ white offset.

1.12 [For text of items C and D, see M.R.]

1.13 **8200.1200 REGISTRATION APPLICATION; FORMAT.**

1.14 Subpart 1. **Form.** Any voter registration application must:

1.15 [For text of items A to D, see M.R.]

1.16 E. ~~have printed~~ include on or with the application a set of instructions for the  
1.17 application;

1.18 F. ~~have printed~~ include on or with the application a statement that assistance  
1.19 for registration and voting is available for elderly and disabled persons and residents  
1.20 of health care facilities;

1.21 G. ~~have printed~~ include on the application a reference to where a privacy  
1.22 information statement may be found, if produced under part 8200.1100, subpart 1; and

1.23 H. ~~have printed~~ include on or with the application a privacy information  
1.24 statement, if produced under part 8200.1100, subpart 2.

2.1 [For text of subps 1a and 1b, see M.R.]

2.2 Subp. 2. **Box for office use only.** Paper voter registration applications must contain  
2.3 a box marked for "election judge official use only" which contains "W \_\_", "P \_\_", and  
2.4 "SD." These abbreviations stand for "ward," "precinct," and "school district." Other  
2.5 information may also be included. Judges of election shall record the type of election day  
2.6 voter registration proof and its number, if any, in the "election judge official use only" box.

2.7 Subp. 3. **Identifying mark.** Paper voter registration applications may include a  
2.8 mark identifying where the applicant obtained the application or how the application was  
2.9 delivered to the county auditor or secretary of state.

2.10 **8200.5100 REGISTRATION AT PRECINCT ONLY.**

2.11 [For text of subp 1, see M.R.]

2.12 Subp. 2. **Additional proof of residence allowed.** An eligible voter may prove  
2.13 residence under this subpart by presenting one of the photo identification cards listed in  
2.14 item A and one of the additional proofs of residence listed in item B.

2.15 A. The following documents are acceptable photo identification cards under this  
2.16 subpart if they contain the voter's name and photograph:

2.17 [For text of subitems (1) and (2), see M.R.]

2.18 (3) a United States military or veteran identification card;

2.19 [For text of subitems (4) and (5), see M.R.]

2.20 [For text of item B, see M.R.]

2.21 Subp. 3. **Additional proof of residence allowed for students.** An eligible  
2.22 voter may prove residence by presenting a current valid photo identification issued  
2.23 by a postsecondary educational institution in Minnesota if the voter's name, student  
2.24 identification number (if available), and address within the precinct appear on a current

3.1 ~~list of persons residing in the postsecondary educational institution's housing~~ residential  
3.2 housing list under Minnesota Statutes, section 135A.17, certified to the county auditor by  
3.3 the postsecondary educational institution.

3.4 This additional proof of residence for students must not be allowed unless the  
3.5 postsecondary educational institution submits to the county auditor no later than 60 days  
3.6 prior to the election a written agreement that the postsecondary educational institution  
3.7 will certify for use at the election accurate updated ~~lists of persons residing in housing~~  
3.8 ~~owned, operated, leased, or otherwise controlled by the postsecondary educational~~  
3.9 ~~institution~~ residential housing lists under Minnesota Statutes, section 135A.17. A written  
3.10 agreement is effective for the election and all subsequent elections held in that calendar  
3.11 year, including the November general election.

3.12 The additional proof of residence for students must be allowed on an equal basis  
3.13 for voters who reside in housing ~~of any postsecondary education institution within the~~  
3.14 ~~county~~ meeting the requirements of Minnesota Statutes, section 135A.17, if the residential  
3.15 housing lists certified by the postsecondary educational institution meet the requirements  
3.16 of this part.

3.17 An updated residential housing list must be certified to the county auditor no earlier  
3.18 than 20 days prior to each election. The certification must be dated and signed by the chief  
3.19 officer or designee of the postsecondary educational institution and must state that the list  
3.20 is current and accurate and includes only the names of persons residing as of the date of  
3.21 the certification ~~in housing controlled by the postsecondary educational institution~~.

3.22 The auditor shall instruct the election judges of the precinct in procedures for use  
3.23 of the list in conjunction with photo identification. The auditor shall supply a list to the  
3.24 election judges with the election supplies for the precinct.

3.25 The auditor shall notify all postsecondary educational institutions in the county of the  
3.26 provisions of this subpart.

3.27 Subp. 4. [Repealed, 38 SR 1368]

4.1 **8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION**  
4.2 **APPLICATION.**

4.3 When a voter uses a driver's license, learner's permit, or identification card, issued  
4.4 by the state of Minnesota or any other state of the United States as defined in Minnesota  
4.5 Statutes, section 645.44, subdivision 11; United States passport; United States military  
4.6 or veteran identification card; tribal identification card; or Minnesota secondary or  
4.7 postsecondary educational institution student identification card to prove residence or  
4.8 identity when registering on election day, the election judge who is registering voters shall  
4.9 record the number, if any, on the voter registration application in the "election judge  
4.10 official use only" area of the application. When a voter uses one of the documents listed  
4.11 in part 8200.5100, subparts 2 and 3 to prove residence for election day registration, the  
4.12 election judge who is registering voters shall record the type of document on the voter  
4.13 registration application in the "election judge official use only" area of the application.

4.14 **8200.9115 FORM OF POLLING PLACE ROSTERS.**

4.15 Subpart 1. **General form of roster.** The polling place rosters must contain the  
4.16 following items from the statewide registration system: voter's name, voter's address,  
4.17 voter's date of birth, voter's school district number, and a line on which the voter's  
4.18 signature can be written. When a voter's registration has been challenged pursuant to  
4.19 Minnesota Statutes, section 201.121, subdivision 2, an indicator noting the voter's  
4.20 challenged status must be printed on the line or included in the field provided for the  
4.21 voter's signature. A similar indicator must be printed on the line or included in the field  
4.22 provided for the voter's signature to note a voter's guardianship or felony status, if any.

4.23 The following certification must be ~~printed~~ included at the top of each page of  
4.24 the polling place roster: "I ~~certify~~ swear or affirm that I am at least 18 years of age  
4.25 and a citizen of the United States; that I reside at the address shown and have resided  
4.26 in Minnesota for 20 days immediately preceding this election; that I am not under  
4.27 guardianship of the person in which the court order revokes my right to vote, have not

5.1 been found by a court to be legally incompetent to vote, and that I have the right to vote  
 5.2 because, if convicted of a felony, my felony sentence has expired (been completed) or I  
 5.3 have been discharged from my sentence; and that I am registered and will be voting only  
 5.4 in this precinct. I understand that giving false information is a felony punishable by not  
 5.5 more than five years imprisonment and a fine of not more than \$10,000, or both."

5.6 One or more pages in ~~the~~ a printed polling place roster must be provided for use by  
 5.7 voters who register to vote in the polling place on election day. An election day registrant  
 5.8 shall fill in the registrant's name, address, and date of birth and shall sign the roster on the  
 5.9 line provided.

5.10 ~~Each page in~~ The polling place roster must also contain the name of the precinct and<sub>2</sub>  
 5.11 for paper rosters, must include a page number. In addition, each line provided for a voter's  
 5.12 signature must be consecutively numbered on each page.

5.13 The roster may also include additional material as permitted under Minnesota  
 5.14 Statutes, section 201.221, subdivision 3.

5.15 [For text of subps 2 and 3, see M.R.]

5.16 **8200.9939 FORM OF OATH, SPECIFIED BY PART 8200.5100.**

5.17 I<sub>2</sub> \_\_\_\_\_ (Name of Voucher) swear or affirm that (Check one):

5.18 ( ) I am pre-registered to vote in this precinct

5.19 Voter ID # \_\_\_\_\_

5.20 (to be completed by the election judge)

5.21 ( ) I registered in this precinct today and did not have another person vouch for me

5.22 ( ) I am an employee of a residential facility

5.23 \_\_\_\_\_

5.24 (Name of residential facility)

5.25 Residential Address of Voucher or Address of Residential Facility

5.26 \_\_\_\_\_

5.27 Street Address

City

6.1 Telephone number \_\_\_\_\_

6.2 E-mail address (optional) \_\_\_\_\_

6.3 I personally know that \_\_\_\_\_

6.4 (Name of person registering)

6.5 is a resident of this precinct.

6.6 \_\_\_\_\_

6.7 Signature of Voucher

6.8 Election Judge Official Use Only:

6.9 Subscribed and sworn to before me

6.10   /  /   \_\_\_\_\_

6.11 Date Signature of Election Judge

6.12 The above oath shall be attached to the voter registration card and retained for  
6.13 at least 22 months.

6.14 **8205.3200 VERIFYING STATEWIDE MAJOR POLITICAL PARTY**  
6.15 **RECOGNITION PETITION AND STATEWIDE MINOR POLITICAL PARTY**  
6.16 **RECOGNITION PETITION.**

6.17 Subpart 1. **Verifying the statewide political party recognition petitions.** The  
6.18 secretary of state shall verify each statewide Major Political Party Recognition Petition  
6.19 and each statewide Minor Political Party Recognition Petition by the following method.

6.20 [For text of items A to C, see M.R.]

6.21 D. The secretary of state shall use a random sampling technique to verify that  
6.22 the persons signing the petition are eligible persons.

6.23 [For text of subitems (1) and (2), see M.R.]

6.24 (3) The secretary of state shall verify that the address given by each  
6.25 signatory in the sample is in the state of Minnesota and that the birth date given by each  
6.26 signatory in the sample establishes that the signatory was eligible to sign the petition. The  
6.27 secretary of state must also determine that the signatory signed the petition not more

7.1 than one year prior to filing of the petition. Signatures from persons determined by the  
7.2 secretary of state to be ineligible to vote must not be counted.

7.3 [For text of subitems (4) to (7), see M.R.]

7.4 [For text of item E, see M.R.]

7.5 [For text of subp 2, see M.R.]

7.6 **8210.0500 INSTRUCTIONS TO ABSENT VOTER.**

7.7 Subpart 1. **Required instructions.** Instructions to the absent voter shall be  
7.8 transmitted with the absentee ballot materials sent or delivered to the absent voter. The  
7.9 instructions shall be in the form in subparts 2, 3, or 4 or 5 and 6. The instruction headings  
7.10 with numbers must be in no smaller than 12-point type and the rest of the text must be  
7.11 in no smaller than 10-point type, except for the confidentiality notice, which may be  
7.12 in 7-point type. The instructions must explain how to correctly mark the ballot. The  
7.13 instructions must inform the voter of the effect of casting multiple votes for an office and,  
7.14 in the case of a partisan primary, the effect of voting for candidates of more than one  
7.15 party. The instructions must include information on how to correct a ballot before it is  
7.16 cast and counted, including instructions on how to request a replacement ballot if the  
7.17 voter is unable to change the ballot or correct an error. The instructions must include a  
7.18 graphic depiction of the absentee ballot materials and how they are to be completed and  
7.19 assembled by the voter. The instructions must also include a privacy notice that complies  
7.20 with Minnesota Statutes, section 13.04. The secretary of state must provide each county  
7.21 auditor with sample instructions with graphic depictions.

7.22 Subp. 2. **Instructions for registered voters.**

7.23 **Instructions**

7.24 **How to vote by absentee ballot**

7.25 **for registered voters**

7.26 **You will need:**

- 8.1 • Ballot\*
- 8.2 • Tan ballot envelope\*
- 8.3 • White signature envelope\*
- 8.4 • Larger white return envelope\*
- 8.5 • Pen with black ink
- 8.6 • Your ID number
- 8.7 Minnesota driver's license number, Minnesota ID card number, or the last four
- 8.8 digits of your Social Security number.
- 8.9 *See below if you do not have any of these numbers.*
- 8.10 • Witness
- 8.11 Anyone registered to vote in Minnesota,
- 8.12 *including your spouse or relative,*
- 8.13 *or a notary public,*
- 8.14 *or a person with the authority to administer oaths*
- 8.15 \* If any of these items are missing, please contact your local election official.

8.16 **1 Vote!**

- 8.17 • Show your witness your blank ballot, then mark your votes in private.
- 8.18 • Follow the instructions on the ballot.
- 8.19 • Do not write your name or ID number anywhere on the ballot.
- 8.20 • Do not vote for more candidates than allowed. *If you do, your votes for that office*
- 8.21 *will not count.*

8.22 ***See the other side if you make a mistake on your ballot.***

8.23 **2 Seal your ballot in the tan ballot envelope**

- 8.24 • Do not write on this envelope.

8.25 **~~3 Slide the tan ballot envelope into the top of the white signature envelope~~ Put the**

8.26 **tan ballot envelope into the white signature envelope**

8.27 **4 Fill out the white signature envelope completely**

- 9.1 • If there is no label, print your name and Minnesota address.
- 9.2 • Print your Minnesota driver's license number, Minnesota ID card number, or the
- 9.3 last four digits of your Social Security number.
- 9.4 **Be sure to use one of the same numbers that you provided on your absentee**
- 9.5 **ballot application.**
- 9.6 *If you do not have any of these numbers, check the box.*
- 9.7 • Read and sign the oath.
- 9.8 • Ask your witness to print their name and Minnesota street address, including city
- 9.9 (not a P. O. Box), and sign their name.
- 9.10 *If your witness is an official or notary, they must print their title instead of*
- 9.11 *an address.*
- 9.12 *Notaries must also affix their stamp.*
- 9.13 • Seal the envelope. ~~First the small flap, then the large flap.~~

9.14 **5 Put the signature envelope into the larger white return envelope to protect your**

9.15 **private information from view**

- 9.16 • Seal the envelope.

9.17 **5 6 Return your ballot by Election Day to the address on the signature return envelope**

9.18 **Ballots may not be delivered to your polling place.**

9.19 You have three options:

- 9.20 • Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- 9.21 • Deliver it in person ~~by 5:00~~ before election day or by 3:00 p.m. on the day before
- 9.22 the Election Day, or
- 9.23 • Ask someone to deliver it by 3:00 p.m. on Election Day.
- 9.24 *This person cannot deliver more than 3 ballots.*

9.25 **See the other side for special instructions if you have a disability.**

9.26 **To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).**

9.27 **Correcting a mistake**

10.1 • If time allows, ask for a new ballot from your election office. ~~Their contact~~  
 10.2 ~~information can be found in the return address section of the envelope in which~~  
 10.3 ~~you received these materials~~ Contact your election office at [e-mail] or [phone  
 10.4 number], or

10.5 • Completely cross out the name of the candidate you accidentally marked and then  
 10.6 mark your ballot for the candidate you prefer (do not initial your corrections).

10.7 **If you have a disability:**

10.8 If you have a disability or cannot mark your ballot, your witness may assist you by marking  
 10.9 your ballot at your direction, assembling the materials, and filling out the forms for you.

10.10 When signing the envelope, Minnesota law says you may:

- 10.11 • Sign the return envelope yourself, or
- 10.12 • Make your mark, or
- 10.13 • Ask your witness to sign for you in your presence. (Have the witness sign their  
 10.14 own name as well.)
- 10.15 • If you have adopted the use of a signature stamp for all purposes of signature, you  
 10.16 may use your signature stamp or ask your witness to use your signature stamp  
 10.17 in your presence.

10.18 Minnesota Statutes, section 645.44, subdivision 14

10.19 Please note: Voting is not covered by power of attorney. A person with power of attorney  
 10.20 may only sign for you in your presence, as outlined above.

10.21 ~~**Confidentiality Notice:** The data you supply on your signature envelope is restricted~~  
 10.22 ~~to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and~~  
 10.23 ~~the data on it, other than your identification number, are public information. Your ID~~  
 10.24 ~~number is required to ensure that the ballot is returned by the same voter who applied for~~  
 10.25 ~~it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected~~  
 10.26 ~~and will prevent you from checking on the status of your absentee ballot online.~~

10.27 ~~In those precincts where an additional envelope is used instead of an envelope with a~~  
 10.28 ~~flap, the list under You Will Need must also include:~~

- 11.1 • ~~Larger white return envelope\*~~

11.2 ~~Instruction 3 must read:~~

11.3 ~~**3 Put the tan ballot envelope in the white signature envelope**~~

11.4 ~~The last instruction under 4, a new instruction numbered 5, and the first line of the~~  
 11.5 ~~renumbered instruction 6 must read:~~

- 11.6 • ~~Seal the envelope~~

11.7 ~~**5 Put the signature envelope into the larger white return envelope to protect your**~~  
 11.8 ~~**private information from view**~~

11.9 ~~**6 Return your ballot by Election Day to the address on the return envelope**~~

11.10 Subp. 3. **Instructions for unregistered voters.**

11.11 **Instructions**

11.12 **How to vote by absentee ballot**

11.13 **You will need:**

- 11.14 • Ballot\*
- 11.15 • Tan ballot envelope\*
- 11.16 • Voter registration application\*
- 11.17 • White signature envelope\*
- 11.18 • Larger white return envelope\*
- 11.19 • Pen with black ink
- 11.20 • Minnesota driver's license with your address
- 11.21 *or other authorized proof of where you live.*
- 11.22 *See other side for a list of options*
- 11.23 • Your ID number
- 11.24 Minnesota driver's license number, Minnesota ID card number, or the last four
- 11.25 digits of your Social Security number.
- 11.26 *See below if you do not have any of these numbers.*
- 11.27 • Witness
- 11.28 Anyone registered to vote in Minnesota,

- 12.1 *including your spouse or relative,*  
12.2 *or a notary public,*  
12.3 *or a person with the authority to administer oaths*  
12.4 \* If any of these items are missing, please contact your local election official.

12.5 **Important: You must submit the voter registration application with your ballot (in**  
12.6 **the white signature envelope) for your vote to be counted.**

12.7 **1 Fill out the voter registration application and sign it**

- 12.8 • Show your witness your driver's license or other authorized proof of where you live.  
12.9 *See the other side for a list of options.*

12.10 **2 Vote!**

- 12.11 • Show your witness your blank ballot, then mark your votes in private.  
12.12 • Follow the instructions on the ballot.  
12.13 • Do not write your name or ID number anywhere on the ballot.  
12.14 • Do not vote for more candidates than allowed. *If you do, your votes for that office*  
12.15 *will not count.*  
12.16 *See the other side if you make a mistake on your ballot.*

12.17 **3 Seal your ballot in the tan ballot envelope**

- 12.18 • Do not write on this envelope.

12.19 ~~**4 Slide the tan ballot envelope and the voter registration application into the top of**~~  
12.20 ~~**the white signature envelope**~~ **Put the tan ballot envelope and the voter registration**  
12.21 **application in the white signature envelope**

12.22 **5 Fill out the white signature envelope completely**

- 12.23 • If there is no label, print your name and Minnesota address.  
12.24 • Print your Minnesota driver's license number, Minnesota ID card number, or the  
12.25 last four digits of your Social Security number.

12.26 **Be sure to use one of the same numbers that you provided on your absentee**  
12.27 **ballot application.**

12.28 *If you do not have any of these numbers, check the box.*

- 13.1 • Read and sign the oath.
- 13.2 • Ask your witness to print their name and Minnesota street address, including city
- 13.3 (not a P. O. Box), indicate which proof you showed them, and sign their name.
- 13.4 *If your witness is an official or notary, they must print their title instead of*
- 13.5 *an address.*
- 13.6 *Notaries must also affix their stamp.*
- 13.7 • Seal the envelope. ~~First the small flap, then the large flap.~~

13.8 **6 Put the signature envelope into the larger white return envelope to protect your**

13.9 **private information from view**

- 13.10 • Seal the envelope.

13.11 **6 7 Return your ballot by Election Day to the address on the signature return envelope**

13.12 **Ballots may not be delivered to your polling place.**

13.13 You have three options:

- 13.14 • Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- 13.15 • Deliver it in person ~~by 5:00~~ before election day or by 3:00 p.m. ~~on the day before~~
- 13.16 the Election Day, or
- 13.17 • Ask someone to deliver it by 3:00 p.m. on Election Day.

13.18 *This person cannot deliver more than 3 ballots.*

13.19 **To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).**

13.20 **Options for proof of where you live**

13.21 A valid Minnesota driver's license, Minnesota ID card, or permit with your current

13.22 address

13.23 *or*

13.24 A photo ID that does not have your current address along with a document that

13.25 has your current address

- 14.1 • **Eligible photo IDs:** Minnesota or another state's driver's license, learner's permit,  
 14.2 or ID card; U.S. passport; U.S. military or veteran ID card; Minnesota high  
 14.3 school/college/university ID card; or tribal ID card with your signature, from a  
 14.4 tribe recognized by the Bureau of Indian Affairs (BIA).
- 14.5 • **Eligible documents with your current address:** an original bill, including  
 14.6 account statements and start-of-service notifications, dated within 30 days before  
 14.7 or with a due date 30 days before or after the election; a current student fee  
 14.8 statement; or a residential lease if valid through election day. Eligible bills are:  
 14.9 gas, electric, solid waste, water, sewer, phone, cell phone, television, Internet  
 14.10 provider, credit card, or banking services; or bills for rent or mortgage payments.
- 14.11 *or one of the following:*

- 14.12 • A yellow receipt for a valid Minnesota driver's license, Minnesota ID card, or  
 14.13 permit with your current address
- 14.14 • Vouching: the signature of a registered voter who lives in your precinct and  
 14.15 personally knows that you live in the precinct. If your witness is registered to vote  
 14.16 in this precinct, your witness may vouch for you. *This person must complete and*  
 14.17 *sign the voucher form on the back of the voter registration application.*
- 14.18 • A tribal ID card with your name, address, signature, and picture, from a tribe  
 14.19 recognized by the BIA
- 14.20 • A "Notice of Late Registration" if you received one from the county auditor or  
 14.21 city clerk
- 14.22 • If you have moved within your precinct or changed your name, a current  
 14.23 registration in the precinct
- 14.24 • Vouching for residents of certain residential facilities: the signature of an  
 14.25 employee of your residential facility, including nursing homes, group homes,  
 14.26 battered women's shelters, homeless shelters, etc. If you are not sure if the  
 14.27 residential facility where you live is eligible, call your local election official. *The*  
 14.28 *employee must complete and sign the voucher form on the back of the voter*  
 14.29 *registration application.*

### 14.30 **Correcting a mistake**

- 14.31 • If time allows, ask for a new ballot from your election office. ~~Their contact~~  
 14.32 ~~information can be found in the return address section of the envelope in which~~  
 14.33 ~~you received these materials~~ Contact your election office at [e-mail] or [phone  
 14.34 number], or

- 15.1 • Completely cross out the name of the candidate you accidentally marked and then  
15.2 mark your ballot for the candidate you prefer (do not initial your corrections).

15.3 **If you have a disability:**

15.4 If you have a disability or cannot mark your ballot, your witness may assist you by marking  
15.5 your ballot at your direction, assembling the materials, and filling out the forms for you.

15.6 When signing the envelope, Minnesota law says you may:

- 15.7 • Sign the return envelope yourself, or  
15.8 • Make your mark, or  
15.9 • Ask your witness to sign for you in your presence. (Have the witness sign their  
15.10 own name as well.)  
15.11 • If you have adopted the use of a signature stamp for all purposes of signature, you  
15.12 may use your signature stamp or ask your witness to use your signature stamp  
15.13 in your presence.

15.14 Minnesota Statutes, section 645.44, subdivision 14

15.15 Please note: Voting is not covered by power of attorney. A person with power of attorney  
15.16 may only sign for you in your presence, as outlined above.

15.17 ~~**Confidentiality Notice:** The data you supply on your signature envelope is restricted  
15.18 to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and  
15.19 the data on it, other than your identification number, are public information. Your ID  
15.20 number is required to ensure that the ballot is returned by the same voter who applied for  
15.21 it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected  
15.22 and will prevent you from checking on the status of your absentee ballot online.~~

15.23 ~~In those precincts where an additional envelope is used instead of an envelope with a  
15.24 flap, the list under You Will Need must also include:~~

- 15.25 ~~• Larger white return envelope\*~~

15.26 ~~Instruction 4 must read:~~

15.27 ~~**4 Put the tan ballot envelope and the voter registration application in the white**~~  
15.28 ~~**signature envelope**~~

16.1 ~~The last instruction under 5, a new instruction numbered 6, and the first line of the~~  
 16.2 ~~renumbered instruction 7 must read:~~

16.3 ~~• Seal the envelope.~~

16.4 ~~**6 Put the signature envelope into the larger white return envelope to protect your**~~  
 16.5 ~~**private information from view**~~

16.6 ~~**7 Return your ballot by Election Day to the address on the return envelope**~~

16.7 Subp. 4. **Instructions for military and overseas voters transmitted ballots by mail.**

16.8 **Instructions**

16.9 **How to vote by absentee ballot for military and overseas voters**

16.10 **You will need:**

- 16.11 • Ballot\*
- 16.12 • Tan ballot envelope\*
- 16.13 • White signature envelope\*
- 16.14 • Larger white return envelope\*
- 16.15 • Pen with black ink
- 16.16 • Your ID number

16.17 Minnesota driver's license number, Minnesota ID card number, U.S. passport  
 16.18 number, or the last four digits of your Social Security number.

16.19 *See below if you do not have any of these numbers.*

16.20 \* If any of these items are missing, please contact your local election official.

16.21 **1 Vote!**

- 16.22 • Mark your votes in private.
- 16.23 • Follow the instructions on the ballot.
- 16.24 • Do not write your name or ID number anywhere on the ballot.
- 16.25 • Do not vote for more candidates than allowed. *If you do, your votes for that office*  
 16.26 *will not count.*

16.27 ***See the other side if you make a mistake on your ballot.***

17.1 **2 Seal your ballot in the tan ballot envelope**

- 17.2 • Do not write on this envelope.

17.3 **~~3 Slide the tan ballot envelope into the top of the white signature envelope~~ Put the**  
17.4 **tan ballot envelope into the white signature envelope**

17.5 **4 Fill out the white signature envelope completely**

- 17.6 • If there is no label, print your name and Minnesota address (present or last).  
17.7 • Print your ~~email~~ e-mail address and phone number (optional).  
17.8 • Print your Minnesota driver's license number, Minnesota ID card number, passport  
17.9 number, or the last four digits of your Social Security number.

17.10 **Be sure to use one of the same numbers that you provided on your absentee**  
17.11 **ballot application.**

17.12 *If you do not have access to any of these documents, leave this space blank.*

- 17.13 • Read and sign the oath.  
17.14 • Seal the envelope. ~~First the small flap, then the large flap.~~

17.15 **5 Put the signature envelope into the larger white return envelope to protect your**  
17.16 **private information from view**

- 17.17 • Seal the envelope.

17.18 **5 6 Return your ballot by Election Day to the address on the signature return envelope**

- 17.19 • Send it so it arrives by Election Day, using mail, a package delivery service, or  
17.20 the diplomatic pouch at a U.S. embassy or consulate.  
17.21 • Postage is not required if the postal permit is on the envelope and it is sent using  
17.22 U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if  
17.23 you use a foreign mail service or a package delivery service.

17.24 **See the other side for special instructions if you have a disability.**

17.25 **To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

17.26 If you have any questions, contact your county elections office at [insert ~~email~~ e-mail  
17.27 address] or [insert telephone number].

**18.1 Correcting a mistake**

18.2 • If time allows, ask for a new ballot from your election office. ~~Their contact~~  
18.3 ~~information can be found on the reverse side~~ Contact your election office at  
18.4 [e-mail] or [phone number], or

18.5 • Completely cross out the name of the candidate you accidentally marked and then  
18.6 mark your ballot for the candidate you prefer (do not initial your corrections).

**18.7 If you have a disability:**

18.8 If you have a disability or cannot mark your ballot, another person may assist you by  
18.9 marking your ballot at your direction, assembling the materials, and filling in the forms for  
18.10 you.

18.11 When signing the envelope, Minnesota law says you may:

- 18.12 • Sign the return envelope yourself, or
- 18.13 • Make your mark, or
- 18.14 • Ask another person to sign for you in your presence. (Have this person sign their  
18.15 own name as well.)
- 18.16 • If you have adopted the use of a signature stamp for all purposes of signature, you  
18.17 may use your signature stamp or ask another person to use your signature stamp  
18.18 in your presence.

18.19 Minnesota Statutes, section 645.44, subdivision 14

18.20 Please note: Voting is not covered by power of attorney. A person with power of attorney  
18.21 may only sign for you in your presence as outlined above.

18.22 ~~**Confidentiality Notice:** The data you supply on your signature envelope is restricted~~  
18.23 ~~to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and~~  
18.24 ~~the data on it, other than your identification number, are public information. Your ID~~  
18.25 ~~number is required to ensure that the ballot is returned by the same voter who applied for~~  
18.26 ~~it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected~~  
18.27 ~~and will prevent you from checking on the status of your absentee ballot online.~~

19.1 In those precincts where an additional envelope is used instead of an envelope with a  
 19.2 flap, the list under You Will Need must also include: "• Larger white return envelope\*"  
 19.3 Instruction 3 must read "**3 Put the tan ballot envelope into the white signature**  
 19.4 **envelope.**" The last instruction under 4, a new instruction numbered 5, and the first line of  
 19.5 the renumbered instruction 6 must read:

19.6 • Seal the envelope.

19.7 **5 Put the signature envelope into the larger white return envelope to protect your**  
 19.8 **private information from view**

19.9 **6 Return your ballot by Election Day to the address on the return envelope**

19.10 [For text of subp 5, see M.R.]

19.11 Subp. 6. **Instructions for military and overseas voters transmitted ballots**  
 19.12 **electronically.**

19.13 **Instructions**

19.14 **How to vote by absentee ballot for military and overseas voters sent ballots**  
 19.15 **electronically**

19.16 **Note: Your ballot must be printed out and physically returned. It cannot be returned**  
 19.17 **electronically.**

19.18 **You will need:**

19.19 • A printer

19.20 • A pen with black ink

19.21 • Two envelopes (you have 3 options):

19.22 • Address your own blank envelopes by hand

19.23 • Print the envelope templates directly onto envelopes (print the mailing  
 19.24 envelope onto an envelope approximately 4 1/8 inches x 9 1/2 inches so that  
 19.25 everything is positioned according to postal regulations)

19.26 • If you do not have access to any envelopes, create the envelopes by folding  
 19.27 and taping or gluing the attachments.

19.28 • Your ID number

20.1 Minnesota driver's license number, Minnesota ID card number, U.S. passport  
20.2 number, or the last four digits of your Social Security number.

20.3 *See below if you do not have access to any of these numbers.*

20.4 **1 Print the materials**

20.5 • Print your ballot, the Certificate of Eligibility, and the envelope templates if you  
20.6 are using them.

20.7 • Please note that the ballot may take multiple pages.

20.8 • Your printer should automatically scale the document to fit on the printable area of  
20.9 the page. Just be sure that none of the words or ovals are cut off.

20.10 **2 Vote!**

20.11 • Mark your votes in private.

20.12 • Follow the instructions on the ballot.

20.13 • Do not write your name or ID number anywhere on the ballot.

20.14 • Do not vote for more candidates than allowed. *If you do, your votes for that office*  
20.15 *will not count.*

20.16 *See below if you make a mistake on your ballot.*

20.17 **3 Use one of the envelopes as the ballot envelope**

20.18 • Put your ballot in this envelope to keep your votes private.

20.19 • Seal the envelope.

20.20 • Do not write on this envelope.

20.21 **4 Fill out the Certificate of Eligibility completely**

20.22 • Print your name and your Minnesota street address, including city (present or last).

20.23 • Print your ~~email~~ e-mail address and phone number (optional).

20.24 • Print your Minnesota driver's license number, Minnesota ID card number, passport  
20.25 number, or the last four digits of your Social Security number.

20.26 **Be sure to use one of the same numbers that you provided on your absentee**  
20.27 **ballot application.**

20.28 *If you do not have access to any of these documents, leave this space blank.*

20.29 • Read and sign the oath.

21.1 **5 Put it all together**

- 21.2 • Attach the Certificate of Eligibility to the ballot envelope.
- 21.3 • Your second envelope is the return (mailing) envelope.
- 21.4 • Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- 21.5 • Seal the return envelope.
- 21.6 • Address the return envelope to:

21.7 Official Absentee Balloting Material

21.8 ..... County

21.9 [Street address]

21.10 [City], MN [Zip Code]

21.11 USA

21.12 **6 Return your ballot by Election Day to the address above**

- 21.13 • Send it so it arrives by Election Day, using mail, a package delivery service, or
- 21.14 the diplomatic pouch at a U.S. embassy or consulate.
- 21.15 • Postage is not required if the postal permit is on the envelope and it is sent using
- 21.16 U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if
- 21.17 you use a foreign mail service or a package delivery service.

21.18 **To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

21.19 If you need any help while voting, please contact your county elections office at [insert

21.20 ~~email~~ e-mail address] or [insert telephone number].

21.21 **Correcting a mistake**

- 21.22 • Print out a new ballot, or
- 21.23 • Ask for a new ballot from your election office, or
- 21.24 • Completely cross out the name of the candidate you accidentally marked and then
- 21.25 mark your ballot for the candidate you prefer (do not initial your corrections).

21.26 **If you have a disability:**

22.1 If you have a disability or cannot mark your ballot, another person may assist you by  
 22.2 marking your ballot at your direction, assembling the materials, and filling out the forms  
 22.3 for you.

22.4 When signing the Certificate of Eligibility, Minnesota law says you may:

- 22.5 • Sign the Certificate yourself, or
- 22.6 • Make your mark, or
- 22.7 • Ask another person to sign for you in your presence. (Have this person sign their  
 22.8 own name as well.)
- 22.9 • If you have adopted the use of a signature stamp for all purposes of signature, you  
 22.10 may use your signature stamp or ask another person to use your signature stamp  
 22.11 in your presence.

22.12 Minnesota Statutes, section 645.44, subdivision 14

22.13 Please note: Voting is not covered by power of attorney. A person with power of attorney  
 22.14 may only sign for you in your presence as outlined above.

22.15 ~~**Confidentiality Notice:** The data you supply on your Certificate of Eligibility is  
 22.16 restricted to election officials prior to Election Day at 8:00 p.m. After that time, your  
 22.17 Certificate of Eligibility and the data on it, other than your identification number, are  
 22.18 public information. Your ID number is required to ensure that the ballot is returned by  
 22.19 the same voter who applied for it. You may refuse to provide it, but doing so may lead  
 22.20 your absentee ballot to be rejected and will prevent you from checking on the status of  
 22.21 your absentee ballot online.~~

22.22 [For text of subp 7, see M.R.]

22.23 **8210.0710 FORMAT AND INSTRUCTIONS FOR ABSENTEE BALLOT RETURN**  
 22.24 **ENVELOPES.**

22.25 [For text of subps 1 to 3, see M.R.]

22.26 Subp. 4. **Additional instructions for registered and military and overseas voters.**  
 22.27 The following words must be printed above the voter's certificate for envelopes with the  
 22.28 form prepared under parts 8210.0600, subpart 1a, and 8210.0800:

23.1 "Put the Ballot Envelope

23.2 in here, then seal flap"

23.3 ~~In cases in which the county uses a third envelope instead of a flap,~~ The words may

23.4 appear on the reverse side of the envelope.

23.5 Subp. 5. **Additional instructions for unregistered voters.** The following words  
23.6 must be printed above the voter's certificate for envelopes with the form prepared under  
23.7 part 8210.0600, subpart 1b:

23.8 "Put the Ballot Envelope and the

23.9 Voter Registration Application

23.10 in here, then seal flap"

23.11 ~~In cases in which the county uses a third envelope instead of a flap,~~ The words may

23.12 appear on the reverse side of the envelope.

23.13 Subp. 6. **Checklist for registered voters.** Envelopes with the form printed according  
23.14 to part 8210.0600, subpart 1a, ~~that have a flap~~ must have the following words printed  
23.15 inside the flap on the exterior of the return envelope:

23.16 ~~"1. Have you . . .~~

23.17  Sealed your ballot in the tan ballot envelope?

23.18  Put the ballot envelope in ~~this~~ the white  
23.19 signature envelope?

23.20  Filled out ~~this~~ the white signature envelope  
23.21 completely and signed it?

23.22  Asked your witness to complete their section  
23.23 and sign their name?

23.24  Put the white signature envelope into this  
23.25 envelope?

23.26 ~~2. Then seal this envelope -~~

23.27 ~~small flap first,~~

24.1 ~~then the large flap.~~

24.2 **3. Return your ballot so it is received by Election**  
24.3 **Day."**

24.4 ~~An illustration of how to fold the flaps must also be printed inside the flap.~~

24.5 Subp. 7. **Checklist for unregistered voters for use with flap.** Envelopes with the  
24.6 form printed according to part 8210.0600, subpart 1b, ~~that have a flap~~ must have the  
24.7 following words printed inside the flap on the exterior of the return envelope:

24.8 **~~1.~~ Have you . . .**

- 24.9  Sealed your ballot in the tan ballot envelope?
- 24.10  Put the ballot envelope and your voter  
24.11 registration application in ~~this~~ the white  
24.12 signature envelope?
- 24.13  Filled out ~~this~~ the white signature envelope  
24.14 completely and signed it?
- 24.15  Asked your witness to complete their section  
24.16 and sign their name?
- 24.17  Put the white signature envelope into this  
24.18 envelope?

24.19 **~~2. Then seal this envelope –~~**

24.20 ~~small flap first,~~

24.21 ~~then the large flap.~~

24.22 **3. Return your ballot so it is received by Election**  
24.23 **Day."**

24.24 ~~An illustration of how to fold the flaps must also be printed inside the flap.~~

24.25 Subp. 8. **Checklist for military and overseas voters for use with flap.** Envelopes  
24.26 with the form printed according to part 8210.0800 must have the following words printed  
24.27 inside the flap on the exterior of the return envelope:

24.28 **~~1.~~ Have you . . .**

- 24.29  Sealed your ballot in the tan ballot envelope?

- 25.1            Put the ballot envelope in ~~this~~ the white  
 25.2           signature envelope?  
 25.3            Filled out ~~this~~ the white signature envelope  
 25.4           completely and signed it?  
 25.5            Put the white signature envelope into this  
 25.6           envelope?

25.7           ~~**2. Then seal this envelope –**~~

- 25.8                       ~~small flap first,~~  
 25.9                       ~~then the large flap.~~

25.10           ~~**3. Return your ballot so it is received by Election**~~  
 25.11           ~~**Day."**~~

25.12           ~~An illustration of how to fold the flaps must also be printed inside the flap.~~

25.13           ~~**8210.0720 MAILING INFORMATION ON ABSENTEE BALLOT RETURN**~~  
 25.14           ~~**ENVELOPES OR A THIRD ENVELOPE.**~~

25.15                               ~~[For text of subp 1, see M.R.]~~

25.16           Subp. 2. **Form.** The face of absentee ballot return envelopes ~~or of the third envelope,~~  
 25.17           ~~in cases in which the county uses a third envelope,~~ must be printed according to this part.

25.18                               ~~[For text of subps 3 to 7, see M.R.]~~

25.19           ~~**8210.0800 ABSENTEE BALLOT RETURN SIGNATURE ENVELOPE AS**~~  
 25.20           ~~**PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.16 AND 203B.17.**~~

25.21           Subpart 1. [Repealed, 34 SR 1561]

25.22           Subp. 2. [Repealed, 34 SR 1561]

25.23           Subp. 3. **Certificate of eligibility.** On the back of the absentee ~~return~~ signature  
 25.24           envelope provided for in Minnesota Statutes, section 203B.21, a certificate of eligibility  
 25.25           must be printed on the envelope in the form shown in subpart 3a. The county auditor must  
 25.26           provide the Certificate of Eligibility as an electronic document to voters who requested  
 25.27           electronic delivery of absentee ballots.

26.1 [For text of subps 3a and 4, see M.R.]

26.2 **8210.2000 VOTER'S INFORMATION.**

26.3 If the absent voter's name, residential address, ward, and precinct number are not  
26.4 printed on a label affixed to the envelope, the official mailing or delivering absentee ballots  
26.5 to an absent voter shall, before doing so, fill in the absent voter's name, address, ward,  
26.6 and precinct number in the spaces provided on the ~~return~~ signature envelope, unless the  
26.7 materials are transmitted to the voter electronically. When placing the label, the official  
26.8 must place it over the space for the voter's name and address, but must not cover the  
26.9 instructions to the voter or the voter's oath.

26.10 **8210.2200 DUTIES OF COUNTY AUDITOR OR MUNICIPAL CLERK UPON**  
26.11 **RECEIPT OF ABSENTEE BALLOT RETURN ENVELOPE.**

26.12 Subpart 1. **Personal delivery.** Absentee ballot return envelopes that are delivered in  
26.13 person by an absent voter or an agent must be received by the county auditor or municipal  
26.14 clerk by ~~5:00~~ 3:00 p.m. on ~~the day before~~ election day. ~~Absentee ballot return envelopes~~  
26.15 ~~that are delivered in person by an agent must be received by the county auditor or~~  
26.16 ~~municipal clerk by 3:00 p.m. on election day.~~ Ballots received by personal delivery (1)  
26.17 after 3:00 p.m. of election day, if delivered by an agent; or (2) after 5:00 p.m. on the day  
26.18 before election day, if delivered by an absent voter personally, shall be marked as received  
26.19 late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

26.20 [For text of subps 2 and 3, see M.R.]

26.21 **8210.2450 DUTIES OF BALLOT BOARD MEMBERS WHEN EXAMINING**  
26.22 **RETURN ENVELOPES UNDER MINNESOTA STATUTES, SECTION 203B.121.**

26.23 [For text of subp 1, see M.R.]

26.24 Subp. 2. **Name, address, and signature review.** The voter's name and address on  
26.25 the absentee ballot application must match the voter's name and address on the ~~return~~

27.1 signature envelope. Use of, or lack of, full names, nicknames, abbreviations, or initials on  
27.2 either document are not a reason for rejection.

27.3 Ballot board members must determine whether the ~~return~~ signature envelope was  
27.4 signed by the voter. Use of, or lack of, full names, nicknames, abbreviations, or initials  
27.5 within either signature are not a reason for rejection. A signature is considered the voter's  
27.6 even if a voter uses a signature mark on either or both documents, or if a voter has another  
27.7 individual or different individuals sign the voter's name in their presence on either or both  
27.8 the application and the ~~return~~ signature envelope in accordance with Minnesota Statutes,  
27.9 section 645.44, subdivision 14. A ballot must be rejected under this subpart on the basis  
27.10 of the signature if the name signed is clearly a different name than the name of the voter  
27.11 as printed on the ~~return~~ signature envelope. This is the only circumstance under which a  
27.12 ballot may be rejected on the basis of signature under this subpart.

27.13 Subp. 3. **Identification number review.** Ballot board members must determine  
27.14 whether the identification number provided by the voter on the certificate is the same as  
27.15 the identification number provided by the voter on the absentee ballot application or the  
27.16 voter's record in the statewide voter registration system.

27.17 If the numbers do not match or the voter did not provide identification numbers on  
27.18 both documents, the ballot board members must compare the signatures on the absentee  
27.19 ballot application and on the ~~return~~ signature envelope to determine whether the ballots  
27.20 were returned by the same person to whom they were transmitted. Use of, or lack of, full  
27.21 names, nicknames, abbreviations, or initials within either signature are not a reason for  
27.22 rejection. A signature is considered the voter's even if a voter uses a signature mark on  
27.23 either or both documents, or if a voter has another individual or different individuals sign  
27.24 the voter's name in their presence on either or both the application and the return envelope  
27.25 in accordance with Minnesota Statutes, section 645.44, subdivision 14.

27.26 Subp. 4. **Voter's registration status.**



29.1 and received after election day shall be marked as received late by the county auditor or  
29.2 municipal clerk, and must not be delivered to the ballot board.

29.3 **8210.3000 MAIL BALLOTING.**

29.4 [For text of subps 1 to 3, see M.R.]

29.5 Subp. 4. **Mailing ballots.** The county auditor, municipal clerk, or school district  
29.6 clerk shall mail ballots to the voters registered in the municipality or unorganized territory.  
29.7 A ballot mailing must be sent to each registered voter no earlier than 46 or later than 14  
29.8 days prior to the election if mail balloting in the voter's precinct is proceeding pursuant to  
29.9 Minnesota Statutes, section 204B.45. No later than 14 days before the election, the auditor  
29.10 must make a subsequent mailing of ballots to those voters who register to vote after the  
29.11 initial mailing but before the 20th day before the election.

29.12 A ballot mailing must be sent no earlier than 46 or later than 14 days prior to the  
29.13 election if a mail election is being conducted in the jurisdiction pursuant to Minnesota  
29.14 Statutes, section 204B.46. No later than 14 days before the election, the auditor or clerk  
29.15 must make a subsequent mailing of ballots to those voters who register to vote after the  
29.16 initial mailing but before the 20th day before the election.

29.17 No ballot may be mailed to a challenged voter. A notice must be transmitted to  
29.18 challenged voters with an explanation of the challenge and with instructions on how they  
29.19 may apply for an absentee ballot if they believe their registration was challenged in error.

29.20 The mail balloting process for voters whose registrations are incomplete under  
29.21 Minnesota Statutes, section 201.061, subdivision 1a, or 201.121, must be administered  
29.22 as if the voter were not registered to vote. A notice must be transmitted to voters with  
29.23 incomplete registrations with instructions on how they may apply for an absentee ballot.

29.24 Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in  
29.25 health care facilities may be delivered as provided in Minnesota Statutes, section 203B.11.  
29.26 The ballot mailing must be addressed to the voter at the voter's residence address as shown

30.1 on the registration file unless the voter completes an absentee ballot request as provided in  
30.2 Minnesota Statutes, section 203B.04 or 203B.16.

30.3 A return envelope, a ballot secrecy envelope, and instructions for marking and  
30.4 returning mail ballots must be included with the ballots. The instructions must include a  
30.5 telephone number or electronic mail address which voters can call or write for help in mail  
30.6 voting. The instructions must also include a privacy notice that complies with Minnesota  
30.7 Statutes, section 13.04. At the request of the secretary of state, a survey card that the voter  
30.8 can return to the secretary of state must also be included. The ballot return envelope must  
30.9 be printed with the mail voter's certificate. The ballot return envelope must be addressed  
30.10 for return to the county auditor, municipal clerk, or school district clerk that is conducting  
30.11 the election. First class postage must be affixed to the return envelope.

30.12 Subp. 4a. **Form of instructions to mail voters.**

30.13 **Instructions**

30.14 **How to vote by mail ballot**

30.15 **You will need:**

- 30.16 • Ballot\*
- 30.17 • Tan ballot envelope\*
- 30.18 • White signature envelope\*
- 30.19 • Pen with black ink
- 30.20 • Witness

30.21 Anyone registered to vote in Minnesota,  
30.22 *including your spouse or relative,*  
30.23 *or a notary public,*  
30.24 *or a person with the authority to administer oaths*

30.25 \* If any of these items are missing, please contact your local election official.

30.26 **1 Vote!**

- 30.27 • Show your witness your blank ballot, then mark your votes in private.
- 30.28 • Follow the instructions on the ballot.

- 31.1 • Do not write your name or ID number anywhere on the ballot.
- 31.2 • Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*
- 31.3

31.4 *See the other side if you make a mistake on your ballot.*

## 31.5 **2 Seal your ballot in the tan ballot envelope**

- 31.6 • Do not write on this envelope.

## 31.7 **3 Put the tan ballot envelope into the white signature envelope**

## 31.8 **4 Fill out the white signature envelope completely**

- 31.9 • If there is no label, print your name and Minnesota address.
- 31.10 • Read and sign the oath.
- 31.11 • Ask your witness to print their name and Minnesota street address, including city
- 31.12 (not a P. O. Box), and sign their name.

31.13 *If your witness is an official or notary, they must print their title instead of*  
31.14 *an address.*

31.15 *Notaries must also affix their stamp.*

- 31.16 • Seal the envelope.

## 31.17 **5 Return your ballot by Election Day to the address on the signature envelope**

31.18 You have three options:

- 31.19 • Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- 31.20 • Deliver it in person by 8:00 p.m. on Election Day, or
- 31.21 • Ask someone to deliver it by 8:00 p.m. on Election Day.

31.22 *This person cannot deliver more than 3 ballots.*

31.23 If you have questions, please call (...) ...-..... .

31.24 **See other side for special instructions if you have a disability**

31.25 **Correcting a mistake**

- 32.1 • If time allows, ask for a new ballot from your election office. ~~Their contact~~  
 32.2 ~~information can be found in the return address section of the envelope in which~~  
 32.3 ~~you received these materials~~ Contact your election office at [e-mail] or [phone  
 32.4 number], or
- 32.5 • Completely cross out the name of the candidate you accidentally marked and then  
 32.6 mark your ballot for the candidate you prefer (do not initial your corrections).

32.7 **If you have a disability:**

32.8 If you have a disability or cannot mark your ballot, your witness may assist you by marking  
 32.9 your ballot at your direction, assembling the materials, and filling out the forms for you.

32.10 When signing the envelope, Minnesota law says you may:

- 32.11 • Sign the return envelope yourself, or  
 32.12 • Make your mark, or  
 32.13 • Ask your witness to sign for you in your presence. (Have your witness sign their  
 32.14 own name as well.)  
 32.15 • If you have adopted the use of a signature stamp for all purposes of signature, you  
 32.16 may use your signature stamp or ask your witness to use your signature stamp  
 32.17 in your presence.

32.18 Minnesota Statutes, section 645.44, subdivision 14

32.19 Please note: Voting is not covered by power of attorney. A person with power of attorney  
 32.20 may only sign for you in your presence as outlined above.

32.21 [For text of subps 4b to 13, see M.R.]

32.22 **8230.1130 EXAMINING AND PROCESSING ABSENTEE BALLOTS.**

32.23 The election judges shall examine the absentee ballots as they are removed from the  
 32.24 secrecy envelopes. Ballots requiring duplication ~~in a precinct using a central count voting~~  
 32.25 ~~system~~ must be duplicated as provided in part 8230.3850. ~~Ballots requiring duplication~~  
 32.26 ~~in a precinct using a precinct count voting system must be duplicated as provided in~~  
 32.27 ~~part 8230.4360.~~

33.1 **8230.3560 USE OF PRECINCT COUNT VOTING SYSTEMS AT CENTRAL**  
33.2 **COUNTING CENTERS.**

33.3 A. Central count voting systems must be used in central counting centers. One  
33.4 precinct count voting system and one memory unit may be used at a central counting  
33.5 center to count ballots for up to ten precincts with a combined total of fewer than 2,500  
33.6 registered voters as of June 1 of that election year. A separate summary statement must be  
33.7 produced for each precinct being counted by the precinct count voting system.

33.8 B. Results must be produced for each precinct by either (1) printing a separate  
33.9 summary statement for each precinct, or (2) producing segregated results for each precinct  
33.10 that can be identified and attached individually as part of a complete summary statement  
33.11 for each precinct.

33.12 **8230.3950 SUMMARY STATEMENTS.**

33.13 The election official in charge of the central counting center must prepare ~~two~~ one or  
33.14 more summary statements. The summary statement must state the name of the county;  
33.15 the name of the municipality, school district, or special district; precinct name and code;  
33.16 offices; names of candidates; number of persons registered at 7:00 a.m. on election day;  
33.17 number of ballots counted; vote totals; and any other data required by the secretary of  
33.18 state. Authorized personnel in the central counting center shall enter this data into the  
33.19 election reporting system established by the secretary of state for the purpose of state  
33.20 reporting of election results. The summary statement may be a computer printout as well  
33.21 as any forms designated by the secretary of state.

33.22 **8230.4050 DISTRIBUTION OF SUMMARY STATEMENTS.**

33.23 The summary statements referred to in part 8230.3950 must be certified to the official  
33.24 conducting the election. The official conducting the election shall prepare one summary  
33.25 statement for each jurisdiction canvassing the results of the election. ~~For state elections,~~  
33.26 ~~the county auditor shall forward a summary statement to the secretary of state together~~

34.1 ~~with one copy of the county canvassing board report.~~ The official conducting the election  
 34.2 may authorize the printing of copies of the summary statement for public information  
 34.3 purposes. The official conducting the election shall prepare copies of any additional  
 34.4 forms required by the secretary of state.

34.5 **8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND**  
 34.6 **PROCEDURES.**

34.7 Subpart 1. **Number of ballot counters and memory units.**

34.8 A. At least one precinct count voting system and at least one memory unit must  
 34.9 be used in each precinct. One precinct count voting system and one memory unit may be  
 34.10 used to count ballots for up to four precincts that are in the same county and that have a  
 34.11 combined total of fewer than 2,500 registered voters as of June 1 of that election year.  
 34.12 ~~A separate summary statement must be produced for each precinct being counted by~~  
 34.13 ~~the precinct count voting system and the voted ballots must be separated and sealed by~~  
 34.14 ~~precinct~~ for combined precincts.

34.15 B. Results must be produced for each precinct by either (1) printing a separate  
 34.16 summary statement for each precinct, or (2) producing segregated results for each precinct  
 34.17 that can be identified and attached individually as part of a complete summary statement  
 34.18 for each precinct. The voted ballots must be separated and sealed by precinct.

34.19 [For text of subps 2 to 6, see M.R.]

34.20 **8230.4380 SUMMARY STATEMENT.**

34.21 One unbroken tape that includes the zero report at the opening of the polls, messages  
 34.22 printed during the hours of voting, and the first printout of results must be certified to the  
 34.23 official conducting the election. In the event of equipment or power failure, the election  
 34.24 judges and any technicians working on the equipment shall make entries on the tape of  
 34.25 initials and time of occurrence to indicate the points at which the equipment failed and  
 34.26 was returned to service. If the tape has been broken, the election judges shall seal the parts

35.1 together and sign over the seal so that it cannot be broken without disturbing the continuity  
35.2 of the signatures. The election judges shall prepare the number of summary statements  
35.3 directed by the official conducting the election. ~~For state elections, the county auditor shall~~  
35.4 ~~forward a summary statement to the secretary of state together with one copy of the county~~  
35.5 ~~canvassing board report.~~ The official conducting the election may authorize the printing of  
35.6 copies of the summary statement for public information purposes. The official conducting  
35.7 the election shall prepare copies of any additional forms required by the secretary of state.

35.8 **8250.0375 FORM OF JUDICIAL BALLOT.**

35.9 Subpart 1. **General form.** The judicial ballot must only be used when it is not  
35.10 possible to place all offices on a single ballot for the state general election as provided in  
35.11 Minnesota Statutes, section 204D.11, subdivision 6. The ballot for judicial nonpartisan  
35.12 offices must be prepared in the same manner as the state general election ballot, except  
35.13 the ballot heading provided in part 8250.1810, subpart 3, must instead use the words  
35.14 ~~"JUDICIAL NONPARTISAN GENERAL ELECTION BALLOT."~~ "Judicial Nonpartisan  
35.15 General Election Ballot."

35.16 Subp. 2. [Repealed, 38 SR 1368]

35.17 **8250.0385 FORM OF TOWN ELECTION BALLOT.**

35.18 Subpart 1. **General form.** A town election ballot must be prepared in the same  
35.19 manner as the state general election ballot as provided in part 8250.1810, except towns  
35.20 conducting an election under the limited exemption under Minnesota Statutes, section  
35.21 206.57, subdivision 5a, may prepare ballots as provided in this part.

35.22 Subp. 1a. **Ballot heading.** The words ~~"TOWN ELECTION BALLOT"~~ "Town  
35.23 Election Ballot" must be printed at the top of the ballot ~~in upper case letters.~~

35.24 Subp. 2. **Ballot order.** Town offices and questions must be listed in the following  
35.25 order and must be identified as follows ~~in upper case letters:~~

36.1 ~~TOWN SUPERVISOR~~ Town Supervisor

36.2 ~~TOWN CLERK~~ Town Clerk

36.3 ~~TOWN TREASURER~~ Town Treasurer

36.4 ~~TOWN QUESTION~~ Town Question

36.5 The name and/or number of the district that the person elected will represent must be  
36.6 printed ~~in upper case letters or numbers~~ directly under the title of the office.

36.7 If two of the offices listed in this subpart have been combined into one office, the  
36.8 combined office must take the place of the first office listed in this subpart. The title of  
36.9 a vacant township office being filled at an annual town election may be followed by the  
36.10 number of years remaining in the term. Town offices not listed in this subpart must follow  
36.11 the last office listed above and must be listed in the order determined by the town clerk.

36.12 Subp. 3. **Names of candidates.** The full name of each candidate shall be printed  
36.13 ~~in upper case letters and~~ at right angles to the length of the town election ballot. Below  
36.14 the name of the last candidate for each office shall be placed as many blank lines as there  
36.15 are offices of that kind to be filled, and on the blank lines the voter may write the names  
36.16 of persons not printed on the ballot for whom the voter desires to vote. When no person  
36.17 has filed for an office to be filled, the title and identification of the office shall be printed  
36.18 on the town election ballot with as many blank lines below as there are offices to be  
36.19 filled; the voter's choice may be written in the blanks. On the left side of the ballot and  
36.20 on a line with the names of candidates and the blank lines, there shall be placed squares  
36.21 or similar target shapes, and each square to or similar target shape must be of the same  
36.22 size, in which the voter may designate the choice by a mark (X). The name of a candidate  
36.23 may not appear on a ballot in any way which gives the candidate an advantage over an  
36.24 opponent except as provided by law.

36.25 Subp. 4. **Town questions.** The following words must be printed directly under  
36.26 the ballot heading, municipality name, election type, and election date. "To vote for  
36.27 a question, put an (X) in the square next to the word "YES" "Yes" on that question. To

37.1 vote against a question, put an (X) in the square next to the word "~~NO~~" "No" on that  
 37.2 question." When a target shape other than a square is used on the ballot, then the word  
 37.3 "square" must be replaced with the applicable target shape word. When more than one  
 37.4 town question is on the ballot, each town ballot question must be designated by a number  
 37.5 and must be preceded by the words "~~TOWN QUESTION~~" in upper case letters "Town  
 37.6 Question" and the number assigned to the question. The town clerk or town governing  
 37.7 body shall provide a title for each town question printed on the town election ballot. The  
 37.8 title must not contain more than ten words. The municipality's attorney shall review the  
 37.9 title to determine whether it accurately describes the question asked. The title must not be  
 37.10 used on the ballot until it has been approved by the municipality's attorney. The title ~~must~~  
 37.11 ~~be printed in upper case letters and~~ must be printed above the question to which it refers.  
 37.12 The body of the question must be printed in upper and lower case letters.

37.13 Subp. 5. **Back of ballot.** On the back of the town election ballot shall be printed  
 37.14 the words "~~OFFICIAL BALLOT~~," "Official Ballot," the date of the election, and lines for  
 37.15 the initials of two judges. The printing shall be placed as to be visible when the ballot is  
 37.16 properly folded for deposit.

37.17 Subp. 6. **Type styles and sizes.** The words "Put an (X) in the square opposite the  
 37.18 name of each candidate you wish to vote for" must be printed in upper and lower case  
 37.19 in as large as practicable but no smaller than 8-point bold type. When a target shape  
 37.20 other than a square is used on the ballot, then the word "square" must be replaced with  
 37.21 the applicable target shape word.

37.22 The words "~~TOWN ELECTION BALLOT~~" "Town Election Ballot" must be printed  
 37.23 ~~in upper case~~ in as large as practicable but not smaller than 18-point type.

37.24 The office and its identification must be printed ~~in upper case~~ in as large as practicable  
 37.25 but no smaller than 10-point bold type.

37.26 The words "~~VOTE FOR ONE~~" "Vote For One" must be printed ~~in upper case~~ in as  
 37.27 large as practicable but no smaller than 8-point bold type.

38.1 The names of the candidates must be printed ~~in upper case~~ in as large as practicable  
38.2 but no smaller than 8-point bold type.

38.3 The words "~~OFFICIAL BALLOT~~" "Official Ballot" on the back of the ballot must be  
38.4 printed ~~in upper case in as large as practicable~~ but no smaller than ~~18-~~ 8-point bold type, the  
38.5 date in upper case in as large as practicable but no smaller than 8-point type, and the word  
38.6 "Judge" in upper and lower case in as large as practicable but no smaller than 10-point type.

38.7 [For text of subp 7, see M.R.]

38.8 **8250.0700 NUMBER OF CANDIDATES.**

38.9 Directly underneath the title and identification of each office shall be printed ~~in~~  
38.10 ~~uppercase letters~~ the words "~~VOTE FOR ONE~~" "Vote For One" or more, according to  
38.11 the number to be elected.

38.12 **8250.1600 APPLICABILITY.**

38.13 ~~Parts 8250.1600 to 8250.1800 apply~~ Part 8250.1810 applies to electronic voting  
38.14 systems, as defined in Minnesota Statutes, section 206.56, subdivision 8.

38.15 **8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.**

38.16 Subpart 1. **Ballot form.** The optical scan ballot shall be prepared in a sufficient  
38.17 number to enable the clerks to comply with Minnesota Statutes, section 204B.29. The  
38.18 ballot shall be prepared and printed as soon as practicable, but in no event less than 46  
38.19 days before an election unless otherwise specified in statute. Ballots for distribution in the  
38.20 polling place must be shrink-wrapped in quantities of 25, 50, or 100.

38.21 The ballot shall be printed with black ink on white paper. The ballot shall be printed so  
38.22 as to be easily legible and in mixed upper and lower case, with suitable lines for divisions  
38.23 between candidates, offices, instructions, and other matter proper to be printed on the ballot.

38.24 Each ballot must have printed on it both the name of the precinct and an electronically  
38.25 readable precinct identifier or ballot style indicator. A ballot style used in more than one  
38.26 precinct may have the names of all precincts in which it is used printed on the ballot. If

39.1 multiple ballots styles are to be used in the same precinct for precincts split by school  
39.2 districts, each ballot style must include the precinct name and applicable school district  
39.3 number. Only the electronically readable precinct identifier or ballot style indicator is  
39.4 required on a presidential only or federal only absentee ballot.

39.5 Subp. 2. **Primary ballot form.** Items A to ~~F~~ E apply to primary ballots.

39.6 A. On the partisan primary ballot, the names of the political parties that head  
39.7 the political party columns must be printed ~~in uppercase~~ in as large as practicable but no  
39.8 smaller than 14-point bold ~~face~~ type and must be shaded with a screen of ~~30~~ at least  
39.9 ten percent. When a party does not have candidates within a given precinct, the party  
39.10 headings are to remain on top of each column, regardless of whether the party has a  
39.11 contest on the given ballot.

39.12 B. If a partisan primary ballot also includes a nonpartisan primary section, the  
39.13 ~~heading of~~ ballot must contain a demarcation indicating the beginning of the nonpartisan  
39.14 section of the ballot ~~must be printed white on black~~.

39.15 C. Pursuant to Minnesota Statutes, section 206.90, subdivision 6, the  
39.16 instructions in Minnesota Statutes, section 204D.08, do not apply to optical scan partisan  
39.17 primary ballots.

39.18 ~~D. If a partisan primary ballot also includes a nonpartisan primary section~~  
39.19 ~~on the same side of the ballot, a bold line must divide the partisan section of the ballot~~  
39.20 ~~from the nonpartisan section of the ballot.~~

39.21 ~~E.~~ D. If a partisan primary ballot has political party columns on both sides of the  
39.22 ballot, the instruction in subpart 13 for two-sided ballots must not be used on the ballot.

39.23 ~~F.~~ E. If a primary ballot or special primary ballot contains only a partisan  
39.24 primary, the instructions to the voter must include a statement that reads substantially as  
39.25 follows: "This is a partisan primary ballot. You are permitted to vote for candidates

40.1 of one political party only." If a partisan primary ballot contains both a partisan ballot  
40.2 and a nonpartisan ballot, the instructions to voters must include a statement that reads  
40.3 substantially as follows: "~~THIS BALLOT CARD CONTAINS A PARTISAN BALLOT~~  
40.4 ~~AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE~~  
40.5 ~~PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY.~~"  
40.6 "This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot  
40.7 you are permitted to vote for candidates of one political party only." If a primary ballot  
40.8 contains political party columns on both sides of the ballot, the instructions to voters must  
40.9 include a statement that reads substantially as follows: "~~ADDITIONAL POLITICAL~~  
40.10 ~~PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR~~  
40.11 ~~ONE POLITICAL PARTY ONLY.~~" "Additional political parties are printed on the other  
40.12 side of this ballot. Vote for one political party only." At the bottom of each political party  
40.13 column on the primary ballot, the ballot must contain a statement that reads substantially  
40.14 as follows: "~~CONTINUE VOTING ON THE NONPARTISAN BALLOT.~~" "Continue  
40.15 voting on the nonpartisan ballot." These statements must be printed in ~~up~~ increase in as  
40.16 large as practicable but no smaller than 10-point type.

40.17 F. The names of candidates for nomination of the major political party that  
40.18 received the smallest average vote at the last state general election must be placed in  
40.19 the first column on the left side of the ballot. The names of candidates for nomination  
40.20 of the major political party that received the next smallest average vote at the last state  
40.21 general election must be placed in the second column and so on. The average vote shall be  
40.22 computed in the manner provided in Minnesota Statutes, section 204D.13, subdivision 2.  
40.23 If there are only two major political parties to be listed, one party must occupy the left  
40.24 hand column, the other party must occupy the right hand column, and the center column  
40.25 must contain the following statement: "Do not vote for candidates of more than one party."

40.26 Subp. 3. **Ballot heading.** At the top of a ballot containing both partisan and  
40.27 nonpartisan offices, the applicable words "~~STATE GENERAL ELECTION BALLOT~~"

41.1 "State General Election Ballot" or ~~"STATE PARTISAN PRIMARY BALLOT"~~ "State  
 41.2 Partisan Primary Ballot" and ~~"STATE AND COUNTY NONPARTISAN PRIMARY~~  
 41.3 ~~BALLOT"~~ "State and County Nonpartisan Primary Ballot" shall be printed. At the  
 41.4 top of a special election ballot for state office containing only a vacancy for a partisan  
 41.5 office, the words "Special Election Ballot" shall be printed. At the top of a primary  
 41.6 ballot containing only partisan offices, the words "STATE PRIMARY BALLOT" "State  
 41.7 Primary Ballot" shall be printed. At the top of a special primary ballot for state office  
 41.8 containing only a vacancy for a partisan office, the words "Special Primary Ballot" shall be  
 41.9 printed. At the top of a ballot containing only nonpartisan offices, the words "GENERAL  
 41.10 ELECTION BALLOT" "General Election Ballot" or ~~"PRIMARY ELECTION BALLOT"~~  
 41.11 "Primary Election Ballot" shall be printed, except for first-class cities which may use an  
 41.12 optional heading. At the top of a ballot containing questions only, the words "SPECIAL  
 41.13 ELECTION BALLOT" "Special Election Ballot" shall be printed.

41.14 When a county, municipal, school district, or hospital district election is held other  
 41.15 than in conjunction with a federal or state office, the applicable words ~~"COUNTY~~  
 41.16 ~~ELECTION BALLOT," "CITY ELECTION BALLOT," "TOWN ELECTION BALLOT,"~~  
 41.17 ~~"SCHOOL DISTRICT BALLOT,"~~ "County Election Ballot," "City Election Ballot,"  
 41.18 "Town Election Ballot," "School District Ballot," or ~~"HOSPITAL DISTRICT BALLOT"~~  
 41.19 "Hospital District Ballot" shall be printed.

41.20 The name of the jurisdiction preparing the ballot may be added within the heading in  
 41.21 no smaller than 8-point type. The date of the election must be printed within the heading  
 41.22 in no smaller than 8-point type.

41.23 The ballot heading must be printed ~~in uppercase in as large as practicable but no~~  
 41.24 ~~smaller than 18-~~ 10-point type.

41.25 On the front of the ballot the words ~~"OFFICIAL BALLOT"~~ "Official Ballot" must be  
 41.26 printed ~~in uppercase in as large as practicable but no smaller than 10-~~ 8-point bold type

42.1 and the word "Judge" ~~in upper and lower~~case in as large as practicable but no smaller than  
 42.2 ~~10-~~ 8-point type with lines for initials of at least two election judges.

42.3 Subp. 4. **Instructions to voters.** Under the heading at the top of each side of the  
 42.4 ballot, the words ~~"INSTRUCTIONS TO VOTERS:"~~ "Instructions to Voters:" must be  
 42.5 printed in ~~upper~~case bold and in as large as practicable but no smaller than 12-point bold  
 42.6 type. The words "To vote, completely fill in the oval(s) next to your choice(s) like this:  
 42.7 (R)." or a similar wording or mark if a different target shape is used by the electronic  
 42.8 voting equipment must follow and be printed ~~in upper and lower~~case in as large as  
 42.9 practicable but no smaller than 8-point bold ~~face~~ type. The county may include an image  
 42.10 demonstrating the instruction if approved by the secretary of state.

42.11 Immediately under each office title and district identified, one of the following  
 42.12 instructions must be printed in ~~upper~~case ~~and bold face~~ type in as large as practicable  
 42.13 but no smaller than 8-point type:

42.14 ~~VOTE FOR ONE TEAM~~ Vote for One Team

42.15 ~~VOTE FOR ONE~~ Vote for One

42.16 ~~VOTE FOR UP TO~~ Vote for Up to ..... followed by the number of candidates to  
 42.17 be elected.

42.18 Subp. 5. **Order and form of office types.** When more than one of the following  
 42.19 types of offices is on the ballot, the offices must appear on the ballot in the following order  
 42.20 and must be identified as follows ~~in upper~~case ~~in as large as practicable but no smaller~~  
 42.21 ~~than 14-point bold face~~ type:

42.22 ~~FEDERAL OFFICES~~ Federal Offices

42.23 ~~STATE OFFICES~~ State Offices

42.24 ~~CONSTITUTIONAL AMENDMENTS~~ Constitutional Amendments

42.25 ~~COUNTY OFFICES~~ County Offices

42.26 ~~COUNTY QUESTIONS~~ County Questions

42.27 ~~CITY OFFICES~~ City Offices

43.1 ~~CITY QUESTIONS~~ City Questions

43.2 ~~TOWN OFFICES~~ Town Offices

43.3 ~~TOWN QUESTIONS~~ Town Questions

43.4 ~~SCHOOL DISTRICT OFFICES~~ School District Offices

43.5 ~~SCHOOL DISTRICT QUESTIONS~~ School District Questions

43.6 ~~SPECIAL DISTRICT OFFICES~~ Special District Offices

43.7 ~~SPECIAL DISTRICT QUESTIONS~~ Special District Questions

43.8 ~~JUDICIAL OFFICES~~ Judicial Offices

43.9 The name or the number of the appropriate municipality, school district, or special  
43.10 district may be added directly under the office types listed in this subpart.

43.11 Subp. 6. **Order and form of offices.** The offices must appear on the ballot in the  
43.12 following order and must be identified as follows ~~in uppercase letters and printed in~~  
43.13 ~~uppercase~~ in as large as practicable but no smaller than 10-point bold face type. The  
43.14 office titles must ~~either~~ be shaded with a screen of at least ten percent ~~or less, or printed~~  
43.15 ~~white on black~~:

43.16 ~~"PRESIDENT AND VICE-PRESIDENT"~~ President and Vice-President

43.17 ~~"UNITED STATES SENATOR"~~ United States Senator

43.18 ~~"UNITED STATES REPRESENTATIVE"~~ United States Representative

43.19 ~~"STATE SENATOR"~~ State Senator

43.20 ~~"STATE REPRESENTATIVE"~~ State Representative

43.21 ~~"GOVERNOR AND LIEUTENANT GOVERNOR"~~ Governor and Lieutenant  
43.22 Governor

43.23 ~~"SECRETARY OF STATE"~~ Secretary of State

43.24 ~~"STATE AUDITOR"~~ State Auditor

43.25 ~~"ATTORNEY GENERAL"~~ Attorney General

43.26 ~~"COUNTY COMMISSIONER"~~ County Commissioner

43.27 ~~"COUNTY AUDITOR"~~ County Auditor

- 44.1 ~~"COUNTY TREASURER"~~ County Treasurer
- 44.2 ~~"COUNTY AUDITOR-TREASURER"~~ County Auditor-Treasurer
- 44.3 ~~"COUNTY RECORDER"~~ County Recorder
- 44.4 ~~"COUNTY SHERIFF"~~ County Sheriff
- 44.5 ~~"COUNTY ATTORNEY"~~ County Attorney
- 44.6 ~~"COUNTY SURVEYOR"~~ County Surveyor
- 44.7 ~~"COUNTY CORONER"~~ County Coroner
- 44.8 ~~"COUNTY PARK COMMISSIONER"~~ County Park Commissioner
- 44.9 ~~"SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR"~~ or
- 44.10 ~~"CONSERVATION DISTRICT SUPERVISOR"~~ where allowed by statute Soil and Water
- 44.11 Conservation District Supervisor
- 44.12 Conservation District Supervisor
- 44.13 ~~"COUNTY QUESTIONS"~~ County Questions
- 44.14 ~~"MAYOR"~~ Mayor
- 44.15 ~~"COUNCIL MEMBER"~~ Council Member
- 44.16 ~~"CITY CLERK"~~ City Clerk
- 44.17 ~~"CITY TREASURER"~~ City Treasurer
- 44.18 ~~"CITY QUESTIONS"~~ City Questions
- 44.19 ~~"TOWN SUPERVISOR"~~ Town Supervisor
- 44.20 ~~"TOWN CLERK"~~ Town Clerk
- 44.21 ~~"TOWN TREASURER"~~ Town Treasurer
- 44.22 ~~"TOWN QUESTIONS"~~ Town Questions
- 44.23 ~~"SCHOOL BOARD MEMBER"~~ School Board Member
- 44.24 ~~"SCHOOL DISTRICT QUESTIONS"~~ School District Questions
- 44.25 ~~"HOSPITAL DISTRICT BOARD MEMBER"~~ Hospital District Board Member
- 44.26 ~~"HOSPITAL DISTRICT QUESTIONS"~~ Hospital District Questions
- 44.27 Judicial offices must follow special district offices and appear in the following order:

45.1 ~~CHIEF JUSTICE - SUPREME COURT~~ Chief Justice - Supreme Court

45.2 ~~ASSOCIATE JUSTICE - SUPREME COURT~~ Associate Justice - Supreme Court

45.3 ~~JUDGE - COURT OF APPEALS~~ Judge - Court of Appeals

45.4 ~~JUDGE - DISTRICT COURT~~ Judge - District Court

45.5 "United States" may be abbreviated as "U.S." Directly underneath the titles of the  
 45.6 offices of United States representative and state senator and representative must be printed  
 45.7 ~~in uppercase letters and numbers~~ the district numbers (for example: "~~DISTRICT~~ District  
 45.8 6") that the person elected will represent. A single vote must be cast for president and  
 45.9 vice-president and for governor and lieutenant governor.

45.10 If on the same ballot with other offices of the same type, offices elected at large must  
 45.11 include "~~AT LARGE~~" "At Large" following the office identification and must be listed  
 45.12 before other offices of the same type elected by district.

45.13 Where nonjudicial offices are designated by number, those offices must be listed in  
 45.14 numerical order and must be printed ~~in uppercase letters or numbers~~ directly under the  
 45.15 title of the office. Where judicial offices are designated by number, the seats must be listed  
 45.16 in numerical order, except that for judicial offices for a specific court for which there is  
 45.17 only one candidate filed must appear after all other judicial offices for that same court.

45.18 If an office is not to be filled at a general election, the office must not appear on the  
 45.19 ballot. If two of the offices have been combined into one office, the combined office must  
 45.20 take the place of the first office listed in this subpart.

45.21 Any county offices not listed must follow the office of soil and water conservation  
 45.22 district supervisor on the ballot and must be listed in the order determined by the county  
 45.23 auditor.

45.24 Subp. 7. **Order and form of candidate names.** The name of each candidate as filed  
 45.25 on the affidavit of candidacy shall be printed at right angles to the length of the ballot.  
 45.26 On state primary ballots for nomination to a partisan or nonpartisan office, and on state  
 45.27 general election ballots and judicial nonpartisan general election ballots, the names of

46.1 each candidate shall be rotated with the names of the other candidates pursuant to part  
46.2 8220.0825. If the number of candidates for an office is equal to or less than the number to  
46.3 be elected, no rotation of candidate names is required and the official preparing the ballot  
46.4 shall determine the position of the candidates by lot. The candidate names must be printed  
46.5 ~~in upper~~ in as large as practicable but no smaller than 10-point type. The name of the  
46.6 candidate must be aligned as close to the vote target as possible. Below the name of each  
46.7 candidate for a partisan office must appear in the designation in not more than three words  
46.8 of the party or principle the candidate represents. Words used in the name of a major  
46.9 political party as defined in Minnesota Statutes, section 200.02, subdivision 7, may not be  
46.10 used to identify the party of a candidate of any other party. This prohibition does not apply  
46.11 to the word "independent," if it is used in the name of a major political party. The word  
46.12 "nonpartisan" may not be used in the designation of any candidate for a partisan office.  
46.13 The party or principle designation, if applicable, must be printed under the candidate name  
46.14 ~~in upper and lower case letters~~ in as large as practicable but no smaller than 8-point type.

46.15 Subp. 8. **Order and form of write-in candidate lines.** On general election ballots,  
46.16 below the name of the last candidate for each office shall be placed as many blank lines as  
46.17 there are offices of that kind to be filled, and on the blank lines the voter may write the  
46.18 name of persons not printed on the ballot for whom the voter desires to vote. When no  
46.19 person has filed for an office to be filled, the title and identification of the office shall be  
46.20 printed on the ballot with as many blank lines below as there are offices to be filled. Above  
46.21 or below each write-in line the words "write-in, if any" must appear ~~in lower~~ in as large  
46.22 as practicable but no smaller than 6-point type and must be aligned next to the vote target.

46.23 [For text of subp 9, see M.R.]

46.24 Subp. 10. **Order and form of ballot questions.** Ballot questions must be printed  
46.25 after offices of the same jurisdiction. Directly after the office type required in subpart 2,  
46.26 the following words must be printed in upper and lower case and no smaller than 8-point

47.1 type: "To vote for a question, fill in the oval next to the word 'YES' 'Yes' on that question.  
 47.2 To vote against a question, fill in the oval next to the word 'NO' 'No' on that question."  
 47.3 ~~or "To vote for a question, complete the arrow next to the word 'YES' on that question.~~  
 47.4 ~~To vote against a question, complete the arrow next to the word 'NO' on that question."~~  
 47.5 must be printed in upper and lower case and no smaller than 8-point type. if a target shape  
 47.6 other than an oval is used on the ballot, then the word "oval" must be replaced with the  
 47.7 applicable target shape word. When more than one question is on the ballot for a given  
 47.8 jurisdiction, each ballot question must be designated by a number and must be preceded  
 47.9 by the words "COUNTY QUESTION," "CITY QUESTION," "TOWN QUESTION,"  
 47.10 "SCHOOL DISTRICT QUESTION," "HOSPITAL DISTRICT QUESTION," "County  
 47.11 Question," "City Question," "Town Question," "School District Question," "Hospital  
 47.12 District Question," and the number assigned to the question in ~~uppercase~~ letters in as large  
 47.13 as practicable but no smaller than 10-point bold ~~face~~ type. The name and/or number of  
 47.14 the jurisdiction that the question will represent may be printed directly under the heading  
 47.15 of the question. The question heading and numbers (where applicable) must be shaded  
 47.16 with a screen of at least ten percent ~~or less or printed white on black~~. A clerk, county  
 47.17 auditor, or appropriate governing body shall provide a title for each question printed on the  
 47.18 ballot. The title must not contain more than ten words and must not be used on the ballot  
 47.19 until it has been approved by the jurisdiction's legal counsel. The title must be printed  
 47.20 in ~~uppercase and bold face~~ type in as large as practicable but no smaller than 10-point  
 47.21 type and must be printed in the same section as the body of the question to which it refers.  
 47.22 The body of the question must be printed in ~~upper and lowercase~~ letters in as large as  
 47.23 practicable but no smaller than 8- 10-point type. The words "YES" "Yes" and "NO" "No"  
 47.24 must be aligned as close as possible to the vote targets and must be printed in ~~uppercase~~  
 47.25 ~~and bold face~~ type in as large as practicable but no smaller than 10-point type.

47.26 Subp. 11. **Instructions, order and form of constitutional amendments.** For a  
 47.27 ballot containing a constitutional amendment, the following statement shall be printed

48.1 beneath the heading "~~CONSTITUTIONAL AMENDMENT~~" in ~~upper and lowercase~~  
 48.2 ~~and~~ "Constitutional Amendment" no smaller than 8-point type: "Failure to vote on a  
 48.3 constitutional amendment will have the same effect as voting no on the amendment." A  
 48.4 bold dividing line running the width of the ballot column shall be immediately below the  
 48.5 statement. The words "To vote for a proposed constitutional amendment, fill in the oval  
 48.6 next to the word '~~YES~~' 'Yes' on that question. To vote against a proposed constitutional  
 48.7 amendment, fill in the oval next to the word '~~NO~~' 'No' on that question." ~~or "To vote for a~~  
 48.8 ~~proposed constitutional amendment, complete the arrow next to the word 'YES' on that~~  
 48.9 ~~question. To vote against a proposed constitutional amendment, complete the arrow~~  
 48.10 ~~next to the word 'NO' on that question."~~ must follow and be printed in upper and lower  
 48.11 case and no smaller than 8-point type. If a target shape other than an oval is used on the  
 48.12 ballot, then the word "oval" must be replaced with the applicable target shape word. If  
 48.13 more than one constitutional amendment is on the ballot, each constitutional amendment  
 48.14 must be designated by a number and must be preceded by the word "AMENDMENT"  
 48.15 "Amendment" and the number assigned to the amendment and the title required by  
 48.16 Minnesota Statutes, section 204D.15, subdivision 1, must be printed in ~~uppercase~~ letters in  
 48.17 as large as practicable but no smaller than 10-point bold ~~face~~ type and must be shaded  
 48.18 with a screen of at least ten percent. The body of the question must be printed ~~upper and~~  
 48.19 ~~lowercase~~ letters in as large as practicable but no smaller than ~~8-~~ 10-point type. The words  
 48.20 "~~YES~~" "Yes" and "~~NO~~" "No" must be aligned as close as possible to the vote targets and  
 48.21 must be printed in ~~uppercase and bold face~~ type in as large as practicable but no smaller  
 48.22 than 10-point type.

48.23 [For text of subp 12, see M.R.]

48.24 Subp. 13. **Two-sided ballots.** On two-sided ballots, the words "~~VOTE FRONT AND~~  
 48.25 ~~BACK OF BALLOT~~" "Vote front and back of ballot" must be printed in ~~uppercase~~ no  
 48.26 smaller than 10-point bold type at the bottom of both sides of the ballot.

49.1 [For text of subps 14 to 18, see M.R.]

49.2 **REPEALER.** Minnesota Rules, parts 8200.0800; 8210.0600, subpart 2; 8210.0730,  
49.3 subparts 1, 3, and 4; 8230.4360; 8255.0020; and 8255.0025, are repealed.

## Office of the Minnesota Secretary of State

### **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04339**

**Proposed Amendment to Rules Governing Election Administration, Voter Registration, Petitions, Absentee Ballots, Voting System Testing, Recounts, Election Judge Training Program, and Ballot Preparation, *Minnesota Rules*, 8200, 8205, 8210, 8230, and 8250; and Proposed Repeal of *Minnesota Rules*, parts 8200.0800; 8210.0600, subpart 2; 8210.0730, subparts 1, 3, and 4; 8230.4360; 8255.0020; and 8255.0025.**

**Introduction.** The Office of the Minnesota Secretary of State intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 17, 2016, the Office will hold a public hearing in the Board Room of the Retirement Systems of Minnesota Building, 60 Empire Drive, Saint Paul, Minnesota, 55103, starting at 9:30 on Tuesday, March 1, 2016. To find out whether the Office will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after February 17, 2016 and before March 1, 2016.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Julie Strother, Government Relations Director at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155; Phone 651-201-1342; Fax 651-296-3073; Email [julie.strother@state.mn.us](mailto:julie.strother@state.mn.us). TTY users may call the Office of Secretary of State at 711.

**Subject of Rules and Statutory Authority.** The proposed rules are about election administration, particularly: voter registration application forms, voter registration at precincts, polling place roster forms, voucher oath forms, absentee voting instructions and forms, duties of election officials when processing absentee voting materials, mail ballot voting instructions and forms, requirements for precinct and central court voting equipment, distribution of summary statements, and modifications to the ballot form to allow for mixed upper and lower case lettering and to increase the ballot font size for those portions of the ballot utilized by voters. The proposed rules also propose repealing several rule parts, specifically: *Minnesota Rules*, parts 8200.0800; 8210.0600, subpart 2; 8210.0730, subparts 1, 3, and 4; 8230.4360; 8255.0020; and 8255.0025. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 201.022, 201.061, 201.071, 201.091, 201.221, 203B.04, 203B.08, 203B.09, 203B.125, 203B.14, 204B.071, 204B.25, 204B.45, 204C.361, 204D.08, 204D.11, 205.17, 205A.08, 206.57, 206.81, 206.82, 206.84, 206.882, 211C.03, 211C.04 and 211C.06. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, February 17, 2016 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Office hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, February 17, 2016. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Office will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Office might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Office follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Office encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Office will cancel the hearing scheduled for Tuesday March 1, 2016, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-201-1342 after Wednesday, February 17, 2016 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Office will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Office will hold the hearing on the date and at the time

and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James E. LaFave is assigned to conduct the hearing. Judge LaFave's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7900 and FAX (651) 539-0310 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us).

**Hearing Procedure.** If the Office holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or on the Office's webpage at <http://www.sos.state.mn.us/> .

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Office will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date 1/6/2016

Steve Simon  
Minnesota Secretary of State