

Minnesota Attorney General: Administrative Rules Proceedings

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Attorney General

Mary Ann McCoy, Supervisor
Election Procedures
Office of the Secretary of State

July 14, 1978

Lee E. Sheehy
Special Assistant
Attorney General

296-1288

Proposed Amendment to Temporary Rule - Secretary of State 4001

The above-captioned rule has been approved as to form and legality pursuant to Minn. Stat. § 15.0412, Subd. 5 (1977). This office recommends that a copy of the adopted temporary rule be filed with the Secretary of State's Office.

LES:mb

#445 Secretary of State

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7/10 Temporary Rule ✓

Resubmitted and Received _____

DUE DATE 7/17

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted _____
2. Rules as Proposed _____
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing _____
5. Notice of Hearing _____
   (i) Sufficiency _____
6. Secretary of State's List _____
7. Certificate of Acquisition of Secretary of State's List _____
8. Affidavit of Mailing _____
   (i) At least 30 days prior to hearing _____
9. Statement of Need and Evidence _____
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact _____
12. Certificate of Board's Resolution Adopting Rules, where applicable _____
13. Order Adopting _____
14. Report of Chief Hearing Examiner _____
    (i) Finding of No Substantial Change _____
    (ii) Permission to Incorporate by Reference, where applicable _____
15. Certificate of Compliance with Rulemaking Procedures _____
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
17. Petition by Public, where applicable _____.

Attorney General

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ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Secretary of State

Office Memorandum

TO : Lee Sheehy
Office of the Attorney General

DATE: July 6, 1978

FROM : Joan Anderson Growe
Secretary of State
by Mary Ann McCoy
Mary Ann McCoy, Supervisor, Election Procedures

PHONE: 296-9218

SUBJECT:

Proposed Amendment to Temporary Rule SecStat 4001, as published in State Register, May 22, 1978 (see published copy, attached)

Please be advised that SecStat 4001, as proposed, is now proposed to be amended in the attached form, in response to comments from the public and further research by the Election Division. Please see copy of letter from Anoka County Auditor's office in this matter, attached.

The proposed rule as proposed to be amended is submitted herewith to your office, pursuant to M.S. 15.0412, Subd. 5.

Please advise Mary Ann McCoy, in my office, of your findings.

Thank you for your consideration.

JAG:MM
Enclosures (3)

RECEIVED
JUL 10 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Sec. Stat. 4001

Office of the Secretary of State
Election Division

Proposed Temporary Rule Governing Content of Voter's Certificate on Back of Absentee Ballot Return Envelope

Notice is hereby given that a proposed temporary rule, Sec. Stat. 4001, is promulgated by the Office of the Secretary of State pursuant to Minn. Stat. § 15.0412, subd. 5 (1976), as amended by Laws of 1977, ch. 443, subd. 2. Statutory authority to adopt the proposed temporary rule is contained in Laws of 1978, ch. 714, subd. 29.

The proposed temporary rule of the secretary of state governing the content of the voter's vertificate on the back of the absentee ballot return envelope, if adopted, would require that persons registering to vote and voting by absentee ballot provide proof of residence as required of election day registrants.

All interested or affected persons have the opportunity to participate for 20 days following publication of this proposed temporary rule by submitting written comments to Steven Lindroth, Election Division, Office of the Secretary of State, Room 180 State Office Building, St. Paul, MN 55155.

Joan Anderson Growe
Secretary of State

May 5, 1978

Temporary Rule as Proposed
Sec. Stat. 4001

VOTER'S CERTIFICATE

County of _____

State of _____

I do swear that I am a citizen of the United States; that I am an eligible voter; that I am an actual resident of the election precinct indicated by my address in my application; that I do not intend to abandon my residence in said precinct prior to the election date; that at said time I will be a qualified voter in said precinct.

(signed)

_____

_____
(Voter)

Subscribed and sworn to before me this _____ day of _____ A.D. _____, and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacitated from marking his ballots and that at his request I marked the ballots for him; that the affiant was not solicited or advised by me for or against any candidate or measure; that if the affiant registered to vote by enclosing a voter registration card in the return envelope then he provided one of the following proofs of residence:

Minnesota Driver's License or receipt therefore: Number _____

Minnesota Identification Card or receipt therefore: Number _____

(Voters Certificate, cont.) **Sec. Stat. 4001**

A current registration indicating a previous address within the same precinct.

A notice mailed by the county auditor indicating an insufficiently completed voter registration card.

A student's valid address on one of the following:

(a) a student identification card; Number _____
(b) a student fee statement; Number _____
(c) or, a student registration card. Number _____

A preregistered voter of the precinct willing to certify to the residency of the voter wishing to register.

_____

_____

(Attesting witness)

_____

_____

(Official title or address where witness is registered voter or address of residence from which the witness voted if he resides where there was no permanent registration.)

_____

_____

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc., or that the witness is an eligible voter in the absentee's county, who has voted within the last four years.)

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

MEMORANDUM

COUNTY AUDITOR'S OFFICE
COURT HOUSE ANOKA, MINN. 55303

To: Steven Lindroth
Election Division
Secretary of State's Office

Date: June 5, 1978

From: Anoka County Auditor
Election Department S.Z.

Subject: Temporary Rule Sec. Stat. 4001 - Voter's Certificate on Back of Absentee Ballot Return Envelope. Published State Register 5-22-78.

After reviewing the proposed form for the certificate and having several people attempt to complete it, the following comments are offered.

I. The form is not clear and will cause confusion for the voter, attesting witness and election judges.

II. Suggested changes:

(a) Line under oath of United States citizen, etc. be changed to a single line: _____. The word "legal" might
Voter's Signature
be added between "voter" and "signature" to conform with request for signature on voter registration card. These two signatures are compared by election judges.

(b) The first line of attesting witness oath be changed. Abbreviation "A.D." should be eliminated completely as it is obsolete and unnecessary. If "A.D." has to remain, it should correctly follow the blank space for the year and not the blank space for the month.

(c) The last portion of the form where attesting witness is to sign, address and title of attesting witness, etc., is very confusing. It appears that there is a surplus of lines or spaces that makes it difficult to determine what information is required where. Surplus lines should be eliminated, and it should be more clearly defined as to which line goes with which paragraph. Failure to clarify these items could result in a high number of absentee ballots being rejected because of confusion on the part of judges, as well as everyone else involved.

RECEIVED
JUN - 6 1978
SECRETARY OF STATE
ELECTION DIVISION

ABSENTEE VOTER'S CERTIFICATE

OF

_____

(Print legal name of voter)

I swear that I am an eligible voter; that I am an actual resident of the election precinct indicated by my address in my application; that I do not intend to abandon my residence in said precinct prior to the election date; that at said time I will meet all of the requirements provided by law to vote by absentee ballot.

County of _____ _____

(legal signature of voter)

State of _____

Subscribed and sworn before me this _____ day of _____, 19__, and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacited from marking his ballots and that at his request I marked the ballots for him; that the affiant was not solicited or advised by me for or against any candidate or measure; that if the affiant registered to vote by enclosing a voter registration card in the return envelope then he provided option number ____ below as proof of his residence.

_____

(signature of person taking acknowledgement)

_____

(On the above line write name and address of attesting witness and indicate name of his office or official character such as notary public, post-master, etc., or that the witness is an eligible voter in the absentee voter's county)

OPTIONS THAT A VOTER MAY USE TO PROVE RESIDENCY FOR REGISTERING

1. Minnesota Driver's License or receipt therefore: Number_____

2. Minnesota Identification Card or receipt therefore: Number_____

3. A registered voter of the precinct (print name)_____ who certifies by his signature that the applicant is also a resident of that precinct.

_____

(Legal signature and residence of registered voter making certification)

4. A current registration indicating a previous address within the same precinct.

5. A notice mailed by the county auditor indicating an insufficiently completed voter registration card.

6. A student's valid address on one of the following:
   (a) a student identification card; Number_____
   (b) a student fee statement; Number_____
   (c) or, a student registration card. Number_____