

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
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DEPARTMENT Attorney General

Office Memorandum

TO : ROBERT HENTGES
Special Assistant
Attorney General

DATE: July 18, 1980

FROM : Joanne E. Hinderaker JEH
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: Rules as Approved In the Matter of Proposed Rules Governing Election Judge Training, Absentee Voting Materials & Delivery Procedures & Proposed Amendments to Rules Governing Voter Registration, Preparation of the White Ballot & Certification & Use of Voting Machines.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

JEH:mb

Enclosure
cc: Duane Harves
Susan Robertson

Our File #614

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7/7 DUE DATE 7/27

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved 7/18 Date Sent Back to Agency 7/18

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1. Rules as Adopted _____
2. (A) Rules as Proposed ✓
   (B) Amendments to Proposed Rules. ✓ (C) Amendment to Proposed Rule ✓
3. Certificate of Board's Authorizing Resolution, where applicable N/A
4. Order for Hearing ✓
5. Notice of Hearing ✓ 10.30.79
   Sufficiency ✓
6. Secretary of State's List not submitted. (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing 9.19.79
10. Publication in State Register ✓ 1 copy only submitted.
    At least 30 days prior to hearing ✓ 9.24.79
11. Statement of Need and Evidence ✓
    Statement of [Need] to Repeat Statutory Provisions ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓
14. Certificate of Board's Resolution Adopting Rules, where applicable N/A
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable ✓ SR. 4.23.79
    ✓ Correction 5.7.79.
20. Petition by Public, where applicable N/A

Adopted Rules Governi

Election Judge Training,

Absentee Voting Materials and

Delivery Procedures, and Adopted

Amendments to Rules Governing

Voter Registration, Preparation

of the White Ballot and Certif-

ication and Use of Voting Machines

The rules published and proposed at State Register, Volume 4, Number 12, pp.479-493, September 24, 1979 (4S.R. 479) are now adopted with the following amendments:

Adopted Rules for Election Judge Training

Contents

1 MCAR § 2.5101 Scope and purpose

1 MCAR § 2.5102 Definitions

1 MCAR § 2.5103 Delegation of training duty

1 MCAR § 2.5104 Training conference

1 MCAR § 2.5105 Training program

1 MCAR § 2.5106 Training requirements

1 MCAR § 2.5107 Health care facility absentee voting requirement

1 MCAR § 2.5108 Emergency training requirement

1 MCAR § 2.5109 Basic Training course

1 MCAR § 2.5110 Review course

1 MCAR § 2.5111 Course for health care facility absentee voting

1 MCAR § 2.5112 Emergency Training course

1 MCAR § 2.5113 Training materials

1 MCAR § 2.5114 Training record

1 MCAR § 2.5115 Certification of training

1 MCAR § 2.5116 Training plan

1 MCAR § 2.5117 In-service review

1 MCAR § 2.5118 Training evaluation

1 MCAR § 2.5119 Effective date

1 MCAR § 2.5101 Scope and purpose. These rules establish the program for training of election judges required by Minn. Stat. § 204A.13, subd.6.

A. The purpose of the training program is to provide for uniform application of Minnesota election laws and rules by election judges and to promote accuracy, honesty and efficiency in election procedures.

B. These rules shall be construed as the minimum standards required of training programs conducted pursuant to Minn. Stat. §§ 204A.175, 206.19 and 206.195. _ Nothing in these rules shall restrict training authorities from implementing training programs more comprehensive than is required by the rules.

1 MCAR § 2.5102 Definitions. Terms used in 1 MCAR §§ 2.5103 to §§ 2.5118 shall have the meanings given:

A. Training program. A system of instruction to promote the competence of election judges by supplying necessary information, by improving election-related skills and by aiding in attitude development.

B. Training authority. A county auditor or the municipal election official to whom the county auditor has delegated training duties.

1 MCAR § 2.5103 Delegation of training duty. ~~Before May 1, 1980~~, Each county auditor shall notify the secretary of state of municipal election officials to whom the auditor has delegated the duty to train election judges. The notification of delegation shall include the name of the municipality, the date of delegation, the name and address of the municipal clerk and the name and address of the municipal election official delegate, if different from the municipal clerk. ~~Thereafter, when a county auditor delegates to a municipal election official the duty to train election judges,~~ The auditor shall notify the secretary of state within thirty days after the delegation.

1 MCAR § 2.5104 Training conference. Each training authority shall attend a conference on election administration and training conducted by the secretary of state before each state primary election. If a county auditor delegates the duty to train election judges to a municipal election official and an election is to take place in that municipality prior to the next training conference held by the secretary of state, the county auditor shall train the municipal election official in administration of a training program.

1 MCAR § 2.5105 Training program. A training program shall consist of a Basic Training course, a Review course, an Emergency Training course and, in municipalities conducting absentee voting pursuant to Minn. Stat. § 207.31, a Health Care Facility Absentee Voting course. A training authority may design the courses to meet the election problems peculiar to the jurisdiction, but the courses shall meet at least the minimum standards set forth in I MCAR §§ 2.5109 - 2.5112.

1 MCAR § 2.5106 Training requirements.

A. An election judge who must receive training pursuant to Minn. Stat. §§ 204A.175, 206.19 and 206.195 shall successfully complete a Basic Training course which meets the requirements of 1 MCAR § 2.5109. After completing the Basic Training course, an election judge may serve at future elections by successfully completing a Review course which meets the requirements of 1 MCAR § 2.5110 before service at such election. The Basic Training course need not be repeated if the judge serves at at least one election every four years.

B. The Basic Training course and the Review course shall be conducted not more than twenty-one days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a make-up session shall be held which conforms to the scheduled training session so far as practicable.

C. No election judge who successfully completes the training required by these rules for a primary election shall be required to complete additional training for the succeeding regular election.

D. The training authority shall determine the maximum number of trainees in each training session conducted pursuant to §§ 2.5109 and 2.5110. The maximum number of trainees shall be appropriate to the methods of instruction used.

1 MCAR § 2.5107 Health care facility absentee voting requirement. Each election judge who conducts absentee voting in health care facilities pursuant to Minn. Stat. § 207.31 shall successfully complete the course for Health Care Facility Absentee Voting as provided in 1 MCAR § 2.5111 before performing his duties.

1 MCAR §.2.5108 Emergency training requirement. When an election judge is-app-~~ointed~~-elected after the opening of the polls and has not completed the Basi Training course or Review course conducted for that election, he shall comple the Emergency Training course as provided in 1 MCAR § 2.5112. ~~before-per--forming-his-duties~~.

1 MCAR § 2.5109 Basic training course.

A. Length. The Basic Training course shall be at least two hours long.

B. Materials. The training authority shall provide each election judge trainee with-~~copies~~-examples of all forms which election judges must complete in the course of their duties; with examples of all forms of identification acceptable for purposes of election day registration, including any forms of student identification issued by educational institutions in the area; and with all materials contemplated in the training plan approved by the secretary of state pursuant to 1 MCAR § 2.5116. Additional materials may be provided by the training authority as he deems useful.

C. A voting machine, electronic voting system, or specimen paper ballot and ballot box shall be utilized at each training session to familiar-

ize each election judge with the voting procedures for the method of voting employed in the precinct where the judge will serve.

D. Course content. A Basic Training course shall include necessary information and skill development in the following areas:

1. Judges' duties before election day
   a. Supplies
   b. Voter registration cards
   c. Voting machine checkout
   d. Ballots
2. Preparations on election day before polls open
3. Judges' duties during voting hours
   a. Election day voter registration
   b. Persons allowed in polling place
   c. Challenge process
   d. Voting process
   e. Spoiled ballots
   f. Assistance to disabled voters
   g. Absentee ballots
4. Judges' duties after polls close
   a. Closing polls
   b. Canvass process
   c. Defective and spoiled ballots
   d. Summary statements
   e. Delivery of election materials
5. New laws, rules, forms, and procedures
6. Major problems at prior elections

1 MCAR § 2.5110 Review course.

A. Length. A Review Course shall be at least one hour long.

B. Participation. The maximum number of election judge trainees in

~~each session shall be 75.~~

B.e. Course content. The training authority shall plan a Review course which is tailored to the needs of the jurisdiction as demonstrated by performance and problems in prior elections. It shall include information on the following topics:

1. Summary of new laws, rules, forms, and procedures
2. Summary of specific problems in previous elections
3. Step-by-step review of election judges' duties, emphasizing problem areas.

1 MCAR § 2.5111 Course for health care facility absentee voting. The course content shall include information on the following topics:

A. Who is eligible to vote absentee from health care facilities
B. Application process
C. Registration process, including methods for providing proof of residence
D. Assistance to voters
E. Voting procedures
F. Procedures for transporting voted ballots
G. Particular problems encountered in previous elections.

1 MCAR § 2.5112 Emergency training course

A. The chairman judge shall conduct emergency training at the polling place. The training authority shall provide an outline of emergency training procedures and otherwise ensure that the chairman judge is prepared to conduct emergency training, if necessary.

B. Course content. The chairman judge shall review with ~~an appointed~~ a replacement judge ~~the following procedures:~~ all procedures and duties which are assigned to the replacement judge.

~~1. Election day registration~~

~~2. Step-by-step review of the voting process~~

~~3. Challenge process~~

~~4. Demonstration of voting system in use in the polling place~~

~~5. The duties assigned to the replacement election judge.~~

C. The chairman judge shall provide additional instruction as necessary throughout election day.

1 MCAR § 2.5113 Training materials. The secretary of state shall provide the county auditor with Minnesota Election Judges Guides and training materials concerning changes in election laws, rules, forms and procedures. The county auditor shall transmit these materials to training authorities in the county. At each training session, the training authority shall provide election judge trainees with copies of the Minnesota Election Judges Guide received from the county auditor and with at least one copy for each polling place. The municipal clerk shall ensure that a Minnesota Election Judges Guide is available at each polling place on election day for use by the election judges.

1 MCAR § 2.5114 Training record. Each municipal clerk, and county auditor in unorganized territory, shall maintain a record of all election judges who receive training.

A. The record shall be a list or a card system containing the name of the election judge; his precinct number; his party affiliation, if any; dates of training; type of course completed on each date; and dates of election judge service.

B. The record shall be kept current for each election judge in the county or municipality.

C. An election judge may be eliminated from the training record if he does not serve as an election judge or receive election judge training during the preceding four years.

1 MCAR § 2.5115 Certification of training. Each election judge who successfully completes a Basic Training course or Review course shall receive a Certification of Training.

A. The Certification shall include the election judge's name, municipality, date of training, course completed and the signature of the training authority.

B. Except as provided in Minn. Stat. § 204A.175, each election judge must show a Certification of Training to the chairman judge of the precinct prior to being sworn in on election day.

1 MCAR § 2.5116 Training plan. ~~Before May 1 of~~ Each general election year, the secretary of state shall provide each county auditor with materials to aid in the development of a local training plan. County auditors shall transmit this material to each training authority in the county. Each training authority shall submit a training plan to the secretary of state by ~~July 1 of~~ each general election year~~.~~, except that the first training plan covering the Review course need not be submitted until February 1, 1981. In all general election years after 1980, the secretary of state shall provide materials before May 1 and training plans shall be submitted before July 1.

A. The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the Basic Training course, Review course, Emergency Training course and any Health Care Facility Absentee Voting course.

B. Copies of all materials which will be distributed at the training sessions shall be submitted with the training plan or as soon thereafter as they are available.

C. The training plan shall be subject to approval by the secretary of state~~.~~, who shall approve the plan if it conforms to applicable

state statute and these rules.

D. After 1980, if there is no change in the approved training plan on file with the secretary of state, the training authority may file a notice to this effect with the secretary of state in lieu of the training plan.

1 MCAR § 2.5117 In-service review. After each primary election and before each ensuing general, special or municipal election, the training authority shall confer or correspond with the chairman judge of each precinct to review problems or questions encountered at the primary. The training authority shall analyze problems indicated by the election returns, incorrect registrations, or voter complaints and shall answer questions of the chairman judges.

1 MCAR § 2.5118 Training evaluation. Each training authority shall complete a training evaluation form provided by the secretary of state after each election for which election judge training is conducted.

1 MCAR § 2.5119 Effective date. These rules shall be effective for all elections occurring after September 1, 1980, ~~except that 1 MCAR §§ 2.5103 and 2.5116 shall become effective April 1, 1980.~~

Adopted Rules for Absentee Voting

Rules as adopted:

Contents

Chapter One: Forms for Absentee Voting

1 MCAR § 2.4101 Absentee ballot application

1 MCAR § 2.4102 Ballot envelope

1 MCAR § 2.4103 Instructions to absent voter

1 MCAR § 2.4104 Absent voter's certificate

1 MCAR § 2.4105 Absentee ballot return envelope

Chapter Two: Methods and Procedures for Return of Absentee Ballots

1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of absentee ballot return envelope

1 MCAR § 2.4203 Retaining ballots

1 MCAR § 2.4204 Safeguarding procedures

1 MCAR § 2.4205 Mail pick-up

Chapter One: Forms for Absentee Voting

1 MCAR § 2.4101 Absentee ballot application.

A. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minn. Stat. § 207.04, subd.2, shall be in the following form:

Absentee Ballot Application for _____
(print or type your name)

READ INSTRUCTIONS BEFORE COMPLETING.

I hereby apply for absentee ballots to be voted upon in my precinct at the next election for the following reason: (Check one box)

☐ absence from precinct

☐ illness or disability

☐ religious discipline or observance of religious holiday

☐ service as election judge in another precinct

My legal residence address is:

_____
Street or Route no. Apt. no. Rural box no.

_____
☐ City ☐ Township County Zip
(check whichever is applicable)

~~My current precinct is _____ (if known)~~

Mail my absentee ballot to me at the following address:

_____
Street or Route no. Apt. no. Rural box no.

_____
City or Township State Zip

Date _____ _____
Legal signature

The following certification and instructions shall be printed on the Absentee Ballot Application:

INSTRUCTIONS

1. In order to vote by absentee ballot you must be an eligible voter, you must be a resident of the election precinct indicated by your legal residence address on this application, and you must not intend to abandon this residence prior to election day. Please note that Minn. Stat. §207.14 provides that "Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony."

2. Be sure to check the appropriate box indicating why you are unable to go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

~~4. Give your current precinct number or name IF YOU KNOW IT.~~

~~5.~~ 4. Be sure to sign the application.

~~6.~~ 5. Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. This application form will obtain ballots for only the NEXT election. You must apply separately for each election.

2. Do not submit more than one application for each election.

3. Your absentee ballots will be mailed or delivered to you as soon as they are available.

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office use only

Certification:

This is to certify that ballots were ☐ mailed ☐ delivered in person to the voter named on this application this ___ day of _____ ____, 19 ___.

_____
(county auditor, clerk)

B. The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the county auditor or municipal clerk. If the application is printed as a postcard application, it shall be printed in the following manner:

1. The postcard shall be white with black ink.

2. The postcard shall weigh not more than one ounce.

3. The size shall be no smaller than 3-1/2 inches by [illegible] and no larger than 6-1/8 inches by [illegible]-1/2 inches.

4. The postcard shall be at least .007 inches thick.

1 MCAR § 2.4102 Ballot envelope. The ballot envelope shall be printed in the following manner:

A. The envelope shall be buff in color with black ink.

B. The envelope shall be of a size to fit inside the absentee ballot return envelope.

C. The words "Ballot Envelope" shall be printed on the front of the envelope.

D. The words "Received" and "Rejected" shall be printed on the front of the envelope. Next to each word shall be printed a box in which the election judges may make a mark indicating whether the envelope is received or rejected.

E. Two lines shall be printed below the boxes. Under the bottom line shall be printed the words "Election Judges".

1 MCAR § 2.4103 Instructions to absent voter. Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the following form:

Instructions to Absent Voter

Follow these instructions carefully. AN IMPROPERLY-COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE ~~could~~ WILL INVALIDATE YOUR BALLOT.

(1) Locate an eligible voter in the county in which you are registered or registering to vote, a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station, or any officer having authority to administer an oath. ~~or an eligible voter in your county.~~ This person will be your witness.

(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

a. valid Minnesota Driver's License or Learner's Permit or a receipt for either;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof;

c. a current student identification card, student fee statement, or copy of a student registration card that contains your valid address in the precinct in which you are registering;

d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor; or municipal clerk;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness and have him indicate in the prope box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETE VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO *NOT* PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically unable to mark your ballot or cannot rea English, you may ask him to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot Return Envelope. Your witness must fill in ~~insert~~ the state and county where you mark your ballots; date the certificate; sign his name; print or type his name; indicate his official title if he is an official or indicate his address if he is ~~a-reg--istered~~ an eligible voter in the county.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

~~(12) If you designate an agent to deliver in person your Absentee Ballot Return Envelope, you must complete the Agent Appointment form on the lower portion of this page. The agent must give this Appointment to the auditor or clerk along with your SEALED Absentee Ballot Return Envelope before your Absentee Ballot Return Envelope will be accepted. Be sure to complete the entire Appointment! If the Appointment is incomplete, your Absentee Ballot Return Envelope will not be accepted.~~

(12) ~~(13)~~ You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election

If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before -5- 4:30 p.m. on the day before an election day.

~~--(complete this form if an agent is delivering in person your Absentee Ballot Return Envelope)- -Detach here-~~

==========

~~-AGENT APPOINTMENT-~~

~~--I,_____, residing at_____ (print name of absent voter) (give legal address)___, do hereby designate_____ as my agent to deliver in person (print name of agent) my Absentee Ballot Return Envelope to the election official from whom I received my absentee ballots.~~

~~_____ (date)~~ _____ ~~(legal signature of absent voter)~~

~~--I,_____ do hereby promise to deliver (print name of agent) the above named voter's Absentee Ballot Return Envelope and this Appointment promptly and without interference to the appropriate offi-~~

~~_____ (date)~~ _____ ~~(legal signature of agent)~~

_____ ~~(legal address of agent)~~

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1 MCAR § 2.4104 Absent voter's certificate.

A. The Absent Voter's Certificate shall be printed in the follo form:

ABSENT VOTER'S CERTIFICATE

OF

_____
(legal name of absent voter)

_____
(legal address of absent voter)

I swear that on election day I will meet the requir ments provided by law to vote by absentee ballot.

_____
(legal signature of voter)

State of _____

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in such manner that I could not see his vote, he marked the ballots and enclosed and sealed them in the Ballot Envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then he provided proof of his residence as indicated below.

_____ _____
(date) (legal signature of witness)

_____
(print or type name of witness)

_____
(official title if witness is an official)

_____
(legal address of witness if ~~a registered~~ an eligible voter)

Method used by voter to prove residence if registering:

☐ Driver's License or Permit or Receipt _____ (number)

☐ Notice of Ineffective Registration

☐ Minn. ID Card or receipt _____ (number)

☐ Student ID _____ (number)

☐ Registration in same precinct

☐ Registered voter in precinct

_____
(legal signature)

_____
(name)

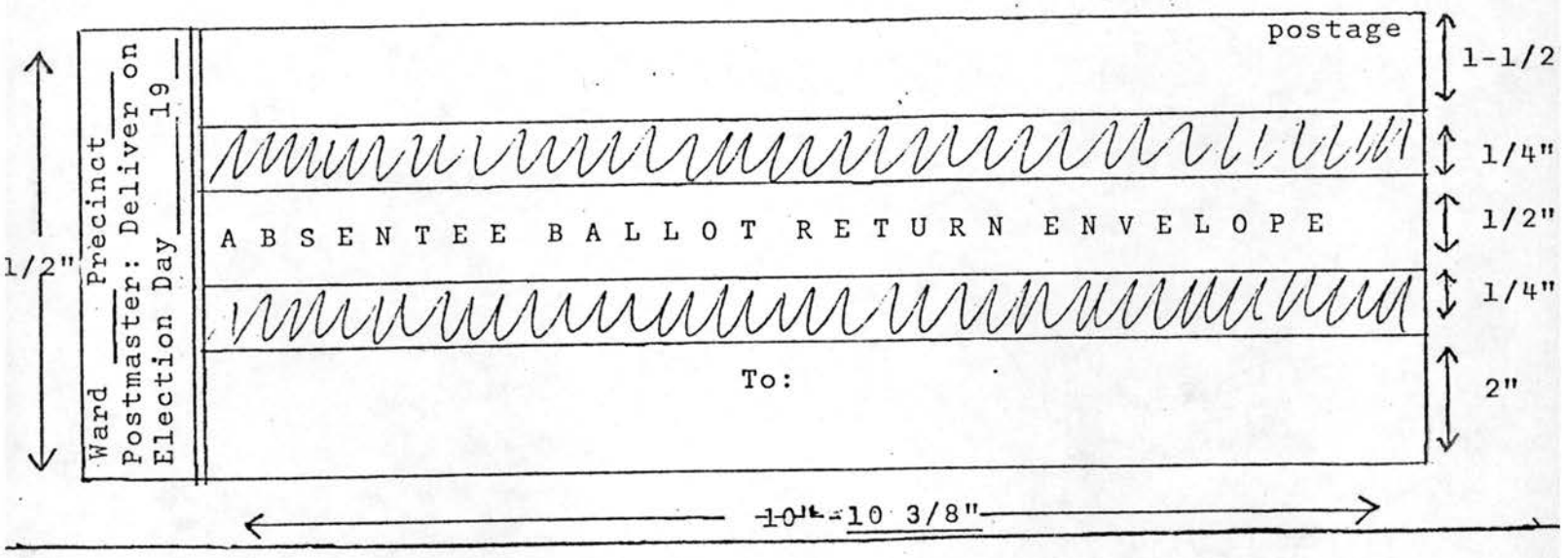
_____
(legal address)

B. The county auditor or municipal clerk may complete the first two lines of an Absent Voter's Certificate before mailing it to the absent voter by printing the name and address of the absent voter.

C. The Certificate shall be printed on the right-hand three-fourths of the back of the Absentee Ballot Return Envelope. The words "ABSENT VOTER'S CERTIFICATE OF" shall be printed in 12 point bold type in capital letters. The remainder of the certificate shall be printed in 11 point

1 MCAR § 2.4105 Absentee ballot return envelope.

A. The Absentee Ballot Return Envelope shall be printed in the following form:



B. The Absentee Ballot Return Envelope shall be printed according to the following specifications:

1. The envelope shall be ~~10~~ 10-3/8" inches by 4-1/2 inches.

2. A solid rule line 1-1/2 picas wide shall be placed 1-1/2 inches from the top of the envelope and another placed 2 inches from the bottom of the envelope.

3. The words and numbers printed on the left-hand end of the envelope shall be in 12 point bold type.

4. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope shall be in 18 point bold type in capital letters.

5. The envelope shall be white in color with black ink.

C. County auditors and municipal clerks shall cause a mailing address to be printed on each Return Envelope which they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. Each county auditor or municipal clerk shall determine which of the following address forms shall be used on each Return Envelope in his county as the facts require:

1. A Return Envelope may be addressed to the county auditor

who mailed or delivered the absentee ballots to the absent voter.

Example: To: Anoka County Auditor
Courthouse
Anoka, MN 55303

2. A Return Envelope may be addressed to the municipal clerk of the city or town in which the absent voter is eligible to vote.

Example: To: Edina City Clerk
City Hall
480 4801 W. 50th St.
Edina, MN 55424

3. a Return Envelope may be addressed to the election judges of the precinct in which the absent voter is eligible to vote provided that the polling place of the precinct is located on a regular mail delivery route. On each Return Envelope addressed to the election judges, the county auditor or municipal clerk shall cause to be clearly printed or typed the address of the polling place in a manner to expedite handling by the United States postal service. The name and street address, rural route or township address, if applicable, of the polling place shall be on the address block. The city or town, state and zip code shall appear in that order on the bottom line of the address block.

Example: To: Election Judges
% Webster School
500 Holly St.
St. Paul, MN 55102

4. When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. ~~The clerk shall make an initial notification to the county auditor of polling place addresses in his municipality before August 1, 1980. Thereafter,~~ The clerk shall notify the auditor of every change of polling place address within 30 days after the change.

D. The official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's ward and precinct number and the date of the election in the spaces provided on the left-hand end of the Return Envelope.

E. County auditor or municipal clerk may affix his return address to the upper left-hand corner of the Return Envelope.

~~E.~~ F. County auditors shall notify the secretary of state in the annual report required by Minn. Stat. § 201.091, subd.5, which methods of returning Absentee Ballot Return Envelopes have been adopted in their counties and where each method is in effect.

Chapter Two: Methods and Procedures of Return of Absentee Ballots

1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes. Except as provided in Minn. Stat. § 207.31, an absent voter who receives his absentee ballots by mail or in person may cause his Absentee Ballot Return Envelope to be returned by any of the following methods:

A. Causing the envelope to be mailed to the address on it.

B. Delivering the envelope in person to the county auditor or municipal clerk from whom the ballots were received.

C. Designating an agent who shall deliver in person the sealed envelope ~~and completed Agent Appointment~~ to the county auditor or municipal clerk from whom the ballots were received. An agent shall be at least 18 years old. No individual may be designated as the agent of more than three absent voters in any one election.

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of Absentee Ballot Return Envelope.

A. Absentee Ballot Return Envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by ~~5~~ 4:30 p.m. on the day before election day.

B. Before accepting an Absentee Ballot Return Envelope which is hand-delivered by an absent voter or an agent, the county auditor or municipal

clerk shall inspect the envelope to verify that it is sealed and ... Absent Voter's Certificate ~~and any Agent Appointment~~ is properly completed.

1. When an absent voter hand delivers an envelope which is unsealed or has an improperly completed Absent Voter's Certificate, the absent voter shall be allowed to seal the envelope, correct, or complete the certificate.

2. When an agent hand delivers a sealed envelope with an improperly completed Absent Voter's Certificate ~~or Agent Appointment~~, the agent may return the envelope to the absent voter for correction or completion.

3. When an agent hand delivers an envelope which is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted. The auditor or clerk shall write "Rejected" across the Absentee Ballot Return Envelope and shall write the reason for rejection on the envelope. The Absentee Ballot Return Envelope shall be retained by the auditor or clerk in his office. ~~and shall be destroyed by the auditor or clerk in the presence of the agent.~~ A Notice of Nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent, and the reason for nonacceptance. The absent voter may apply for replacement absentee ballots.

C. ~~When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the auditor or clerk shall compare the absent voter's signature on the Agent Appointment with the signature on the Absent Voter's Certificate. If the signatures are not the same, the auditor or clerk shall not accept the envelope, shall destroy it in the presence of the agent, and shall send a Notice of Nonacceptance to the absent voter.~~ When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the agent shall, on a record maintained by the auditor or clerk, print his name and address, the name and address of the absent voter whose ballot he is delivering, and sign his name. The agent shall show to the auditor or

clerk identification which contains the agent's name and signature.

~~-e. When an Absentee Ballot Return Envelope has been destroyed pursuant to this rule, the auditor or clerk shall indicate on the record of Absentee Ballot Return Envelopes required by 1 MCAR § 2.4204, in addition to the required information, the fact that the Return Envelope was destroyed. The absent voter whose Return Envelope was destroyed may apply for replacement absentee ballots.~~

1 MCAR § 2.4203 Retaining ballots. A county auditor or municipal clerk who receives an Absentee Ballot Return Envelope in person from an absent voter or an agent may deposit the envelope in the mail or retain it in his office as provided in 1MCAR § 2.4204; provided, however, that if an auditor or clerk receives the Return Envelope ~~less than three working days before the election~~ on the day before election day, he shall retain the Return Envelope in his office as provided in 1 MCAR § 2.4204. and deliver the Return Envelope to the polling place on election day.

1 MCAR § 2.4204 Safeguarding procedures. The county auditor or municipal clerk shall establish measures for safeguarding Absentee Ballot Return Envelopes received by him prior to election day.

~~-1.~~ A. If an auditor or clerk intends to deposit Return Envelopes in the ~~mail Return Envelopes received three days or more before an election~~, he shall do so promptly upon receipt of the Return Envelope from the absent voter or agent.

~~-2.~~B. The auditor or clerk shall establish a record of ~~these~~ Absentee Ballot Return Envelopes which are retained in his office. ~~or destroyed pursuant to 1 MCAR § 2.4202.~~ The record shall state the absent voter's name, address and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

~~-3.~~C. All retained envelopes shall be placed in a locked, secure location after being dated, stamped, and recorded. The envelopes shall not be re-

moved from this location or handled until election day, except as necessary in an emergency.

-4- D. A part-time municipal clerk who receives Return Envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

-5- E. On election day all Absentee Ballot Return Envelopes retained by the county auditor or municipal clerk shall be removed from the place of safe-keeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the secretary of state promptly. Each Return Envelope shall then be delivered to the polling place in the precinct where the absent voter resides.

1 MCAR § 2.4205 Mail pick-up. Each municipal clerk shall communicate with the United States postal service facility serving his municipality with regard to the handling of Absentee Ballot Return Envelopes received by the post office on election day after the last regular mail delivery has commenced. The municipal clerk shall take all reasonable steps to ensure that all Return Envelopes received by the post office before 4 p.m. on election day are delivered before the closing of the polls to the election judges in the precinct where the absent voter resides.

Office of the Secretary of State

Election and Legislative Manual Division

Adopted Amendments to Rules for Voter Registration

Chapter Five: 1 MCAR §§ 2.0501 - 2.0513 Notifications.

1 MCAR § 2.0506

NOTICE OF INEFFECTIVE REGISTRATION

IMPORTANT INFORMATION
ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

1. ☐ Wrong County. Your registration has been forwarded to _____ County.

2. ☐ Incomplete: _____

_____.

3. ☐ Your registration was received fewer than 20 days before the upcoming election. It will be effective on __/__/__(day after next election).

~~4. ☐ Minnesota law provides that pre-election day registration for the upcoming __/__/__ election be received in this office by __/__/__.~~

You may register to vote at the polling place on election day by presenting either:

(a) this mailed notice;

(b) a valid Minnesota Driver's License, Learner's Permit or receipt ~~thereof~~ for either; that contains the voter's valid address in the precinct;

(c) a Minnesota Identification Card or receipt thereof; that contains the voter's valid address in the precinct;

(d) a current student identification card that contains the student's valid address; in the precinct;

(e) a current student fee statement that contains the student's valid

address; in the precinct;

(f) a copy of a current student registration card that contains the student's valid address; in the precinct;

(g) a registered voter in your precinct who can attest to your address; or

(h) a valid registration in the same precinct under a different address.

Your Polling Place is _____

_____ County Auditor ___/___/___
(signature) (date)

---

1 MCAR § 2.0512 Removal of cards. Whenever a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered at a new address in the county, or registered in another county or state, the county auditor shall notify the person whose card is to be removed of such action and the reason for such action in writing. The cards removed shall be maintained in separate files for one year.

1 MCAR § 2.0601 Residence. Any person otherwise qualified but not registered t vote in the precinct in which he resides may register to vote on election day at the polling place of the precinct in which he resides in areas with voter registration. To register on election day a person must complete and sign the original card, sign the duplicate card and provide proof of his residence. A person may prove his residence on election day only by presenting a valid Minnesota Driver's License, Learner's Permit, or receipt for either that contains the voter's valid address in the precinct, a valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains the voter's valid address in the precinct a current student identification card that contains the student's valid address, in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address, in the precinct; by having a valid registration in the same precinct under a different address; by presenting an "ineffective registration notice" mailed by the

county auditor; or municipal clerk; or by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the following oath:

I, _____ swear that I am a registered voter in _____ and that I personally know that _____ (name of person registering) is a resident of this precinct.

_____
Signature of Registered Voter

Subscribed and sworn to before me

___/___/___
Date

_____
Signature of Election Judge

The above oath shall be attached to the voter registration card until the address of the applicant is verified by the county auditor. The above oaths shall be printed on a 4" X 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

1 MCAR § 2.0604 Notation. When a voter uses ~~either~~ a Minnesota Driver's License, Learner's Permit, or Minnesota Identification Card ~~or receipt thereof~~ to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of original card.

1 MCAR § 2.0608 Posters. The County auditor shall supply each polling place with posters furnished to the county by the secretary of state. The election judges shall post the posters in an appropriate location in the polling place prior to opening the polls.

1 MCAR § 2.0902 Information on the report.

E. The name of each governmental unit to which the county auditor has

delegated voter registration duties pursuant to 1 MCAR § 2.0101, and the date of the delegation.

1 MCAR § 2.0903 Information on the report compiled during years when there is no state primary or general election.

A. The total number of registered voters in the county.

B. The total cost of registering voters in the county.

~~C. 1. The name of each governmental unit in which the county auditor has delegated the duty of training election day voter registration judges to the municipal clerk.~~

~~2. The name of each governmental unit in which the county auditor trains the election day voter registration judges.~~

CHAPTER ELEVEN: VIOLATIONS

1 MCAR § 2.1101 County attorneys to report. County attorneys shall report t outcome of any investigation of alleged violations of voter registration laws to the ~~commissioner~~ secretary of state within 10 days of the determination.

Office of the Secretary of State

Election and Legislative Manual Division

Adopted Amendments to Rules for Preparation of the White Ballot

1 MCAR § 2.2111 Back of ballot. On the back of the white ballot shall be printed the words "OFFICIAL BALLOT," the date of the election, ~~a fac-simile of the official signature of the county auditor under whose direction the ballot is printed~~ and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

1 MCAR § 2.2112 Type styles and sizes. The words "Put an (X) opposite the name of each candidate you wish to vote for in the square indicated by the arrow" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The words "STATE BALLOT", shall be printed in upper case in as close to 18 point Franklin Gothic type as practicable.

The office and its identification shall be printed in upper case in as close to 10 point Century Bold type as practicable.

The words "VOTE FOR ONE" shall be printed in upper case in as close to 8 point Century Bold type as practicable.

The names of the candidates shall be printed in upper case in as close to 8 point Century Bold type as practicable.

The party designation or political principle and the words "Nominated Without Party Designation," "Incumbent" and "Nominated by Petition" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The words "OFFICIAL BALLOT" on the back of the ballot shall be printed in upper case in as close to 18 point Cheltingham Bold as practicable, the date in upper case in as close to 8 point Antique as practicable, ~~the words "County Auditor" in lower case in as close to 8 point Antique as practicable~~ and the word "Judge" in upper and lower case in as close to 10 point Caslon Old Face Italic as practicable.

1 MCAR § 2.2113 Binding of ballots. The white ballots shall be bound in bloc of 50, and there shall be a band around each block of 50 ballots. The band around the block of ballots shall contain a facsimile of the state seal, the words "50 State Ballots "~~the official signature of the county auditor preparing the ballots~~ and the date of the election. The band shall also contain the following instructions to the election judges: "Instructions to Judges of Election

The Judge of Election receiving the ballots for delivery to the Election Board must not remove this slip or withdraw a ballot from the package, but must deliver it as he receives it to the Election Board.

Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, ~~directly under or opposite the facsimile of the signature of the officer under whose direction the ballots were printed,~~ and shall not otherwise mark the same.

No official ballot shall be distributed except ~~in the voting room~~ to voters <u>in the voting room</u> about to vote, <u>or to disabled voters in their vehicles pursuant to Minn. Stat. § 204A.34, subd. 2,</u> and no ballot which is not officially endorsed in the handwriting of such judges shall be placed in the box.

Having withdrawn from the voting booth with his ballots, the voter shall hand them to the judge in charge of the ballot boxes. The judge immediately shall deposit each ballot in the proper box."

1 MCAR § 2.2115 Reimbursement of costs. The secretary of state shall reimburse counties for the cost of printing the white ballot, the white sample ballot and the summary statement for white ballot offices and constitutional amendments. On or before December 31 of every general election year and within 45 days of a special election, the county auditor shall submit to the secretary of state a statement of the costs of preparation of these supplies. The statement shall contain the name and address of the printer, the number of white ballots printed, a statement that the white ballot and summary statement prepared by the county conformed to the form prescribed by the secretary of state, pursuant to Minn. Stat § 204A.46, subd.5 , the cost to the county of printing and an itemization of costs.

Office of the Secretary of State

Election and Legislative Manual Division

Adopted Amendments to Rules for Certification and Experimental and General Use of Voting Machines

Chapter One: 1 MCAR §§ 2.3101 - 2.3104 Definitions and Other General Matters.

~~1 MCAR § 2.3103 Training. The official in charge of the election for the election jurisdiction shall deliver to the secretary of state 60 days before the election the plan and content for the training of election judges as required by Minn. Stat. §§ 206.19 and 206.195. The training shall include but need not be limited to the following procedures:~~

~~A. pre-election checkout at the polling place;~~

~~B. information and supplies that are to be displayed in the polling place;~~

~~C. explanation of the duties of judges including but not limited to:~~

~~1. encouraging the voter to practice the method of voting by use of the demonstration model of the voting machine;~~

~~2. explaining use of any apparatus necessary to use with the voting machine, such as stylus, marking device, insertion of ballot card;~~

~~3. explaining the ballot label and its relation to the ballot card;~~

~~4. if a primary election, explaining that a voter may vote in the election of only one party and indicate how that choice may be made;~~

~~5. if a general election, indicating the method for write in votes;~~

~~6. indicating how the voter can check his ballot before leaving the voting booth;~~

~~7. informing the voter of the proper method of completing the ballot, including use of ballot envelope;~~

~~D. activities involved in closing the polls, preparing the ballots for tabulation, and transporting of ballots to the counting center;~~

~~E. provision for individualized training for any persons who will serve as judges in the case of emergency when a trained judge is unable to serve.~~

Chapter Seven: 1 MCAR §§ 2.3701 - 2.3702 Conduct of elections, including absentee voting.

1 MCAR § 2.3702 Absentee Ballots.

C. Absentee votes shall be cast on paper absentee ballots. These paper absentee ballots shall be delivered ~~either to an absentee ballot pre-- einct as provided by law or~~ to the polling place in the voter's precinct.

~~D. Upon receipt of the last mail at the polling place in the precinct on election day, two election judges not of the same political party shall number the absentee ballots, serially, and transfer the intent of the absentee voter and the serial number form the absentee ballot to the official vote recording medium used in the precinct. In absentee ballot precincts, this procedure may be done during the day.~~

~~E. Two election judges not of the same party shall check each absentee ballot with the vote recording medium to determine that the medium-- records the absent voter's intent. Any write in votes shall be recor-- ded as provided in these rules.~~

~~F. Vote recording media processed under SecStat 3702D, shall be labeled "absentee", inserted in envelopes, stubs removed, and placed with bal-- lot cards cast by voters in person in that precinct.~~

Chapter Eight: 1 MCAR §§ 2.3801 - 2.3802 Election Judges Duties After Polls Close.

1 MCAR § 2.3801 Procedures following close of polls.

A. All unused ballot cards and envelopes shall be secured for return to the official in charge of the election for the election jurisdiction.

B. The ballot labels and seals of each voting machine shall be inspected

to insure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy shall be noted in the remarks section of the precinct certification.

~~C.-The-election-judges-shall-compare-the-number-of-certificates-of-reg--istered-voters-with-the-number-of-names-recorded-on-voter-registration-list,-voter-registration-cards,-or-election-register-as-having-voted--that-day.-The-number-of-electors-who-voted-as-indicated-by-these-records~~ The total number of voters, determined pursuant to Minn. Stat. § 204A.41, subd.1, shall be entered on the precinct certification.

APPROVED AS TO FORM AND LEGALITY

JUL 18 1980 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY Joanne Hinderaker
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 18 1980
Joan Anderson Growe
Secretary of State
9:50 P.S.

STATE OF MINNESOTA

SECRETARY OF STATE

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

FINDINGS OF FACT

The above-entitled matter came on for hearing before Hearing Examiner George A. Beck of the Minnesota Office of Hearing Examiners at 10:00 a.m. on Tuesday, October 30, 1979, in Room 57 of the State Office Building, Wabasha Street between Aurora and Fuller Avenues, in St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412, subd. 4 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence adduced and upon the records, files and proceedings herein, having reviewed the Report of Hearing Examiner George A. Beck dated December 18, 1979, the Secretary of State hereby adopts the Findings of Fact and Conclusion of the Hearing Examiner, and the same is hereby incorporated by reference, with the following amendments:

ELECTION JUDGE TRAINING

Finding 14.

The Agency does not agree to permit a training authority to supply election judges with copies of all election forms available at the time of training and to give instruction on proposed forms not available. The Agency points out that 1 MCAR § 2.5109 B does not require the actual forms, and the formats of all forms are known at the time of training. (Ex. 15, p. 6) The Agency will adopt an amendment changing the requirement of form "copies" to "examples" to make it clear that actual forms are not required. So amended, the proposed subsection is necessary and reasonable.

The Agency did agree to amend 1 MCAR § 2.5109C so that it would require use of only "sample" paper ballots, not the ballots bound for use on election day, in training. However, "sample" ballot is a term of art found in Minn. Stat. §§ 203A.23, subd.2; 203A.32, subd.3; and 210.22 (1978). An amendment to insert "specimen" instead of "sample" would avoid any conflict. So amended, the subsection is needed and reasonable.

Finding 15.

An amendment to permit a training authority to determine maximum training session size will be added to proposed 1 MCAR § 2.5106, rather than 1 MCAR §§ 2.5109 and 2.5110, for reasons of simplicity. Upon reflection, the Agency will not require approval of class size by the Secretary of State. The requirement that the number be appropriate to the methods of instruction, coupled with enforcement of the rules in cases of violation, will provide the control necessary to prevent unreasonably large classes. So amended, the rule is needed and reasonable.

Finding 17.

The Agency will further amend Section § 2.5116 to delete two deadlines prior to the effective date of the rule. Minn. Stat. § 15.0411, subd.3 (1978) requires that rules have future effect only.

The Agency also will amend Section 2.5116C to eliminate possible legally impermissible discretion or vagueness with regard to approval by the Secretary of State.

So amended, the rule is needed and reasonable.

Additional finding.

Proposed 1 MCAR § 2.5103 will be amended to delete a deadline prior to the effective date of the rule. Minn. Stat. § 15.0411, subd.3 (1978) requires that rules have future effect only. So amended, the rule is needed and reasonable. Section 2.5103 should be deleted from Finding 11.

Additional finding.

Proposed 1 MCAR § 2.5106B provides that training courses be conducted between 21 and 3 days before election and that make-up be held. The Agency states the time requirement is necessary to maximize the effectiveness of training and that a 1978 Minnesota survey showed training was conducted on an average 10 days before elections. (Ex.12, p.5) It was suggested at the hearing that cities of the first class be permitted to conduct training up to 30 days before an election. (Ex.D) Minn. Stat. § 206.19 (1978) requires training no more than 21 days before an election

where voting machines are used. The Agency notes that all cities of the first class use voting machines. (Ex.15, p.4,5) The Agency has made an adequate showing of need and reasonableness.

Additional finding.

Proposed 1 MCAR § 2.5108 requires emergency training of judges chosen to serve after polls open. Because of limitations of time on training after polls open, the Agency says, special training is necessary. (Ex.12, p.5) Objections were raised that the chairman judge might not be able to train a new judge completely before the judge assumes his or her duties. (Ex.E, p.2; Ex.N, p.5; Ex.T, p.61) The Agency has agreed to amend the rule by deleting "before performing his duties" to increase flexibility. (Ex.15, p.3) "Elected" will be substituted for "appointed" to reflect the manner in which emergency judges are chosen pursuant to Minn. Stat. §§ 204.A.20 (1978). So amended, the rule is needed and reasonable. Section 2.5108 should be deleted from Finding 11.

Additional finding.

Proposed 1 MCAR §§ 2.5117 requires that a training authority communicate with chairmen judges between primary and general elections to solve problems and correct errors before they are repeated. (Ex.12, p.8) Objection was raised that the rule would impose too great a burden. (Ex.D, pp.2 and 3) The Agency agreed to add "correspond" to "confer" as means of communication permitted under the rule to ease the burden. (Ex.15, p.3) So amended, the rule is necessary and reasonable.

Additional finding.

Proposed 1 MCAR § 2.5119 will be amended to delete a deadline prior to the effective date of the rule. Minn. Stat. § 15.0411, subd. 3 (1978) requires that rules have future effect only. So amended, the rule is needed and reasonable. Section 2.5119 should be deleted from Finding 11.

ABSENTEE VOTING

Finding 20.

The Agency did agree to amend proposed 1 MCAR § 2.4103 (1) and (8) to make it clear that a witness to an absentee ballot must be eligible to vote in the county where the absentee voter is "voting absentee." (Ex.15, pp.1 and 2) Upon further reflection, the Agency instead will amend subsection (1) to point out that the witness must be eligible in the county where the absentee voter is "registered or registering to vote" to make even clearer in which county a witness must live. An absentee voter might erroneously conclude that the county in which he or she is "voting absentee" is the county in which the voter is physically present at the time he or she fills out the ballot. The Agency also feels a second mention of the county of the

witness in subsection (8) would add to the length of the instructions without commensurate benefit.

The Agency also will amend "the ballot" into subsection (6) for clarity.

So amended, the rule is necessary and reasonable.

Finding 21.

The Agency will amend subsection 2.4105C (4) to delete a deadline that may be prior to the effective date of the rule. Minn. Stat. § 15.0411, subd.3 (1978) requires that rules have future effect only. So amended, the rule is needed and reasonable.

Additional finding.

Proposed 1 MCAR § 2.4104B permits a county auditor or municipal clerk may print the name and address of the absentee voter on the Absent Voter's Certificate because the information is often difficult to read when provided by the voter. (Ex.12, p.11) The Agency will clarify the rule by amending it to make clear that the auditor or clerk may enter the information on the Certificate "before mailing it to the absent voter." As amended, the rule is needed and reasonable. Section 2.4104B should be deleted from Finding 11.

Additional finding.

Proposed 1 MCAR 2.4203 permits county auditors and clerks the flexibility to mail, rather than deliver, returned absentee ballots to the polls if they are received in time to reach the polls by election day through the mails. (Ex.12, p.13) The Agency will amend the rule to make clear it applies only to absentee ballots returned "in person"; the envelopes of ballots returned by mail will already have stamps and cancellations on them and cannot be mailed again. The Agency also will amend the rule to permit mailing if an absentee ballot is returned at least two days before the election, rather than at least three working days before the election as originally proposed. Mailing two days before the election assures delivery to the polls by election day. As amended, the rule is needed and reasonable. Section 2.4203 should be deleted from Finding 11.

VOTER REGISTRATION

Additional finding.

Proposed 1 MCAR § 2.0604 reflects the addition of Learner's Permits to approved forms of election day voter registrants' proof of residence. (Ex.12, p.15) The Agency will amend the rule to delete receipts for Minnesota Driver's Licenses,

Learner's Permits and Minnesota Identification Cards from the list of documents the numbers of which must be noted on voter registration cards. The receipts are not numbered. So amended, the rule is necessary and reasonable.

Dated: July 2, 1980

Joan Anderson Growe

JOAN ANDERSON GROWE
Secretary of State

SOS-80-001-GB

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE SECRETARY OF STATE

RECEIVED
OCT 1 1979
SECRETARY OF STATE
ELECTION DIVISION

In the Matter of Proposed Rules of the Secretary of State Governing Election Judge Training and Absentee Voting Materials and Delivery Procedures and Proposed Amend - ments to Rules of the Secretary Governing Voter Registration, Preparation of the White Ballot and Certification and Use of Voting Machines.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before State Hearing Examiner George A. Beck at 10:00 a.m. on Tuesday, October 30, 1979, in Room 57 of the State Office Building on Wabasha Street between Aurora and Fuller Avenues in the City of Saint Paul, County of Ramsey, State of Minnesota.

This Report is a part of a rule hearing procedure pursuant to Minn. Stat. § 15.0411 to § 15.0417 and § 15.052 to determine whether the proposed rules and rule amendments should be adopted and given the force of law. A copy of this Report may be obtained from the Office of Hearing Examiners for the cost of reproduction.

Members of the Agency Panel appearing at the hearing included: Secretary of State Joan Anderson Growe; Lucy Weiland, Election Procedures Advisor for the Secretary of State; and Robert Hentges, Special Assistant Attorney General representing the Secretary of State.

Thirty-six persons signed the Hearing Register. Twelve public witnesses appeared and spoke at the hearing. The Department submitted 15 timely written exhibits. Twenty-seven written comments were received from the public.

Based upon all the testimony, exhibits and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On September 7, 1979, the Secretary of State filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules and rule amendments.
(b) An Order for Hearing.
(c) A proposed Notice of Hearing.
(d) A Statement of the number of persons expected to attend and the length of the hearing.

2. On September 24, 1979, a Notice of Hearing and a copy of the proposed rules and rule amendments were published at 4 State Register 479.

3. On September 19, 1979, the Secretary of State mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State to receive such notice and to all persons who are presently members of the Minnesota Legislature.

4. On October 5, 1979, the Secretary of State filed the following documents with the Hearing Examiner:

(a) The Order for Hearing.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing.
(d) The Certificate of Delivery of the Secretary of State's list.
(f) The Notice of Intent to Solicit Information.

The Statement of Need and Reasonableness was filed late by the Secretary of State on October 11, 1979. No requests for a copy of the Statement were received by the Hearing Examiner prior to its receipt. Some proposed amendments to the rules as originally proposed were filed on October 26, 1979.

The documents above cited were available for inspection at the Office of Hearing Examiners from the date of filing to the date of hearing.

5. The record remained open through November 19, 1979, for the receipt of written comments and statements.

6. This rule hearing proceeding can conveniently be divided into three areas. The first is new rules dealing with election judge training. The second is new rules dealing with absentee voting. The third area included amendments to existing rules in the areas of voter registration, white ballot and voting machines.

7. In regard to election judge training, the Secretary of State cites Minn. Stat. § 204A.13, subd. 6 as statutory authority for these rules. That subdivision states as follows:

> Subdivision 6. Election judges training. The secretary of state shall adopt rules establishing a program for the training of election judges by county auditors as required by section 204A.175.

Minn. Stat. §§ 206.19 and 206.195 also mandate the training of election judges in voting machine precincts.

8. In regard to absentee voting, Minn. Stat. § 207.085 states as follows:

> The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of applications for absentee ballots, 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 will do so in accordance with these rules.

Minn. Laws 1979, Ch. 90, § 7 (which amends Minn. Stat. § 207.08, subd. 2 (1978)) provides, in part, as follows:

> Subdivision 4. The secretary of state shall adopt rules establishing the procedures to be followed by county auditors and town and city clerks to assure accurate and timely return of absentee ballots, and may authorize methods and procedures of return in addition to those specified in this section.

9. In regard to voter registration, Minn. Stat. § 201.221, subds. 1 through 4 (1978), provides as follows:

> 201.221 Subdivision 1. The secretary of state shall adopt rules and regulations to implement the provisions of this chapter by October 1, 1973.
>
> Subd. 2. He shall make rules consistent with the federal and state election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist

local election officers by devising uniform forms and procedures. He shall provide uniform regulations governing the maintenance of voter registration records on electronic or automatic data processing systems so that the records of counties using the systems are compatible with a uniform system of electronic data maintenance. He shall supervise the development and use of the system to insure that it conforms to applicable provisions of law and regulations.

Subd. 3. He shall prescribe the method and manner of transporting and delivering the original and duplicate registration files from the office where now located to the locations required by Laws 1973, Chapter 676.

Subd. 4. He shall prescribe the form of the duplicate registration file so that a duplicate card will contain the voter's name, address, and telephone number, space to indicate whether the voter has voted in a given election and the voter's signature. He shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day so the signatures of voters may be compared with the signatures on the duplicate registration file.

In regard to the white ballot, Minn. Stat. § 203A.31, subd. 3a (1978) states that:

> The white ballot shall be prepared under the direction of the county auditors, subject to the rules of the secretary of state and a sufficient number thereof shall be forwarded by the auditors to enable the clerks to comply with the provisions of section 203A.11, subdivision 2. The secretary of state shall provide by rule for the preparation and time of delivery of the white ballot and reimbursement of the counties' costs. The state shall reimburse the counties for the cost of the preparation of the white ballot.

Minn. Stat. § 206.08, subd. 1 provides, in part, that:

> The secretary of state shall have authority to adopt regulations, consistent with this chapter, relating to standards for examination and the general use of voting machines.

In regard to electronic voting machines for experimental use, the Secretary of State is authorized to "adopt regulations, consistent with this chapter, relating to such experimental use." by Minn. Stat. § 206.08, subd. 2 (1978).

10. Generally, the rules for voter registration need to be amended to clarify the rules and to repeal unnecessary and obsolete requirements. The need to amend the white ballot rules arises because of statutory changes contained in Minn. Laws 1979, ch. 29 and Minn. Stat. § 204A.34, subd. 2, along with the need to improve the election rules. Rules for voting machines need to be amended to reflect statutory changes contained in Minn. Stat. § 207.30, subd. 3 (1978) and Minn. Laws 1979, ch. 90, § 9, and to reflect proposed 1 MCAR §§ 2.5101-2.5119. The voting machines amendments are also needed to repeal obsolete and unnecessary provisions.

11. The following proposed rules and rule subsections received no relevant public comment either at the hearing or in written statements. A review of the Secretary of State's Statement of Need and Reasonableness shows that the Agency has properly documented the need for and reasonableness of these proposed rules: 1 MCAR §§ 2.5101, 2.5102, 2.5103, 2.5104, 2.5105, 2.5106 A. and C., 2.5107, 2.5108, 2.5110 C., 2.5111, 2.5113, 2.5114, 2.5115, 2.5118, 2.5119, 2.4101 B., 2.4104, 2.4203 and 2.4204.

12. The proposed amendments to the following rules received no relevant public comment either at the hearing or in written statements. A review of the Secretary of State's Statement of Need and Reasonableness shows that the Agency has properly documented the need for and reasonableness of the amendments to these rules: 1 MCAR §§ 2.512, 2.0608, 2.0902, 2.0903, 2.1101, 2.2111, 2.2112, 2.2113, 2.2115, 2.3103, 2.3702, and 2.3801.

13. At the hearing, the Agency announced two essentially typographical mistakes. At Section 2.4103, the bottom line of paragraph 8 reads, "is a registered voter"; this should read, "is an eligible voter". At Section 2.4104, the same error appears where the form reads, "legal address of witness if a registered voter"; this should read, "legal address of witness if an eligible voter". These changes received no public comment. They are reasonable because they expand the class of persons able to witness the Absent Voter's Certificate, thus facilitating the use of the absentee ballot.

Election Judge Training

14. Proposed rule 1 MCAR § 2.5109 A. provides that the length of the Basic Training course shall be at least two hours long. The Agency states that this amount of time is necessary to cover the information in the Basic Training course. A training survey conducted by the Secretary of State showed that almost 50 percent of training sessions conducted prior to the 1978 election were longer than one and three-quarter hours. (T. 19; Ex. 12, p. 5)

The requirement of at least two hours for the Basic Training course was criticized as being too long, thus creating undue hardship for seasoned election judges and possibly discouraging some people from becoming judges. (Ex. A-8, p. 1; Ex. H, p. 1) The Agency points out that some minimum was implied in the authorizing legislation and most jurisdictions have similar time frames. (Ex. 15, p. 7-8) The Agency has adequately demonstrated the need for and reasonableness of the minimum course length. It should be noted that under 1 MCAR § 2.5106 A., an election judge need only take a review course to serve at future elections after having completed the Basic Training course, provided the judge serves at least one election every four years. The review course is at least one hour long.

Section 2.5109, subd. B, provides that each training authority shall provide election trainees with copies of all forms which election judges must complete in the course of their duties, with examples of all forms of identification acceptable for election day registration, and with all materials contemplated in the training plan approved by the Secretary of State. According to the Agency, familiarity with forms used on election day has been shows to facilitate election day procedures. (T. 20; Ex. 12, p. 5)

It was suggested that this subdivision is unworkale, since many of the forms that judges must complete are not printed and available at the time of the training sessions. (Ex. E, p. 1; Ex. N, p. 1; Tr. 59) One suggestion was that the subdivision be modified to allow training authorities to provide copies of all forms that are available at the time of training, with instruction given on any forms that are not available, utilizing alternative resources for that purpose. (Ex. E, p. 1) The Agency has agreed to modify Section 1.5109 B. to allow training authorities to provide copies of all forms

available at the time of training and give instructions on forms that are not available. The Agency notes that where the forms are not available, their format is known and copies thereof can be made. The rule, the Agency states, does not require that the actual form be used. (Ex. 15, p. 6) So amended, the proposed subsection is needed and reasonable.

Section 2.5109 C. provides for the use of a voting machine, an electronic voting system or paper ballot and ballot box to be used at training sessions to familiarize election judges with the method of voting to be employed at the precinct in which they will serve. The Agency considers use of the actual voting method at the sessions to be the most effective means of training. (Ex. 12, p. 6; T. 20) Comment was made that use of the paper ballot and ballot box in the training session conflicts with the requirement at 1 MCAR § 2.2113, binding of ballots. (T. 59) It should be clear that the ballot to be used at the training session will be a sample ballot. The Agency has agreed that the rule should specify "sample ballot". (Ex. 15, p. 3) So amended, the subsection is needed and reasonable.

Section 2.5109 D. provides for the content of the Basic Training course. The Agency states that it has made these requirements general for the purpose of providing local trainers flexibility in designing courses to meet the needs of their particular jurisdictions, and to ensure that election judges are knowledgeable with regard to all election judge responsibilities because jobs tend to be rotated during the election day. (T. 20; Ex. 12, p. 6)

The necessity for training election judges in as many areas as that provided by this subdivision was questioned. It was suggested that election judges counting ballots at night will not be the judges who work during the day and thus, do not need to know anything about the procedures during the day or day before the polls open. (T. 60-61) The Agency response to this suggestion is that training election judges in all procedures increase the pool of trained judges, thus increasing the ability of election administrators to respond effectively when judges are unable to serve, when party balance is not met, or when additional judges become necessary; that allowing separate counting judge training would complicate administration of training programs; and separate training courses would inhibit the flexibility of review courses. (Ex. 15, p. 6-7) The need for and reasonableness of Section 2.5109 C. has been adequately demonstrated by the Agency.

15. Proposed rule 1 MCAR § 2.5110 A. provides that the review course shall be at least one hour long. According to the Agency, this is the amount of time necessary to review election procedures, discuss problems encountered in previous elections and provide a summary of new laws, rules, forms and procedures. (T. 21; Ex. 12, p. 6; Ex. 15, p. 7-8) It has been suggested that determination of the length of a review course be left to the local training authority. (Ex. E, p. 1; Ex. H, p. 1) The Agency has adequately demonstrated the need for and reasonableness of requiring a minimum of one hour of training; the discretion as to covering more material will lie with the local authority.

Section 2.5110 B. limits the number of election judge trainees in each review session to 75. This limitation was objected to as being too restrictive in that a larger number of persons could be handled in a large facility.

(Ex. D, p. 2) The subdivision was also cricitized in relation to 1 MCAR § 2.5109, which, it is suggested, is the more reasonable section to impose a limitation on the number of trainees per session, since basic training requires more detail than a review course. (Ex. E, p. 1) The Agency has agreed to delete the limitation and to amend Section 2.5109 and Section 2.5110 to provide that the training authority shall determine the size of the training session, subject to approval by the Agency. This, the Agency states, will provide trainers with flexibility while retaining the control necessary to prevent unreasonably large classes. (Ex. 15, p. 2) The Agency has shown the need for and reasonableness of subdivision B, as it will be amended.

16. Proposed rule 1 MCAR § 2.5112 provides for an emergency training course, and the content thereof, to be given by the chairman judge of the polling place. In response to an objection raised that the training provided at the polls should be at the chairman's discretion, (Ex H, p. 1; T. 61), the Agency has agreed to amend this section to provide that the chairman judge shall instruct the appointed judge in all procedures which the appointed judge must perform throughout election day. (Ex. 15, p. 3) Thus, the specific provisions for emergency training will be deleted. So amended, the need for and reasonableness of this section has been adequately demonstrated.

17. Proposed rule 1 MCAR § 2.5116 established the steps to be taken in order for the Agency to evaluate training plans to ensure that they are in keeping with the proposed rules. Before May 1 of each general election year, the Agency is to give each county auditor materials to aid in the development of a local training plan. The auditor will transmit these materials to the training authority, who is to use the material in developing a training plan which is to be submitted to the Agency by July 1 of each general election year.

A request was made to change the date for distribution of materials by the Agency from May 1 to June 15, and in connection with this, to change the date for submitting local training plans to the Agency from July 1 to August 1. The reason given for this suggested change is to allow for inclusion in the materials distributed by the Agency of the mandates of any legislation enacted by the Legislature, which stays in session through the third week of May. (Ex. E, p. 1; Ex. N, p. 1) The Agency has responded that such a change would not provide time for a modified plan to be resubmitted if the Agency rejected the first plan forwarded, since the primary election is in September. The Agency also states that the materials distributed to the counties are general materials governing the most effective methods of conducting training and that specific summaries of new laws or procedures will be distributed for use in training sessions as soon as available, but they are not necessary in developing the training plan. (Ex. 15, p. 8)

Another comment suggested that the Agency provide a basic outline to assist in the preparation of local training outlines. (Ex. E, p. 2) The Agency points out that this section requires the Agency to provide such material. (Ex. 15, p. 5)

A suggestion was made to require the first review plan to be submitted in 1981, since no review session will occur until the year after all election judges attend the 1980 basic training course, as required by 1 MCAR § 2.5106.

(Ex. D, p. 2) The Agency has responded to this request by agreeing to amend Section 2.5116 to provide that the training plan for the review course be submitted by February 1, 1981. (Ex. 15, p. 2)

One comment stated that it is the responsibility of the auditor to provide election judge training, and that training plans should, therefore, be submitted to the auditor. The possibility of providing a certification to the Agency attesting to the fact that judges have been properly trained was suggested. (Ex. H, p. 1) The Agency has stated that submission of training plans for evaluation is necessary to ensure that these plans are in keeping with the proposed rules. (Ex. 12, p. 8; T. 24) The retention of this supervisory function as proposd is within the Agency's statutory power. See, Minn. Stat. § 204A.13, subd. 6 (1978).

The Agency has adequately demonstrated the need for and reasonableness of this section as it is proposed to be amended.

Asentee Voting

18. Proposed rule 1 MCAR § 2.4101 sets out the form and instructions for completion of the absentee ballot application. In response to written comments, the Agency amended the proposed rule to include the penalty for violation of any absentee voting provision, (Minn. Stat. § 207.14), in order to reduce abuse of absentee voting. (Ex. 13; Ex. H, p. 1; Ex. E, p. 3) One comment suggested that, in addition to stating the criminal liability for violating any absentee ballot provision, an applicant be required to sign a perjury statement. (Ex. H, p.1) This is not required by statute, and is beyond the scope of the Agency's power to impose. The Agency also deleted the requirement of stating current precinct number or name, if known. (Ex. 13) This was done in response to the comment that this requirement would result in many applicants telephoning to determine their precinct numbers, while every county must look up the precinct number of the voter rather than relying on the voter's statement in any case. (Ex. 15, p. 10; Ex. E, p. 2) This deletion was objected to, (Ex. B), as creating an undue hardship for rural counties in which one address may signify several precincts. Since every county, whether urban or rural, must look up the voter's precinct number, the reasonableness of this deletion is adequately demonstrated. Hennepin County's suggestion of only requiring substantial compliance with the form (Ex. E, p. 2) would defeat the goal of uniformity and would result in a "non-rule" which would not have to be followed.

The need for and reasonableness of this section, as amended, has been shown.

19. Proposed rule 1 MCAR § 2.4102 provides for the form of the absentee ballot envelope. Suggestions have been made to amend this section to provide for depletion of current inventories of ballot envelopes. (Ex. A-8, p. 1; Ex. E, p. 3; Ex. H, p. 1; Ex. N, p. 2) The Agency states that the purpose of this section is to provide uniformity in the forms used throughout the state. The Agency notes that election officials have known since early 1977, that it would be prescribing the form of absentee ballot materials, thus accumulating large inventories was at the risk of the purchasers. Also, a survey by the Agency indicated that 70 percent of the counties would use up their current

supply of return envelopes before the 1980 general election. The Agency further states that the envelope specified meets the requirements of the U.S. Postal Service. (Ex. 15, p. 9-10) The Agency has adequately demonstrated the need for and reasonableness of this section. It should be noted that by meeting the requirements of the U.S. Postal Service, the color of the envelopes should not be a cause for confusion in the delivery of the envelopes, as one comment has suggested. (Ex. H, p. 1)

20. Proposed rule 1 MCAR § 2.4103 provides instructions to the absent voter for completion of the absentee ballot materials. Suggestions have been made regarding several of the subdivisions in this section, some of which the Agency has incorporated.

The City Clerk of Edina suggested that the capitalized sentence of the beginning of the instructions should state that a mistake "WILL INVALIDATE YOUR BALLOT". (Ex. N, p. 3) The Agency may consider this change.

Another comment suggested that instead of beginning the instruction in Section 2.4103(1) with "Locate a notary public, United States postmaster, . . .", it should begin with "Locate an eligible voter in your county. . ." (Ex. M). The Agency has responded to this suggestion by agreeing to amend the rule to begin "Locate an eligible voter in the county in which you are voting absentee. . ." (Ex. 15, p. 1). The modification to the suggestion made in Exhibit M is in response to a suggestion made at the public hearing. (T. 62) The same modification is to be made at Section 2.4103(8). (Ex. 15, p. 2)

One speaker suggested that Section 2.4103(3)(c) be amended to require current student identification. (T. 62) The Agency has agreed to amend 1 MCAR §§ 2.0506 and 2.0601 to reflect the need for a current student identification. (Ex. 15, p. 3) The same reasoning should apply here. The same commentator suggested that Section 2.4103(3)(e) require the "ineffective registration notice" to be mailed by the municipal clerk where this person handles such notice. Since the Agency recognizes the role of municipal clerks in other parts of this section, as well as other sections of the rules, it is not clear why the distinction remains here. It is, therefore, suggested that this change be made, should no reasonable distinction exist.

A request was made to delete the requirement in Section 2.4103(5) that the ballot be marked in the presence of the witness. (T. 57) As the Agency points out, this is required by Minn. Stat. § 207.08, subd. 1 (1978). (Ex. 15, p. 4) Another suggestion was to replace "he" and "him" with person. (T. p. 70) The Agency may consider this change.

The phrase "from whom he received it" in Section 2.4103(10) was considered unnecessary by one commentator. (T. 63) The Agency points out that the municipal clerk or auditor to whom a voter, or agent, delivers a return envelope is required by Minn. Stat. § 207.08, subd. 1a (1978), as amended by Minn. Laws 1979, ch. 90, to be the person from whom the ballot is received. (Ex. 15, p. 4)

Several objections were raised regarding Section 2.4103(11) which authorizes a voter to designate an agent to return the voter's absentee ballot return envelope. It was suggested that the use of an agent is conducive to fraud, that an agent only burdens the process of absentee voting, and that requiring the voter to mail the ballot is therefore preferable. (Ex. F, p. 1;

Ex. J; Ex. L; Ex. N, p. 2; T. 66-67, 78-81) Regarding the last proposition, the Agency cites Minn. Stat. § 207.08 (1978), as amended by Minn. Laws 1979, ch. 90, in support of a provision for delivery of absentee ballots by the absent voter. (Ex. 15, p. 5) The Agency supports delivery by an agent by stating (1) that delivery by an agent does not expand the possibilities of voter fraud--if anything, the provision made for such delivery provides more protection than current practice which does not require the agent to show identification and sign a register, (2) Minnesota does not have a history of voter fraud, (3) Minnesota election judges are required to compare the signature of the voter on the return envelope with the voter's signature on the absentee ballot application, (4) that although provision for deletion by an agent poses administrative burdens, the amendment to the proposed rules which eliminates the agent appointment form has made the administrative burden minimal, and (5) it has always been the position of the Legislature that the right to vote must be facilitated to the greatest extent possible, and use of agents will contribute to this goal. (Ex. 15, p. 12-14) In a post-hearing comment, Hennepin County supported the agent concept as modified. (Ex. O) For these reasons, the need for and reasonableness of the provision for delivery by an agent, as amended, has been duly supported. It should be noted that an additional objection raised to Section 2.4103(11) was that restriction of the number of ballots delivered by each agent would be unenforceable. (Ex. N, p. 2) The Agency states that requiring an agent to sign a ledger would provide a record to make a limit of three returns enforceable. This record could be used if questions were raised or complaints filed. (T. 43)

Section 2.4103(12) as proposed in the original rule has been deleted by the Agency in recognition of objections to the effect that the agent appointment form resulted in additional administrative paperwork and was confusing for voters. (Ex. 13; Ex. F, p. 1; T. 11; Ex. 15, p. 5)

Section 2.4103(12) in the proposed rule, as amended, is the original Section 2.4103(13). (Ex. 13) The Agency has agreed to amend this subdivision, along with 1 MCAR § 2.4202(a), to require return of the Absentee Ballot Return Envelope to the auditor or clerk before 4:30 p.m. on the day before the election instead of 5:00 p.m. as is presently required. This is done in recognition of suggestions that the deadline conform to the standard closing time for county and city offices. (Ex. E, p. 3; Ex. H, p. 2; Ex. 15, p. 1) Objection was also raised to bringing the ballot to the auditor's office at 5:00 p.m. on the date before the election as this would require the auditor to mail the ballot to the voting precincts, personal delivery by the auditor being prohibitive because of the area in which deliveries would have to be made, and limited time and personnel. The suggested remedy is to have the voter or agent bring the ballot to the voting precinct. (Ex. B) While this may be a reasonable remedy, Minn. Stat. § 207.08, subd. 1a (1978), as amended by Minn. Laws 1979, ch. 90, places the responsibility for receipt of the absentee ballot in the auditor or clerk from whom the voter received it.

As noted earlier, the actual agent appointment form which appeared in the proposed rules is proposed for deletion by the Agency. (Ex. 13)

The need for and reasonableness of Section 2.4103 as proposed with amendments, in Exhibit 13 and in the response (Ex. 15), has been adequately demonstrated by the Agency. The Agency will amend this entire section to include

identification of the ballot envelope (buff) or return envelope (white) by color wherever they appear in the instructions in order to clarify which envelope is being referred to. (Ex. 15, p. 1)

21. Proposed rule 1 MCAR § 2.4105 prescribes the form of the absentee ballot return envelope. The Agency states that the envelope is designed to draw attention to it, thus facilitating withdrawal of the envelopes, which are to be held at the post office until election day, and the color white was chosen because many buff-colored materials are third and fourth class mail. The main objection is to expedite handling and speed delivery of the envelopes. The return envelopes may be addressed to county auditors, municipal clerks or election judges under Minn. Stat. § 207.08, subd. 2, as amended by Minn. Laws 1979, ch. 90. The address requirements are necessary, the Agency states, to meet the demands of the U.S. Postal Service. (Ex. 12, p. 11; T. 33-34)

Two objections have been raised regarding this form. One is that by requiring white absentee ballot return envelopes, current inventories will be rendered useless. (Ex. E, p. 3) The Agency response to the same objection in Finding 14 above applies here, as does the argument that white envelopes will expedite handling and speed delivery. (Ex, 15, p. 9) Another objection was raised regarding size of the envelope. It was suggested that the 10-inch length of the envelope be changed to 10-3/8 inches, the length of a standard-size envelope available to printers. (T. 68) The Agency has agreed to so amend the size of the envelope. (Ex. 15, p. 3) The Agency has adequately shows that this section, as it will be amended, is necessary and reasonable. The City Clerk of Edina suggested that the option of a return address be provided on the envelope. (Ex. N, p. 2)

22. Proposed rule 1 MCAR § 2.4201 provides for the mailing or delivery of absentee ballot return envelopes. Reference to agent appointment has been deleted in keeping with 1 MCAR § 2.4103 as amended. (Ex. 13) The objections raised to this section refer to subdivision B and C, which restate the provisions in 1 MCAR § 2.4103(10) and (11), discussed at Finding No. 20 above. The objections are essentially the same as those raised in regard to Section 2.4103(10) and (11): That the requirement that voted absentee ballots be returned to the auditor or municipal clerk from whom they were received should be deleted, and that agents should not be appointed to hand deliver ballots. (Ex. E, p. 304; Ex. H, p. 2; Ex. J; T. 55, 63, 66) These objections have been discussed in Finding No. 20. In view of the Agency's arguments set forth therein, including the statutory requirement per Minn. Stat. § 207.08, subd. 1a, as amended by Minn. Laws 1979, ch. 90, that ballots must be turned in to the auditor or municipal clerk from whom they were received, this section has adequately been shown to be necessary and reasonable. Objection was also made that the requirements for agents to carry absentee ballots is prohibitive for voters hospitalized just prior to the election. (Ex. J; T. 55) It should be noted that by eliminating certification of agents, the Agency has alleviated this burden.

23. Proposed rule 1 MCAR § 2.4202 prescribes the duties of a county auditor or municipal clerk upon receipt of the absentee ballot return envelope. Again, references to agent appointment have been deleted in keeping with 1

MCAR §§ 2.4103 and 2.4201. (Ex. 13) Also, the Agency has agreed in response to a number of comments (Ex. 13; Ex. E, p. 4; Ex. H, p. 2) to change, as it did in Section 2.4103(12), the deadline for return of the absentee ballot return envelope to 4:30 p.m. in keeping with standard closing time for county and city offices. (Ex. 15, p. 1) Section 2.4202 C., as proposed to be amended, also provides a different procedure from that originally proposed for the delivery of an absentee ballot by an agent. This new procedure requires use of a ledger which the agent must sign and provides that the agent must show identification to the clerk. The Agency states that it believes this procedure to be an adequate safeguard for delivery by an agent. (T. p. 42-43; Ex. 13, p. 6) The Agency has agreed in response to a request for the retention of absentee ballots (Ex. E, p. 4) to amend Section 2.4202(B)(3), (C) and (D), and Section 2.4204(A)(2), to not require that unacceptable ballots be destroyed. The Agency states that such ballots should be retained by the auditor or municipal clerk, clearly marked rejected, with the reason for rejection. This will eliminate possible challenges to auditors and clerks based on their destruction of ballots and provides evidene as to their decision to reject. (Ex. 15, p. 2) A comment was made that county auditor should be required to check the absent voter's certificate to verify that it is properly signed, since many voters forget to do this. (T. 73) The Agency points to Section 2.4202(B) as the only place where such checking is useful. Section 2.4202(B) requires the auditor to check return envelopes, and where a ballot is improperly completed, the absent voter is allowed to complete it. (Ex. 15, p. 5-6)

The Agency has adequately demonstrated the need for and reasonableness of this section, as amended by Exhibit 13, and as further amended by Exhibit 15.

24. Proposed rule 1 MCAR § 2.4205 provides that municipal clerks must take all reasonable steps to ensure that all absentee ballots received by the post office before 4:00 p.m. are delivered to the polls before they close. The Agency states that this requirement is necessary because many ballots arriving at the post office after the regular mail delivery are not delivered to the polls. The Agency considers the 4:00 p.m. cutoff to be reasonable because of the distances some ballots must be transported before the polls close. (Ex. 12, p. 14; T. p. 44-45) Suggestions were made that this section be altered to eliminate the exact time requirement leaving such decisions to the auditors. (Ex. E, p. 5; Ex. H, p. 2) The Agency notes that the 4:00 p.m. deadline is the earliest time that clerks can pick up the ballots, and that they are free to make arrangements for later pickup. The Agency also specifies that the responsibility for mail pickup is with the clerks, not the auditors, and the clerk's duty is to take reasonable steps to assure that ballots received by the post office before 4:00 p.m., for the limited territory under the clerk's jurisdiction, are delivered to the polls. (Ex. 15, p. 10)

The Agency has shown this section to be reasonable and necessary.

Voter Registration Amendments

25. The proposed amendment to 1 MCAR § 2.0506 amends the form for the notice of ineffective registration. The Agency states that the purpose of this amendment is to reflect the Secretary of State's approval in 1 MCAR §

2.0601 of driving learner's permits and receipts as proof of residence. (Ex. 12, p. 14; T. 45)

A request was made that current student identification be required on the form. (T. 64) The Agency has agreed to add the word "current". (Ex. 15, p. 3) Two comments suggested that numbers 3 and 4 on the form should be combined, since both reflect late receipt of the registration form. (Ex. E, p. 5; T. 76) The Agency has responded to this suggestion by agreeing to delete number four, since it is duplicative. (Ex. 15, p. 3) A request was made to provide for mailing of the form by either the county auditor or municipal clerk, as some counties have delegated voter registration responsibilities to municipal officials. The Agency has agreed to this, since it is permitted by statute and rule, and is current practice. (Ex. 15, p. 2)

This amendment as subsequently amended has been shown to be needed and reasonable.

26. Proposed amendment 1 MCAR § 2.0601 provides for the use of the learner's permit and receipts as proof of residence. The Agency has made this provision in order to allow registration by voters who would otherwise be unable to register on election day. (Ex. 12, p. 14; T. 46) The Agency will further amend this section to reflect the changes agreed to as a result of comments made that the student identification used should be current, (T. 64) and that county auditors or municipal clerks should be allowed to mail notice of ineffective registration. (Ex. E, p. 5; Ex. 15, pp. 2, 3)

The Agency has adequately demonstrated the need for and reasonableness of this amendment and the additional amendments agreed to in Exhibit 15.

27. Some repetition of statutory language occurs in these proposed rules and rule amendments. The sections on forms for absentee voting, 1 MCAR §§ 2.4101 - 4105 repeat some language in Chapter 207 of Minnesota Statutes in order to explain the forms in an understandable manner. The Section on mailing or delivering absentee ballot return envelopes, 1 MCAR § 2.4201, repeats some language of Minn. Laws 1979, ch. 90, in order to clarify the alternative methods available for return of the ballots. 1 MCAR § 2.2113 repeats the language of Section 204A.34 relating to voting by disabled persons from their vehicles since it is necessary to include this instruction among these given to election judges in regard to restriction on distribution of ballots.

It is hereby determined that the above discussed duplication of statutory language is crucial to the ability of a person affected by the rule to comprehend its meaning and effect with the meaning of Minn. Stat. § 15.0412, subd. 1 (1978).

28. The Agency may wish to note that 1 MCAR § 2.4204 as published in the State Register lacks an "A".

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the Secretary of State gave proper notice of the promulgation of the proposed rules and proposed rule amendments.

2. That the Secretary of State has statutory authority to promulgate the proposed rules and proposed rule amendments.

3. That the Secretary of State has fulfilled all relevant substantive and procedural requirements of law or rule except as noted at Finding of Fact No. 4. No one was in fact prejudiced by the late filing of the Statement of Need and Reasonableness.

4. That the Secretary of State has demonstrated the need for and reasonableness of the proposed rules and rule amendment by an affirmative presentation of facts on the record.

5. That the finding of need or reasonableness in regard to any particular rule or rule amendment should not preclude or discourage the Secretary of State from modifying the language based upon a further examination of public comments, provided no substantial change is made, and provided that the rule finally adopted is based upon facts or argument appearing in the record.

Based on the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is recommended that the proposed rules and rule amendments, with further amendments as provided in Exhibit 13 and Exhibit 15, be adopted with attention to the Findings of Fact set out herein.

Dated: December 18, 1979.

GEORGE A. BECK
State Hearing Examiner

NOTICE

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Secretary of State shall, if she proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Secretary of State on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Secretary of State will be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Proposed Rule (A)

Office of the Secretary of State August, 1979

Election and Legislative Manual Division

Proposed Rules for Election Judge Training

Rules as proposed: (all new material)

Contents

1 MCAR § 2.5101 Scope and purpose

1 MCAR § 2.5102 Definitions

1 MCAR § 2.5103 Delegation of training duty

1 MCAR § 2.5104 Training conference

1 MCAR § 2.5105 Training program

1 MCAR § 2.5106 Training requirements

1 MCAR § 2.5107 Health care facility absentee voting requirement

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1 MCAR § 2.5109 Basic Training course

1 MCAR § 2.5110 Review course

1 MCAR § 2.5111 Course for health care facility absentee voting

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1 MCAR § 2.5113 Training materials

1 MCAR § 2.5114 Training record

1 MCAR § 2.5115 Certification of training

1 MCAR § 2.5116 Training plan

1 MCAR § 2.5117 In-service review

1 MCAR § 2.5118 Training evaluation

1 MCAR § 2.5119 Effective date

§ 2.5101 Scope and purpose. These rules establish the program for training of election judges required by Minn. Stat. § 204A.13, subd.6.

A. The purpose of the training program is to provide for uniform application of Minnesota election laws and rules by election judges and to promote accuracy, honesty and efficiency in election procedures.

B. These rules shall be construed as the minimum standards required of training programs conducted pursuant to Minn. Stat. §§ 204A.175, 206.19 and 206.195. Nothing in these rules shall restrict training authorities from implementing training programs more comprehensive than is required by the rules.

§ 2.5102 Definitions. Terms used in 1 MCAR §§ 2.5103 to §§ 2.5118 shall have the meanings given:

A. Training program. A system of instruction to promote the competence of election judges by supplying necessary information, by improving election-related skills and by aiding in attitude development.

B. Training authority. A county auditor or the municipal election official to whom the county auditor has delegated training duties.

§ 2.5103 Delegation of training duty. Before May 1, 1980, each county auditor shall notify the secretary of state of municipal election officials to whom the auditor has delegated the duty to train election judges. The notification of delegation shall include the name of the municipality, the date of delegation, the name and address of the municipal clerk and the name and address of the municipal election official delegate, if different from the municipal clerk. Thereafter, when a county auditor delegates to a municipal election official the duty to train election judges, the auditor shall notify the secretary of state within thirty days after the delegation.

§ 2.5104 Training conference. Each training authority shall attend a conference on election administration and training conducted by the secretary of state before each state primary election. If a county auditor delegates the duty to train election judges to a municipal election official and an election is to take place in that municipality prior to the next training conference held by the secretary of state, the county auditor shall train the municipal election official in administration of a training program.

§ 2. 5105 Training program. A training program shall consist of a Basic Training course, a Review course, an Emergency Training course and, in municipalities conducting absentee voting pursuant to Minn. Stat. § 207.31, a Health Care Facility Absentee Voting course. A training authority may design the courses to meet the election problems peculiar to the jurisdiction, but the courses shall meet at least the minimum standards set forth in 1 MCAR §§ 2.5109 - 2.5112.

§ 2.5106 Training requirements.

A. An election judge who must receive training pursuant to Minn. Stat. §§ 204A.175, 206.19 and 206.195 shall successfully complete a Basic Training course which meets the requirements of 1 MCAR § 2.5109. After completing the Basic Training course, an election judge may serve at future elections by successfully completing a Review course which meets the requirements of 1 MCAR § 2.5110 before service at such election. The Basic Training course need not be repeated if the judge serves at at least one election every four years.

B. The Basic Training course and the Review course shall be conducted not more than twenty-one days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a make-up session shall be held which conforms to the scheduled training session so far as practicable.

C. No election judge who successfully completes the training required by these rules for a primary election shall be required to complete additional training for the succeeding regular election.

§ 2.5107 Health care facility absentee voting requirement. Each election judge who conducts absentee voting in health care facilities pursuant to Minn. Stat. § 207.31 shall successfully complete the course for Health Care Facility Absentee Voting as provided in 1 MCAR § 2.5111 before performing his duties.

§ 2.5108 Emergency training requirement. When an election judge is appointed after the opening of the polls and has not completed the Basic Training course or Review course conducted for that election, he shall complete the Emergency Training course as provided in 1 MCAR § 2.5112 before performing his duties.

§ 2.5109 Basic training course.

A. Length. The Basic Training course shall be at least two hours long.

B. Materials. The training authority shall provide each election judge trainee with copies of all forms which election judges must complete in the course of their duties; with examples of all forms of identification acceptable for purposes of election day registration, including any forms of student identification issued by educational institutions in the area; and with all materials contemplated in the training plan approved by the secretary of state pursuant to 1 MCAR § 2.5116. Additional materials may be provided by the training authority as he deems useful.

C. A voting machine, electronic voting system or paper ballot and ballot box shall be utilized at each training session to familiar-

ize each election judge with the voting procedures for the method of voting employed in the precinct where the judge will serve.

D. Course content. A Basic Training course shall include necessary information and skill development in the following areas:

1. Judges' duties before election day
   a. Supplies
   b. Voter registration cards
   c. Voting machine checkout
   d. Ballots
2. Preparations on election day before polls open
3. Judges' duties during voting hours
   a. Election day voter registration
   b. Persons allowed in polling place
   c. Challenge process
   d. Voting process
   e. Spoiled ballots
   f. Assistance to disabled voters
   g. Absentee ballots
4. Judges' duties after polls close
   a. Closing polls
   b. Canvass process
   c. Defective and spoiled ballots
   d. Summary statements
   e. Delivery of election materials
5. New laws, rules, forms, and procedures
6. Major problems at prior elections

§ 2.5110 Review course.

A. Length. A Review Course shall be at least one hour long.

B. Participation. The maximum number of election judge trainees in

each session shall be 75.

C. Course content. The training authority shall plan a Review course which is tailored to the needs of the jurisdiction as demonstrated by performance and problems in prior elections. It shall include information on the following topics:

1. Summary of new laws, rules, forms and procedures
2. Summary of specific problems in previous elections
3. Step-by-step review of election judges' duties, emphasizing problem areas.

§ 2.5111 Course for health care facility absentee voting. The course content shall include information on the following topics:

1. Who is eligible to vote absentee from health care facilities
2. Application process
3. Registration process, including methods for providing proof of residence
4. Assistance to voters
5. Voting procedures
6. Procedures for transporting voted ballots
7. Particular problems encountered in previous elections.

§ 2. 5112 Emergency training course.

A. The chairman judge shall conduct emergency training at the polling place. The training authority shall provide an outline of emergency training procedures and otherwise ensure that the chairman judge is prepared to conduct emergency training, if necessary.

B. Course content. The chairman judge shall review with an appointed judge the following procedures:

1. Election day registration
2. Step-by-step review of the voting process
3. Challenge process
4. Demonstration of voting system in use in the polling place

5. The duties assigned to the replacement election judge

C. The chairman judge shall provide additional instruction as necessary throughout election day.

§ 2.5113 Training materials. The secretary of state shall provide the county auditor with Minnesota Election Judges Guides and training materials concerning changes in election laws, rules, forms and procedures. The county auditor shall transmit these materials to training authorities in the county. At each training session, the training authority shall provide election judge trainees with copies of the Minnesota Election Judges Guide received from the county auditor and with at least one copy for each polling place. The municipal clerk shall ensure that a Minnesota Election Judges Guide is available at each polling place on election day for use by the election judges.

§ 2.5114 Training record. Each municipal clerk, and county auditor in unorganized territory, shall maintain a record of all election judges who receive training.

A. The record shall be a list or a card system containing the name of the election judge; his precinct number; his party affiliation, if any; dates of training; type of course completed on each date; and dates of election judge service.

B. The record shall be kept current for each election judge in the county or municipality.

C. An election judge may be eliminated from the training record if he does not serve as an election judge or receive election judge training during the preceding four years.

§ 2.5115 Certification of training. Each election judge who successfully completes a Basic Training course or Review course shall receive a Certification of Training.

A. The Certification shall include the election judge's name, municipality, date of training, course completed and the signature of the training authority.

B. Except as provided in Minn. Stat. § 204A.175, each election judge must show a Certification of Training to the chairman judge of the precinct prior to being sworn in on election day.

§ 2.5116 Training plan. Before May 1 of each general election year, the secretary of state shall provide each county auditor with materials to aid in the development of a local training plan. County auditors shall transmit this material to each training authority in the county. Each training authority shall submit a training plan to the secretary of state by July 1 of each general election year.

A. The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the Basic Training course, Review course, Emergency Training course and any Health Care Facility Absentee Voting course.

B. Copies of all materials which will be distributed at the training sessions shall be submitted with the training plan or as soon thereafter as they are available.

C. The training plan shall be subject to approval by the secretary of state.

D. After 1980, if there is no change in the approved training plan on file with the secretary of state, the training authority may file a notice to this effect with the secretary of state in lieu of the training plan.

§ 2.5117 In-service review. After each primary election and before each ensuing general, special or municipal election, the training authority shall confer with the chairman judges of each precinct to

review problems or questions encountered at the primary. The training authority shall analyze problems indicated by the election returns, incorrect registrations or voter complaints and shall answer questions of the chairman judges.

§ 2.5118 Training evaluation. Each training authority shall complete a training evaluation form provided by the secretary of state after each election for which election judge training is conducted.

§ 2.5119 Effective date. These rules shall be effective for all elections occurring after September 1, 1980, except that 1 MCAR §§ 2.5103 and 2.5116 shall become effective April 1, 1980.

Office of the Secretary of State August, 1979

Election and Legislative Manual Division

Proposed Rules for Absentee Voting

Rules as proposed: (all new material)

Contents

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1 MCAR § 2.4102 Ballot envelope

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1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of absentee ballot return envelope

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1 MCAR § 2.4205 Mail pick-up

Chapter One: Forms for Absentee Voting

1 MCAR § 2.4101 Absentee ballot application.

A. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minn. Stat. § 207.04, subd.2, shall be in the following form:

Absentee Ballot Application for _____
(print or type your name)

READ INSTRUCTIONS BEFORE COMPLETING.

I hereby apply for absentee ballots to be voted upon in my precinct at the next election for the following reason: (Check one box)

☐ absence from precinct

☐ illness or disability

☐ religious discipline or observance of religious holiday

☐ service as election judge in another precinct

My legal residence address is:

_____ _____ _____
Street or Route no. Apt. no. Rural box no.

☐ City ☐ Township _____ _____
(check whichever is applicable) County Zip

My current precinct is _____. (if known)

Mail my absentee ballot to me at the following address:

_____ _____ _____
Street or Route no. Apt. no. Rural box no.

_____ _____
City or Township State Zip

Date_____ _____
Legal signature

The following certification and instructions shall be printed on the Absentee Ballot Application:

INSTRUCTIONS

1. In order to vote by absentee ballot you must be an eligible voter, you must be a resident of the election precinct indicated by your legal residence address on this application and you must not intend to abandon this residence prior to election day.

2. Be sure to check the appropriate box indicating why you are unable to go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

4. Give your current precinct number or name IF YOU KNOW IT.

5. Be sure to sign the application.

6. Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. This application form will obtain ballots for only the NEXT election. You must apply separately for each election.

2. Do not submit more than one application for each election.

3. Your absentee ballots will be mailed or delivered to you as soon as they are available.

---

office use only

Certification:

This is to certify that ballots were ☐ mailed ☐ delivered in person to the voter named on this application this ___ day of _____ ____, 19 ___.

_____
(county auditor, clerk)

B. The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the county auditor or municipal clerk. If the application is printed as a postcard application, it shall be printed in the following manner:

1. The postcard shall be white with black ink.

2. The postcard shall weigh not more than one ounce.

3. The size shall be no smaller than 3-1/2 inches by 5 inches and no larger than 6-1/8 inches by 11-1/2 inches.

4. The postcard shall be at least .007 inches thick.

1 MCAR § 2.4102 Ballot envelope. The ballot envelope shall be printed in the following manner:

A. The envelope shall be buff in color with black ink.

B. The envelope shall be of a size to fit inside the absentee ballot

return envelope.

C. The words "Ballot Envelope" shall be printed on the front of the envelope.

D. The words "Received" and "Rejected" shall be printed on the front of the envelope. Next to each word shall be printed a box in which the election judges may make a mark indicating whether the envelope is received or rejected.

E. Two lines shall be printed below the boxes. Under the bottom line shall be printed the words "Election Judges".

1 MCAR § 2.4103 Instructions to absent voter. Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the following form:

Instructions to Absent Voter

Follow these instructions carefully. AN IMPROPERLY-COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

(1) Locate a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station, any officer having authority to administer an oath or an eligible voter in your county. This person will be your witness.

(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

a. valid Minnesota Driver's License or Learner's Permit or a receipt for either;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof;

c. a student identification card, student fee statement, or copy of a student registration card that contains your valid address

in the precinct in which you are registering;

d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness and have him indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically unable to mark your ballot or cannot read English, you may ask him to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the Absentee Ballot Return Envelope. Your witness must insert the state and county where you mark your ballots; date the certificate; sign his name; print or type his name; indicate his official title if he is an official, or indicate his address if he is a registered voter in the county.

(9) Insert the Ballot Envelope in the Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the Absentee Ballot Return Envelope. Seal the Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election.

(12) If you designate an agent to deliver in person your Absentee Ballot Return Envelope, you must complete the Agent Appointment form on the lower portion of this page. The agent must give this Appointment to the auditor or clerk along with your SEALED Absentee Ballot Return Envelope before your Absentee Ballot Return Envelope will be accepted. Be sure to complete the entire Appointment! If the Appointment is incomplete, your Absentee Ballot Return Envelope will not be accepted.

(13) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the U.S. Postal Service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before 5 p.m. on the day before an election day.

(complete this form if an agent is delivering in person your Absentee Ballot Return Envelope) Detach here

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AGENT APPOINTMENT

I, _____ _____, residing at _____
(print name of absent voter) (give

_____, do hereby designate
legal address)

_____ _____as my agent to deliver in person
(print name of agent)

my Absentee Ballot Return Envelope to the election official from whom I received my absentee ballots.

(date) (legal signature of absent voter)

I, _____ (print name of agent) do hereby promise to deliver the above named voter's Absentee Ballot Return Envelope and this Appointment promptly and without interference to the appropriate official.

(date) (legal signature of agent)

(legal address of agent)

1 MCAR § 2.4104 Absent voter's certificate.

A. The Absent Voter's Certificate shall be printed in the following form:

ABSENT VOTER'S CERTIFICATE

OF

(legal name of absent voter)

(legal address of absent voter)

I swear that on election day I will meet the requirements provided by law to vote by absentee ballot.

(legal signature of voter)

County of _____

State of _____

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in such manner that I could not see his vote, he marked the ballots and enclosed and sealed them in the Ballot Envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope then he provided proof of his residence as indicated below.

(date) (legal signature of witness)

(print or type name of witness)

(official title if witness is an official)

(legal address of witness if a registered voter)

Method used by voter to prove residence if registering:

☐ Driver's License or Permit or Receipt (number)

☐ Notice of Ineffective Registration

☐ Minn. ID Card or receipt (number)

☐ Student ID (number)

☐ Registration in same precinct

☐ Registered voter in precinct

(legal signature)

(name)

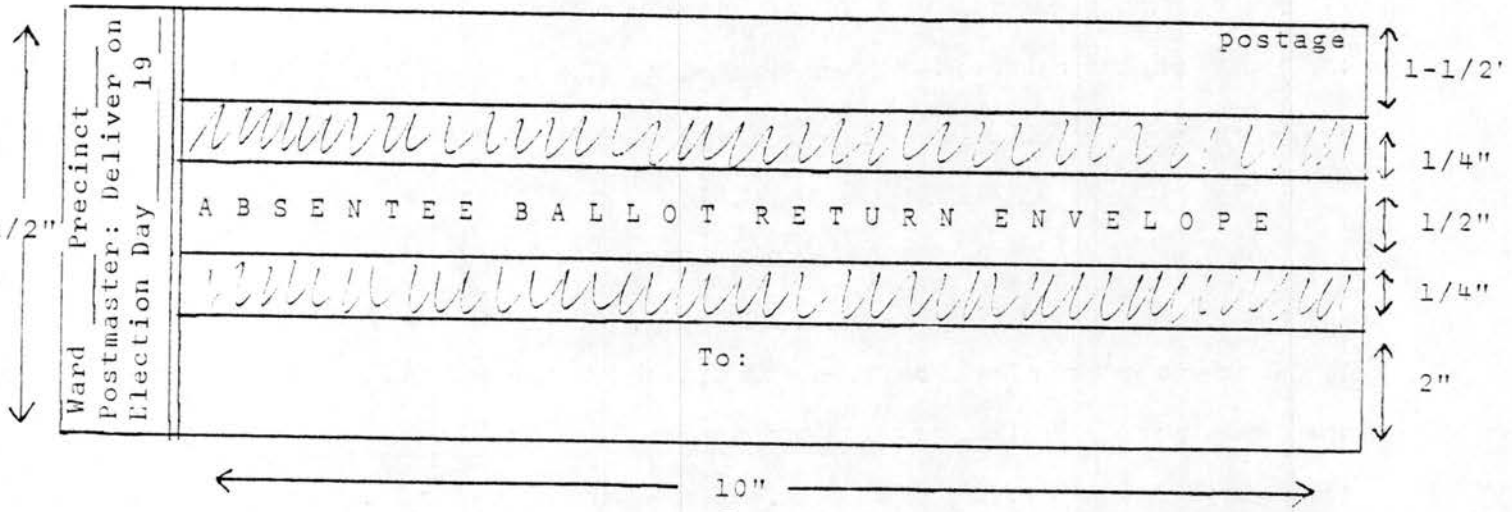
(legal address)

B. The county auditor or municipal clerk may complete the first two lines of an Absent Voter's Certificate by printing the name and address of the absent voter.

C. The Certificate shall be printed on the right-hand three-fourths of the back of the Absentee Ballot Return Envelope. The words "ABSENT VOTER'S CERTIFICATE OF" shall be printed in 12 point bold type in capital letters. The remainder of the certificate shall be printed in 11 point medium type.

1 MCAR § 2.4105 Absentee ballot return envelope.

A. The Absentee Ballot Return Envelope shall be printed in the following form:



B. The Absentee Ballot Return Envelope shall be printed according to the following specifications:

1. The envelope shall be 10 inches by 4-1/2 inches.

2. A solid rule line 1-1/2 picas wide shall be placed 1-1/2 inches from the top of the envelope and another placed 2 inches from the bottom of the envelope.

3. The words and numbers printed on the left-hand end of the envelope shall be in 12 point bold type.

4. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope shall be in 18 point bold type in capital letters.

5. The envelope shall be white in color with black ink.

C. County auditors and municipal clerks shall cause a mailing address to be printed on each Return Envelope which they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. Each county auditor or municipal clerk shall determine which of the following address forms shall be used on each Return Envelope in his county as the facts require:

1. A Return Envelope may be addressed to the county auditor who mailed or delivered the absentee ballots to the absent voter.

Example: To: Anoka County Auditor
Courthouse
Anoka, MN 55303

2. A Return Envelope may be addressed to the municipal clerk of the city or town in which the absent voter is eligible to vote.

Example: To: Edina City Clerk
City Hall
4801 W. 50th St.
Edina, MN 55424

3. A Return Envelope may be addressed to the election judges of the precinct in which the absent voter is eligible to vote provided that the polling place of the precinct is located on a regular mail

delivery route. On each Return Envelope addressed to the election judges, the county auditor or municipal clerk shall cause to be clearly printed or typed the address of the polling place in a manner to expedite handling by the U.S. Postal Service. The name and street address, rural route or township address, if applicable, of the polling place shall be on the address block. The city or town, state and zip code shall appear in that order on the bottom line of the address block.

Example: To: Election Judges
% Webster School
500 Holly St.
St. Paul, MN 55102

4. When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. The clerk shall make an initial notification to the county auditor of polling place addresses in his municipality before August 1, 1980. Thereafter, the clerk shall notify the auditor of every change of polling place address within 30 days after the change.

D. The official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's ward and precinct number and the date of the election in the spaces provided on the left-hand end of the Return Envelope.

E. County auditors shall notify the secretary of state in the annual report required by Minn. Stat. § 201.091, subd.5, which methods of returning Absentee Ballot Return Envelopes have been adopted in their counties and where each method is in effect.

Chapter Two: Methods and Procedures of Return of Absentee Ballots

1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes. Except as provided in Minn. Stat. § 207.31, an absent voter who receives his absentee ballots by mail or in person may cause his Absentee Ballot

Return Envelope to be returned by any of the following methods:

A. Causing the envelope to be mailed to the address on it.

B. Delivering the envelope in person to the county auditor or municipal clerk from whom the ballots were received.

C. Designating an agent who shall deliver in person the sealed envelope and completed Agent Appointment to the county auditor or municipal clerk from whom the ballots were received. An agent shall be at least 18 years old. No individual may be designated as the agent of more than three absent voters in any one election.

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of Absentee Ballot Return Envelope.

A. Absentee Ballot Return Envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by 5 p.m. on the day before election day.

B. Before accepting an Absentee Ballot Return Envelope which is hand-delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the Absent Voter's Certificate and any Agent Appointment is properly completed.

1. When an absent voter hand delivers an envelope which is unsealed or has an improperly completed Absent Voter's Certificate, the absent voter shall be allowed to seal the envelope, correct or complete the certificate.

2. When an agent hand delivers a sealed envelope with an improperly completed Absent Voter's Certificate or Agent Appointment, the agent may return the envelope to the absent voter for correction or completion.

3. When an agent hand delivers an envelope which is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted and shall be destroyed by the auditor or clerk in the presence of the agent. A Notice of Nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance,

the name and address of the agent and the reason for nonacceptance.

B. When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the auditor or clerk shall compare the absent voter's signature on the Agent Appointment with the signature on the Absent Voter's Certificate. If the signatures are not the same, the auditor or clerk shall not accept the envelope, shall destroy it in the presence of the agent, and shall send a Notice of Nonacceptance to the absent voter.

C. When an Absentee Ballot Return Envelope has been destroyed pursuant to this rule, the auditor or clerk shall indicate on the record of Absentee Ballot Return Envelopes required by 1 MCAR § 2.4204, in addition to the required information, the fact that the Return Envelope was destroyed. The absent voter whose Return Envelope was destroyed may apply for replacement absentee ballots.

1 MCAR § 2.4203 Retaining ballots. A county auditor or municipal clerk who receives an Absentee Ballot Return Envelope from an absent voter or an agent may deposit the envelope in the mail or retain it in his office as provided in 1 MCAR § 2.4204; provided, however that if an auditor or clerk receives the Return Envelope less than three working days before the election, he shall retain the Return Envelope in his office as provided in 1 MCAR § 2.4204.

1 MCAR § 2.4204 Safeguarding procedures. The county auditor or municipal clerk shall establish measures for safeguarding Absentee Ballot Return Envelopes received by him prior to election day.

1. If an auditor or clerk intends to deposit in the mail Return Envelopes received three days or more before an election, he shall do so promptly upon receipt of the Return Envelope from the absent voter or agent.

2. The auditor or clerk shall establish a record of those Absentee Ballot Return Envelopes which are retained in his office or destroyed pursuant to 1 MCAR § 2.4202. The record shall state the absent voter's name,

incomplete

Office of the Secretary of State

Election and Legislative Manual Division

Proposed amendments to Rules for Voter Registration

Chapter Five: 1 MCAR §§ 2.0501 - 2.0513 Notifications.

§ 2.0506 NOTICE OF INEFFECTIVE REGISTRATION

IMPORTANT INFORMATION
ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

1. ☐ Wrong County. Your registration has been forwarded to _____ County.

2. ☐ Incomplete: _____

_____.

3. ☐ Your registration was received fewer than 20 days before the upcoming election. It will be effective on __/__/__(day after next election).

4. ☐ Minnesota law provides that pre-election day registration for the upcoming __/__/__ election be received in this office by __/__/___.

You may register to vote at the polling place on election day by presenting either:

(a) this mailed notice;

(b) a valid Minnesota Driver's License, Learner's Permit or receipt ~~thereof~~ for either;

(c) a Minnesota Identification Card or receipt thereof;

(d) a student identification card that contains the student's valid address;

(e) a student fee statement that contains the student's valid address;

(f) a copy of a student registration card that contains the student's valid address;

(g) a registered voter in your precinct who can attest to your address; or

(h) a valid registration in the same precinct under a different address.

Your Polling Place is _____

_____ County Auditor ___/___/___
(signature) (date)

§2.0512 Removal of cards. Whenever a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered at a new address in the county, or registered in another county or state, the county auditor shall notify the person whose card is to be removed of such action and the reason for such action in writing. The cards removed shall be maintained in separate files for one year.

§ 2.0601 Residence. Any person otherwise qualified but not registered to vote in the precinct in which he resides may register to vote on election day at the polling place of the precinct in which he resides in areas with voter registration. To register on election day a person must complete and sign the original card, sign the duplicate card and provide proof of his residence. A person may prove his residence on election day only by presenting a valid Minnesota Driver's License, Learner's Permit, or a receipt thereof, a valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof, a student identification card that contains the student's valid address, a student fee statement that contains the student's valid address or a copy of a student registration card that contains the student's valid address; by having a valid registration in the same precinct under a different address; by presenting an "ineffective registration notice" mailed by the county auditor; or by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the following oath:

I, _____ swear that I am a registered voter in _____ and

that I personally know that _____ is a
(name of person registering)
resident of this precinct.

_____
Signature of Registered Voter

Subscribed and sworn to before me

__/__/__ _____
Date Signature of Election Judge

The above oath shall be attached to the voter registration card until the address of the applicant is verified by the county auditor. The above oaths shall be printed on a 4" X 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

§ 2.0604 Notation. When a voter uses ~~either~~ a Minnesota Driver's License, Learner's Permit, Minnesota Identification Card or receipt thereof to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of original card.

§ 2.0608 Posters. The county auditor shall supply each polling place with posters furnished to the county by the secretary of state. The election judges shall post the posters in an appropriate location in the polling place prior to opening the polls.

§ 2.0902 Information on the report.

(add to existing text Subsection E)

E. The name of each governmental unit to which the county auditor has delegated voter registration duties pursuant to 1 MCAR § 2.0101, and the date of the delegation.

§ 2.0903 Information on the report compiled during years when there is no state primary or general election.

A. The total number of registered voters in the county.

B. The total cost of registering voters in the county.

~~C. 1. The name of each governmental unit in which the county auditor has delegated the duty of training election day voter registration judges to the municipal clerk.~~

~~2. The name of each governmental unit in which the county auditor trains the election day voter registration judges.~~

CHAPTER ELEVEN: VIOLATIONS

§ 2.1101 County attorneys to report. County attorneys shall report the outcome of any investigation of alleged violations of voter registration laws to the ~~commissioner~~ secretary of state within 10 days of the determination.

Office of the Secretary of State

Election and Legislative Manual Division

Proposed amendments to Rules for Preparation of the White Ballot

§ 2.2111 Back of ballot. On the back of the white ballot shall be printed the words "OFFICIAL BALLOT," the date of the election, ~~a fac-simile of the official signature of the county auditor under whose direction the ballot is printed~~ and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

§ 2.2112 Type styles and sizes. The words "Put an (X) opposite the name of each candidate you wish to vote for in the square indicated by the arrow" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The Words "STATE BALLOT", shall be printed in upper case in as close to 18 point Franklin Gothic type as practicable.

The office and its identification shall be printed in upper case in as close to 10 point Century Bold type as practicable.

The words "VOTE FOR ONE" shall be printed in upper case in as close to 8 point Century Bold type as practicable.

The names of the candidates shall be printed in upper case in as close to 8 point Century Bold type as practicable.

The party designation or political principle and the words "Nominated Without Party Designation," "Incumbent" and "Nominated by Petition" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The words "OFFICIAL BALLOT" on the back of the ballot shall be printed in upper case in as close to 18 point Cheltingham Bold as practicable, the date in upper case in as close to 8 point Antique as practicable, ~~the words "County Auditor" in lower case in as close to 8 point Antique as practicable~~ and the word "Judge" in upper and lower case in as close to 10 point Caslon Old Face Italic as practicable.

§ 2.2113 Binding of ballots. The white ballots shall be bound in blocks of 50, and there shall be a band around each block of 50 ballots. The band around the block of ballots shall contain a facsimile of the state seal, the words "50 State Ballots "~~the official signature of the county auditor preparing the ballots~~ and the date of the election. The band shall also contain the following instructions to the election judges: "Instructions to Judges of Election

The Judge of Election receiving the ballots for delivery to the Election Board must not remove this slip or withdraw a ballot from the package, but must deliver it as he receives it to the Election Board.

Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, ~~directly under or opposite the facsimile of the signature of the officer under whose direction the ballots were printed,~~ and shall not otherwise mark the same.

No official ballot shall be distributed except ~~in the voting room~~ to voters <u>in the voting room</u> about to vote, <u>or to disabled voters in their vehicles pursuant to Minn. Stat. § 204A.34, subd. 2,</u> and no ballot which is not officially endorsed in the handwriting of such judges shall be placed in the box.

Having withdrawn from the voting booth with his ballots, the voter shall hand them to the judge in charge of the ballot boxes. The judge immediately shall deposit each ballot in the proper box."

§ 2.2115 Reimbursement of costs. The secretary of state shall reimburse counties for the cost of printing the white ballot, the white sample ballot and the summary statement for white ballot offices and constitutional amendments. On or before December 31 of every general election year and within 45 days of a special election, the county auditor shall submit to the secretary of state a statement of the costs of preparation of these supplies. The statement shall contain the name and address of the printer, the number of white ballots printed, a statement that the white ballot and summary statement prepared by the county conformed to the form prescribed by the secretary of state, pursuant to Minn. Stat § 204A.46, subd.5 , the cost to the county of printing and an itemization of costs.

Office of the Secretary of State

Election and Legislative Manual Division

Proposed amendments to Rules for Certification and Experimental and General Use of Voting Machines

Chapter One: 1 MCAR §§ 2.3101 - 2.3104 Definitions and Other General Matters.

~~§ 2.3103 Training. The official in charge of the election for the election jurisdiction shall deliver to the secretary of state 60 days before the election the plan and content for the training of election judges as required by Minn. Stat. §§ 206.19 and 206.195. The training shall include but need not be limited to the following procedures:~~

~~A. pre-election checkout at the polling place;~~

~~B. information and supplies that are to be displayed in the polling place;~~

~~C. explanation of the duties of judges including but not limited to:~~

~~1. encouraging the voter to practice the method of voting by use of the demonstration model of the voting machine;~~

~~2. explaining use of any apparatus necessary to use with the voting machine, such as stylus, marking device, insertion of ballot card;~~

~~3. explaining the ballot label and its relation to the ballot card;~~

~~4. if a primary election, explaining that a voter may vote in the election of only one party and indicate how that choice may be made;~~

~~5. if a general election, indicating the method for write in votes;~~

~~6. indicating how the voter can check his ballot before leaving the voting booth;~~

~~7. informing the voter of the proper method of completing the ballot, including use of ballot envelope;~~

~~D. activities involved in closing the polls, preparing the ballots for tabulation, and transporting of ballots to the counting center;~~

~~E. provision for individualized training for any persons who will serve as judges in the case of emergency when a trained judge is unable to serve.~~

Chapter Seven: 1 MCAR §§ 2.3701 - 2.3702 Conduct of elections, including absentee voting.

§ 2.3702 Absentee ballots.

C. Absentee votes shall be cast on paper absentee ballots. These paper absentee ballots shall be delivered ~~either to an absentee ballot pre-- einct as provided by law or~~ to the polling place in the voter's precinct.

~~D. Upon receipt of the last mail at the polling place in the precinct on election day, two election judges not of the same political party shall number the absentee ballots, serially, and transfer the intent of the absentee voter and the serial number form the absentee ballot to the official vote recording medium used in the precinct. In absentee ballot precincts, this procedure may be done during the day.~~

~~E. Two election judges not of the same party shall check each absentee ballot with the vote recording medium to determine that the medium-- records the absent voter's intent. Any write in votes shall be record-- ded as provided in these rules.--~~

~~F. Vote recording media processed under SecStat 3702D, shall be labeled "absentee", inserted in envelopes, stubs removed, and placed with bal-- lot cards cast by voters in person in that precinct.~~

Chapter Eight: 1 MCAR §§ 2.3801 - 2.3802 Election Judges Duties After Polls Close.

§ 2.3801 Procedures following close of polls.

A. All unused ballot cards and envelopes shall be secured for return to the official in charge of the election for the election jurisdiction.

B. The ballot labels and seals of each voting machine shall be inspected

to insure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy shall be noted in the remarks section of the precinct certification.

~~C.-The-election-judges-shall-compare-the-number-of-certificates-of-reg--istered-voters-with-the-number-of-names-recorded-on-voter-registration-list,-voter-registration-cards,-or-election-register-as-having-voted--that-day. -The-number-of-electors-who-voted-as-indicated-by-these-records-~~ The total number of voters, determined pursuant to Minn. Stat. § 204A.41, subd.1, shall be entered on the precinct certification.

Office of the Secretary of State

Election and Legislative Manual Division

Amendments to Proposed Rules for Absentee Voting

Proposed Rules
SOS Exhibit No. 13
File No. SOS-80-001-GR
HR Date 10/30/79

Chapter One: Forms for Absentee Voting

1 MCAR § 2.4101 Absentee ballot application.

A. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minn. Stat. § 207.04, subd.2, shall be in the following form:

Absentee Ballot Application for _____
(print or type your name)

READ INSTRUCTIONS BEFORE COMPLETING.

I hereby apply for absentee ballots to be voted upon in my precinct at the next election for the following reason: (Check one box)

☐ absence from precinct

☐ illness or disability

☐ religious discipline or observance of religious holiday

☐ service as election judge in another precinct

My legal residence address is:

_____
Street or Route no. Apt. no. Rural box no.

_____
☐ City ☐ Township County Zip
(check whichever is applicable)

~~My current precinct is _____ (if known).~~

Mail my absentee ballot to me at the following address:

_____
Street or Route no. Apt. no. Rural box no.

_____
City or Township State Zip

Date _____ _____
Legal signature

The following certification and instructions shall be printed on the Absentee Ballot Application:

INSTRUCTIONS

1. In order to vote by absentee ballot you must be an eligible voter, you must be a resident of the election precinct indicated by your legal residence address on this application and you must not intend to abandon this residence prior to election day. Please note that Minn. Stat. 207.14 provides that "Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony."

2. Be sure to check the appropriate box indicating why you are unable to go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

~~4. Give your current precinct number or name IF YOU KNOW IT.~~

4. ~~5.~~ Be sure to sign the application.

5. ~~6.~~ Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. This application form will obtain ballots for only the NEXT election. You must apply separately for each election.

2. Do not submit more than one application for each election.

3. Your absentee ballots will be mailed or delivered to you as soon as they are available.

office use only

Certification:

This is to certify that ballots were ____ mailed ____delivered in person to the voter named on this application this ____day of _____, 19___.

_____
(county auditor, clerk)

B. The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the county auditor or municipal clerk. If the application is printed as a postcard application, it shall be printed in the following manner:

1. The postcard shall be white with black ink.
2. The postcard shall weigh not more than one ounce.
3. The size shall be no smaller than 3-½ inches by 5 inches and no larger than 6-1/8 inches by 11-½ inches.
4. The postcard shall be at least .007 inches thick.

1 MCAR § 2.4103 Instructions to absent voter.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your absentee Ballot Return Envelope before giving it to your agent.

~~(12) If you designate an agent to deliver in person your Absentee Ballot Return Envelope, you must complete the Agent Appointment form on the lower portion of this page. The agent must give this Appointment to the auditor or municipal clerk with your SEALED Absentee Ballot Return Envelope before~~

~~your Absentee Ballot Return Envelope will be accepted. Be sure to com-~~

~~plete the entire Appointment. If the Appointment is incomplete, your Ab-~~

~~sentee Ballot Return Envelope will not be accepted.~~

~~(13)~~ (12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the U.S. Postal Service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before 5 p.m. on the day before an election day.

~~(complete this form if an agent is delivering in person your Absentee Ballot Return Envelope)~~ ~~Detach here~~

~~AGENT APPOINTMENT~~

~~I,~~ _____ (print name of absent voter), residing at _____ (give legal address), do hereby designate _____ (print name of agent) as my agent to deliver in person my Absentee Ballot Return Envelope to the election official from whom I received my absentee ballots.

_____ (date) _____ (legal signature of absent voter)

~~I,~~ _____ (print name of agent) do hereby promise to deliver the above named voter's Absentee Ballot Return Envelope and this Appointment promptly and without interference to the appropriate official.

_____ (date) _____ (legal signature of agent)

_____ (legal address of agent)

Chapter Two: Methods and Procedures of Return of Absentee Ballots

1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes. Except as provided in Minn. Stat. § 207.31, an absent voter who receives his absentee ballots by mail or in person may cause his Absentee Ballot Return Envelope to be returned by any of the following methods.

A. Causing the envelope to be mailed to the address on it.

B. Delivering the envelope in person to the county auditor or municipal clerk from whom the ballots were received.

C. Designating an agent who shall deliver in person the sealed envelope ~~and completed Agent Appointment~~ to the county auditor or municipal clerk from whom the ballots were received. An agent shall be at least 18 years old. No individual may be designated as the agent of more than three absent voters in any one election.

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of Absentee Ballot Return Envelope.

A. Absentee Ballot Return Envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by 5 p.m. on the day before election day.

B. Before accepting an Absentee Ballot Return Envelope which is hand-delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the Absent Voter's Certificate ~~and any Agent Appointment~~ is properly completed.

1. When an absent voter hand delivers an envelope which is unsealed or has an improperly completed Absent Voter's Certificate, the absent voter shall be allowed to seal the envelope, correct or complete the certificate.

2. When an agent hand delivers a sealed envelope with an improperly completed Absent Voter's Certificate ~~or Agent Appointment,~~ the agent may return the envelope to the absent voter for correction or completion.

3. When an agent hand delivers an envelope which is not sealed or

ch the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted and shall be destroyed by the auditor or clerk in the presence of the agent. A Notice of Nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent and the reason for nonacceptance.

~~B. When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the auditor or clerk shall compare the absent voter's signature on the Agent Appointment with the signature on the Absent Voter's Certificate. If the signatures are not the same, the auditor or clerk shall not accept the envelope, shall destroy it in the presence of the agent, and shall send a Notice of Nonacceptance to the Absent Voter.~~

C. When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the agent shall, on a record maintained by the auditor or clerk, print his name and address, the name and address of the absent voter whose ballot he is delivering, and sign his name. The agent shall show to the auditor or clerk identification which contains the agent's name and signature.

~~C.~~ D. When an Absentee Ballot Return Envelope has been destroyed pursuant to this rule, the auditor or clerk shall indicate on the record of Absentee Ballot Return Envelopes required by 1 MCAR § 2.4204, in addition to the required information, the fact that the Return Envelope was destroyed. The absent voter whose Return Envelope was destroyed may apply for replacement absentee ballots.

Office of the Secretary of State

Election and Legislative Manual Division

Proposed amendments to Rules for Voter Registration

Chapter Five: 1 MCAR §§ 2.0501 - 2.0513 Notifications.

§ 2.0506 NOTICE OF INEFFECTIVE REGISTRATION

IMPORTANT INFORMATION
ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

1. ☐ Wrong County. Your registration has been forwarded to _____ County.

2. ☐ Incomplete: _____

_____.

3. ☐ Your registration was received fewer than 20 days before the upcoming election. It will be effective on __/__/__(day after next election).

4. ☐ Minnesota law provides that pre-election day registration for the upcoming __/__/__ election be received in this office by __/__/___.

You may register to vote at the polling place on election day by presenting either:

(a) this mailed notice;

(b) a valid Minnesota Driver's License, Learner's Permit or receipt ~~thereof~~ for either that contains the voter's valid address in the precinct

(c) a Minnesota Identification Card or receipt thereof that contains the voter's valid address in the precinct;

(d) a student identification card that contains the student's valid address in the precinct;

(e) a student fee statement that contains the student's valid address in the precinct;

(f) a copy of a student registration card that contains the student's valid address in the precinct;

(g) a registered voter in your precinct who can attest to your address; or

(h) a valid registration in the same precinct under a different address.

Your Polling Place is _____

_____ County Auditor ___/___/___
(signature) (date)

§ 2.0601 Residence. Any person otherwise qualified but not registered to vote in the precinct in which he resides may register to vote on election day at the polling place of the precinct in which he resides in areas with voter registration. To register on election day a person must complete and sign the original card, sign the duplicate card and provide proof of his residence. A person may prove his residence on election day only by presenting a valid Minnesota Driver's License, Learner's Permit, or a receipt thereof containing the voter's valid address in the precinct, a valid Minnesota Identification card issued by the Minnesota Department of Public Safety or a receipt thereof containing the voter's valid address in the precinct, a student identification card that contains the student's valid address in the precinct, or a copy of a student registration card that contains the student's valid address in the precinct; by having a valid registration in the same precinct under a different address; by presenting an "ineffective registration notice' mailed by the county auditor; or by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the following oath:

I, _____ swear that I am a registered voter in _____ and that I personally know that _____ is a resident of this precinct.
(name of person registering)

_____
Signature of Registered Voter

Subscribed and sworn to before me

___/___/___ _____
Date Signature of Election Judge

The above oath shall be attached to the voter registration card until the address of the applicant is verified by the county auditor. The above oaths shall be printed on a 4" X 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

§ 2.0604 Notation. When a voter uses ~~either~~ a Minnesota Driver's license, Learner's Permit or Minnesota Identification Card ~~or receipt thereof~~ to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of original card.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Proposed Rule C

DEPARTMENT Secretary of State

Office Memorandum

RECEIVED
NOV 28 1979
OFFICE OF HEARING EXAMINERS

TO : George Beck, Hearing Examiner
1734 University Ave.
St. Paul, MN 55104

DATE: October 31, 1979

FROM : Lucy Wieland lw
Election Procedures Advisor

PHONE: 296-9217

SUBJECT: Amendment to Secretary of State's Proposed Rules for Absentee Voting

An error has been noted in the State Register publication for Monday, September 24, 1979 in two sections of our proposed rules for absentee voting. In these two sections, the word "registered" appears where "eligible" should appear. The corrected sections appear below:

1 MCAR § 2.4103 Instructions to absent voter.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the Absent Ballot Return Envelope. Your witness must insert the state and county where you mark your ballots; date the certificate; sign his name; print or type his name; indicate his official title if he is an official, or indicate his address if he is an eligible voter in the county.

1 MCAR § 2.4104 Absent voter's certificate

A. The Absent Voter's Certificate shall be printed in the following form:

ABSENT VOTER'S CERTIFICATE
OF

(body of Absent Voter's Certificate appears here)

(legal signature of witness)

(print or type name of witness)

(official title if witness is an offici

(legal address of witness if an eligible voter)

LATE Exhibit No.

File No.

Date

Your attention to this matter will be greatly appreciated.

STATE OF MINNESOTA

SECRETARY OF STATE

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1978) in Room 57 of the State Office Building, Wabasha Street between Aurora and Fuller Avenues, St. Paul, Minnesota on Tuesday, October 30, 1979, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested persons will have an opportunity to participate. Statements may be made orally, and written materials may be submitted to George A. Beck, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8108, before the hearing, within five (5) working days after the hearing ends or during a longer period not to exceed twenty (20) calendar days after the hearing if ordered by the Hearing Examiner.

Copies of the proposed rules and amendments are now available, and one free copy may be obtained by writing to Secretary of State Joan Anderson Growe, Election Division, 180 State Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Statutory authority to adopt the proposed rules and amendments is contained in Minn. Stat. §§ 204A.13 subd. 6; 207.08 subd. 2, as amended by Minn. Laws 1979 ch. 90 § 7; 207.085; 201.221 subds. 1-4; 203A.31 subd. 3a; and 206.08 subd. 1 (1978).

The proposed rules governing election judges training establish a program for the training of election judges by county auditors and municipal election officials pursuant to Minn. Stat. § 204A.175 (1978). The rules set minimum standards for reports of delegation of training responsibility by county auditors; attendance by county and municipal training officials

at conferences conducted by the Secretary of State; content, materials, length, class size and schedule for basic, review, health care facility and emergency training courses; training records, certifications of training; approval of training plans by the Secretary of State; in-service training; and training evaluation.

The proposed rules governing absentee voting materials and delivery procedures establish the form, content, type size and style of applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot; establish procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots; and provide additional methods of return of absentee ballots. The rules permit absentee ballot applications to be printed as postcards, permit an absent voter to appoint an agent to return ballots, require auditors or clerks to maintain records regarding absentee ballots and require clerks to make efforts to insure delivery to the polls of absentee ballots returned by mail.

The proposed amendments to rules governing voter registration permit use of a driving learner's permit to prove residence when registering on election day, eliminate the requirement that county auditors notify voters whose registration cards are removed from the files when they register to vote at a different address, require that county auditors supply polling places with informational posters provided by the Secretary of State, require county auditors to report all delegations of voter registration duties every two years and make housekeeping changes. 3

The proposed amendments to the rules governing preparation of the white ballot reflect statutory changes removing the names of public officials from ballots and permitting disabled persons to vote in their vehicles and require county auditors to state that white ballots and summary statements comply with statutes when requesting reimbursement of costs.

The proposed amendments to rules governing certification and use of voting machines eliminate election judge training requirements included in proposed rules governing election judge training, reflect statutory changes requiring delivery of absentee ballots to polling places and eliminating transfer of absentee votes to punch cards and delete a redundant procedure for determining the number of voters.

Please be advised that Minn. Stat. § 10A.03 (1978) requires each lobbyist to register with the Ethical Practices Board within five (5) days after he/she commences lobbying.

"Lobbyist" means any individual:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his/her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

B. Spends more than $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his/her official capacity;

B. Party or his/her representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he/she is appearing, but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation, as defined in Minn. Stat. § 500.24 subd. 1 (1978) who does not spend over $250, excluding his/her own travel expenses, in any year in communicating with public officials.

Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Notice: Any person may request notification of the date on which the Hearing Examiner's report will be available, after which date the Secretary of State may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted, or resubmitted, to the Attorney General by the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's report), or to the Secretary of State (in the case of her submission or resubmission to the Attorney General). 8

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Office of the Secretary of State and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Secretary of State at the hearing justifying both the need for, and the reasonableness, of the proposed rules and amendments. Copies of the Statement of Need and Reasonablenesss may be obtained from the Office of Hearing Examiners at a minimal charge. 9

Pursuant to Minn. Stat. § 15.0412 subd. 7 (1978), notice is hereby given that the Secretary of State's reasonable estimate of the total cost to all local public bodies in the state to implement the proposed rules governing election judge training or the proposed rules governing absentee voting materials and delivery procedures or each of the sets of rules for the two years immediately following adoption may exceed $100,000 in either of the two years. 10

Because of varying circumstances in the counties of the state with regard to election judge training and absentee voting materials and delivery procedures, it is virtually impossible to determine precisely the costs of the proposed rules in each county.

Dated: September 7, 1979

Joan Anderson Growe

JOAN ANDERSON GROWE
Secretary of State

LATE Exhibit No.
File No. Date

STATE OF MINNESOTA

SECRETARY OF STATE

RECEIVED
NOV 26 1979
OFFICE OF HEARING EXAMINERS

PROPOSED RULES GOVERNING ELECTION JUDGE TRAINING, ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

STATEMENT OF ? TO REPEAT STATUTORY PROVISIONS

Three segments of the above-cited proposed rules and amendments repeat statutory provisions.

First, 1 MCAR §§ 2.4101-4105 repeat provisions of Minn. Stat. ch. 207 (1978), as amended. Minn. Stat. § 207.085 (1978) mandates that the Secretary of State adopt rules establishing the form, content, type size and type style for the printing of absentee ballot applications, return envelopes, ballot envelopes and instructions to voters. It is crucial to repeat the substance of laws in order to establish forms in an understandable manner.

Second, 1 MCAR § 2.4201 repeats the provisions of Minn. Laws 1979 ch. 90 permitting return of voted absentee ballots by mail or in person. The principal purpose of 1 MCAR § 2.4201 is to provide for return of voted absentee ballots by agents. This alternative for return of ballots cannot be fully understood without specification of the other methods available. Further, reference to other methods of return is necessary to avoid the implication that return by an agent is the only method of return available. Clarity with regard to methods of return of absentee ballots is especially difficult and important, because return by any method other than mail became permissible under Minnesota law only recently.

Third, 1 MCAR § 2.2113 repeats the provision of Minn. Stat. § 204A.34 (1978) for voting by disabled persons from their vehicles. Minn. Stat. § 203A.31 subd. 3a (1978) mandates that the Secretary of State adopt rules governing the preparation of the white ballot. 1 MCAR § 2.2113 provides for a reminder to election judges of restrictions on distribution of ballots. Instructions necessarily repeat the substance of laws.

Dated: November 19, 1979

THOMAS G. DURAND
Office Director

SOS Exhibit No. 9
File No. 805-80-01-03
1973 Date 10/30/79

STATE OF MINNESOTA
SECRETARY OF STATE

RECEIVED
OCT 5 1979
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

AFFIDAVIT OF MAILING

Jeanne McGree, Executive I in the Office of the Secretary of State for the State of Minnesota, being first duly sworn, deposes and says:

That on the 19th day of September, 1979, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons on the attached sheet as presently being members of the Minnesota Legislature.

Jeanne McGree
JEANNE McGREE, Executive I
Office of Secretary of State

Subscribed and sworn to before me this
19th day of September, 1979.

Virginia Daniels
Notary Public

VIRGINIA DANIELS
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
June 21, 1980

SOS Exhibit No. 8
File No. 85-80-001-03
HRB Date 10/20/79

STATE OF MINNESOTA
SECRETARY OF STATE

RECEIVED
OCT 5 1979
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Jeanne McGree, being duly sworn on oath deposes and says:

1. That she is an employee in the Office of the Secretary of State of the State of Minnesota.

2. That on the 19th day of September, 1979, she requested from the Office of the Secretary of State for the State of Minnesota a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. Section 15.0412 (1978), as amended.

3. That on the 19th day of September, 1979, in response to the above request, the Secretary of State provided her with such a list.

Further affiant sayeth not.

Jeanne McGree
JEANNE McGREE, Executive I
Office of Secretary of State

Subscribed and sworn to before me this 19th day of September, 1979.

Virginia Daniels
Notary Public

VIRGINIA DANIELS
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
June 21, 1980

SOS Exhibit No. 7
File No. 80-80-121-03
HRD Date 10/30/79

RECEIVED
OCT 5 1979
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

Affidavit of Secretary of State's Official Mailing List

CERTIFICATE

In the matter of the Proposed Adoption of Rules of The Secretary of State Governing Election Judge Training and Absentee Voting Materials and Delivery Procedures and Proposed Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of THE White Ballot and Certification and Use of Voting Machines.

I hereby certify that the attached 326 labels & 4 sheets constitute the complete list of persons, associations, and other interested groups who as of 1:00 o'clock P. .M, this 19th day of Sept., 1979, have requested pursuant to M.S. 19 78, 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Kathy Glenn

SOS Exhibit No. 5
File No. SOS-800-001-GB
HB Date 10/30/79

RECEIVED
OCT 5 1979
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

SECRETARY OF STATE

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in Room 57, State Office Building, Wabasha Street between Aurora and Fuller Avenues, St. Paul, Minnesota, on Tuesday, October 30, 1979, commencing at 10:00 a.m.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED THAT the Notice of Hearing be published in the State Register.

Joan Anderson Growe
JOAN ANDERSON GROWE
Secretary of State

Dated: September 7, 1979

SOS Exhibit No. 12
File No. SOS-80-001-GD
HJS Date 10/30/79

STATE OF MINNESOTA

SECRETARY OF STATE

RECEIVED
OCT 11 1979
OFFICE OF HEARING EXAMINERS

PROPOSED RULES GOVERNING ELECTION JUDGE TRAINING, ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

Minnesota statutes mandate that the Secretary of State adopt rules governing the above-captioned subjects. The Secretary has not previously adopted rules regarding election training or absentee voting; she proposes to amend her rules regarding voter registration, white ballots and voting machines.

As chief elections officer in Minnesota, the Secretary of State has hundreds of contacts annually with election officials, suppliers of election materials, voters and others concerning the above-captioned subjects.

The Secretary of State has conducted scores of training meetings for election officials throughout Minnesota on an annual basis. She is president of the National Secretaries of State Association and participates in meetings and other activities of that organization as well as meetings and other activities of many state and local organizations concerned with elections. The Secretary meets with election officials throughout Minnesota upon request. She prescribes the form of summary statements used in state elections and receives county canvassing reports. She convenes and is a member of all state canvassing boards. She prepares and distributes printed materials regarding election laws and rules as well as other election matters for the 87 county auditors, more than 800 city clerks, more than 1800 town clerks and 30,000 election judges in Minnesota. The Secretary works with printers of ballots, voter registration cards, absentee voter materials and other election materials. She receives telephone calls, visits and letters from election officials, candidates, campaign workers,

suppliers, citizens and others seeking or providing election information. She maintains relationships with the Federal Elections Commission and other election agencies and officials throughout the United States. She proposes statutory changes to the Minnesota Legislature.

A Notice of Intent to Solicit input into the proposed rules and amendments was published in the State Register on April 23, 1979, at 3 S.R. 1952. Input has been received.

The statutory mandates and information developed by the Secretary of State have caused the Secretary to propose these rules and amendments. Some reflect statutory changes, some clarify existing rules and some impose responsibilities upon the Secretary, other election officials and voters. All further uniformity. Some of the rules and amendments are substantive and others technical.

The Secretary intends that the proposed rules will assist expressions of the will of the people by helping maximize participation in as well as the safety of elections.

ELECTION JUDGE TRAINING

Minn. Stat. § 204A.13 subd. 6 (1978) requires the Secretary of State to adopt rules establishing a program for the training of election judges as required by Minn. Stat. § 204A.175 (1978).

Section 204A.175, enacted in 1977, mandates that a county auditor train all election judges and provide a procedure for emergency training of judges. The auditor may delegate his training duties to municipal election officials. For many years prior to passage of section 204A.175, Minn. Stat. §§ 206.19 and 206.195 (1978) mandated training of election judges in voting machine precincts and still do.

Rules of the Secretary of State 1 MCAR § 2.3103, adopted in 1976, has established minimum standards for training of election judges in voting machine precincts throughout Minnesota.

As chief elections officer in Minnesota, the Secretary of State has played a major role in the training of election officials. Pursuant to 1 MCAR § 2.3103, the Secretary has approved training plans for judges in voting machine precincts. Every year since 1975 she has conducted regional training meetings for election officials throughout the state. Pursuant to Minn. Stat. § 204A.13 subd. 5 (1978), she conducts conferences for county auditors during which she provides information regarding administration of election laws and the training of election officials.

The Secretary prepares and distributes printed materials regarding election laws and rules as well as other election matters which may be used in election training.

In 1978 the Secretary prepared and distributed a suggested outline for the training of election judges to aid county auditors in implementation of section 204A.175.

During the 1978 general election period, the Secretary surveyed county auditors, municipal clerks and election judges regarding election judge training.

Rules governing election judge training are proposed as minimum standards.

These proposed rules are reasonable, because training programs substantially identical to the program established in these rules are in effect in many jurisdictions in Minnesota and are effective without causing significant financial or other burdens. 1 MCAR § 2.5101.

1 MCAR § 2.5101 Scope and purpose

This rule states the statutory authority for the proposed rules, the purpose of the proposed rules and the intention that the rules serve as minimum standards for training programs. The purpose is reasonable in that it is the purpose of all Minnesota election laws and rules. Many jurisdictions presently conduct training that is more comprehensive than required by this rule.

1 MCAR § 2.5102 Definitions

Those terms are defined which are frequently used throughout the rules and have a particular meaning not clearly evident from the words themselves. The definitions promote understanding and uniform application of the rules. They are reasonable in that they reflect election judge training statutes.

1 MCAR § 2.5103 Delegation of training duty

Pursuant to section 204A.175, county auditors may delegate the duty to train election judges to municipal election officials. Many counties have made delegations. Notification to the Secretary of State of delegations allows the Secretary to communicate directly with local trainers for purposes of surveys, exchanges of information, training materials and other facets of training. The rule is reasonable, because county auditors presently report to the Secretary regarding several other matters.

1 MCAR § 2.5104 Training conference

Pursuant to section 204A.13 subdivision 5, the Secretary of State conducts conferences for county auditors before each state primary to give instructions on the administration of election laws and the training of election officials and election judges. It is necessary for a municipal election official who has the duty to train election judges to attend a conference in order to obtain the necessary information and skills to conduct effective training. Likewise, if a municipal election official must conduct training before attending this conference, it is necessary for the county auditor to transmit information to insure effective training. The rule is reasonable in that many auditors are presently attending conferences and training municipal election officials.

1 MCAR § 2.5105 Training program

The training program is divided into four courses in order to meet the various training needs of election judges within a jurisdiction. In addition, training authorities are encouraged to develop programs which are geared to the particular situations in their areas. The standards outlined in the proposed rules for each course are the minimum content necessary for a course to train each category of election judges adequately. Many jurisdictions are presently providing substantially the training proposed in 1 MCAR § 2.5106 to 1 MCAR § 2.5113.

1 MCAR § 2.5106 Training requirements

Section A:

The League of Women Voters conducted a survey of election officials in 1976 and of election judges in 1978 on election procedures in Minnesota. The survey found that election judges believe training programs should be geared to the experience of the judge; new judges need a detailed and thorough training course, while experienced judges have the basic knowledge and need a refresher course. The survey of election officials conducted by the Secretary of State reached the same conclusion. If an election judge serves at least once in every four years, he will remain sufficiently familiar with election procedures that a review course will be sufficient training. This rule requires all election judges to attend a Basic Training course prior to service at the 1980 elections. This is necessary to insure that all judges receive the basic training information, since some training programs conducted in the past have not met the minimum standards set forth in these rules. It is reasonable in that county and local election officials have a year to prepare and conduct the course.

Section B:

Training 21 to 3 days before an election is necessary to maximize effectiveness. Section 206.19 requires that training in voting machine precincts be conducted within this time frame. The training survey conducted by the Secretary of State in 1978 showed training has been conducted, on the average, 10 days prior to elections.

Section C:

If a judge is trained before a primary election, he does not need additional training for the ensuing regular election which is less than two months later.

1 MCAR § 2.5107 Health care facility absentee voting requirement

The duties of election judges conducting absentee voting in health care facilities are specialized procedures used only in that area. In addition, information received by the Secretary of State from election officials and election judges indicates many difficulties in the administration of this kind of voting. It is necessary, therefore, to require these election judges to attend a particular course directed at these procedures and problems.

1 MCAR § 2.5108 Emergency training requirement

Section 204A.175 required county auditors to provide a procedure for emergency training of election judges appointed to serve after the opening of the polls. Because of the limitations inherent in training after the polls have opened, a specialized training course is necessary.

1 MCAR § 2.5109 Basic training course

Section A:

Two hours is the minimum amount of time necessary to cover the information in a Basic Training course. In the training survey conducted by the Secretary of State, almost 50 percent of training sessions conducted prior to the 1978 election were longer than 1-3/4 hours. Therefore, the rule is reasonable.

Section B:

The survey conducted by the League of Women Voters indicated that election judges believe printed material is essential in a training session. Familiarity and practical experience with the forms used on election day has been shown to facilitate election day procedures. Election day registration has been a source of complaints and problems. The solution to some of these problems is familiarizing election judges with the forms of identification which are used for election day

registration by the voter. More than 40 percent of officials responding to the Secretary of State's training survey use forms in training sessions.

Section C:

Familiarizing election judges with the method of voting in use in the precincts is necessary, since election judges will have to instruct voters in the method of voting. Use of the actual voting method has been shown to be the most effective means of training.

Section D:

The content requirements for the Basic Training course are general in order to provide local trainers flexibility in designing courses which meet the particular needs of their jurisdictions. The rule is based on a training outline issued by the Secretary of State before the 1978 election which was well received by election officials. The study conducted by the League of Women Voters found that election judges believe they must be knowledgeable with regard to all election judge responsibilities because they rotate jobs during the day.

1 MCAR § 2.5110 Review course

Section A:

One hour is the length of time necessary to review election procedures, discuss problems encountered in previous elections and provide a summary of new laws, rules, forms and procedures. It is shorter than the 1-3/4 hours now average.

Section B:

The size of training sessions vary widely depending on the jurisdiction. Seventy-five is a maximum number of participants in a training session which will allow individuals to participate in the sessions and feel free to ask questions. Seventy-five is a reasonable number, because rooms can be found to accommodate that number and it does not necessitate an unmanageable number of meetings.

Section C:

In a Review course it is important that trainers adjust the course to the needs of the experienced judges as evidenced by problems in prior elections. In addition, even experienced judges must be made aware of new laws, forms, procedures, or rules which affect their duties. The course content is based on an outline prepared by the Secretary of State for training programs conducted before the 1978 election and followed with success in many jurisdictions.

1 MCAR § 2.5111 Course for health care facility absentee voting

The voting process in health care facility absentee voting is unique to that situation. The proposed rule requires coverage of all areas involved in the process and is based on a training outline prepared by the Secretary of State for the 1978 election and followed successfully in many jurisdictions.

1 MCAR § 2.5112 Emergency training course

Section A:

Emergency training by necessity must be conducted by the chairman judge at the polling place. The chairman judge must be prepared to conduct this training if it is to be done consistent with these rules.

Section B:

Course content includes the basic information an election judge needs to function during the course of election day. It is based on an outline prepared by the Secretary of State before the 1978 election and followed successfully in many jurisdictions. The proposed rule is reasonable in that it does not require training more lengthy than realistic in an emergency.

1 MCAR § 2.5113 Training materials

The Secretary of State, pursuant to Minn. Stat. § 204A.13 subd. 2 (1978), prepares and distributes to county auditors Election Judges Guides and summaries of changes in election laws, rules and procedures. These materials are valuable references for training authorities and election judges. In the training survey conducted by the Secretary of State, 71 percent of respondents indicated they used the Election Judges Guides in their training sessions. In a survey of election judges, 69 percent reported they received a copy of the Election Judges Guide. The Guide summarizes the duties of election judges and is a valuable reference at the polls on election day. The Secretary of State provides each county with a sufficient number of Election Judges Guides to satisfy the rule. Municipal clerks presently must cause other election materials to be delivered to the polls.

1 MCAR § 2.5114 Training record

A training record is necessary so that municipal clerks and auditors are aware whether the election judges appointed in their jurisdiction have received required training. An election judge who has not served as a judge within the preceding four years is not eligible to serve without taking a Basic Training course. Election officials presently maintain records regarding judges. The rule provides for flexibility and simplicity in records.

1 MCAR § 2.5115 Certification of training

The rules attempt to achieve a uniform training program throughout the state. Requiring the Certification in all precincts is necessary to insure that an election judge does not actually serve unless required training has been completed successfully. Section 206.19 requires a Certification of Training in voting machine precincts. No expensive certification is required, and the Certification may be delivered at the time of training.

1 MCAR § 2.5116 Training plan

The Secretary of State must establish a program for training election judges. The submission of training plans by training authorities is necessary so that the Secretary of State can evaluate training programs to ensure they are in accordance with the proposed rules. In addition, the Secretary may use the information obtained from the plans to assist all jurisdictions to improve their programs. If a training plan is not changed from one general election year to another, the filing of another plan is unnecessary paperwork. 1 MCAR § 2.3103 presently mandates the filing with the Secretary of State plans for training election judges in voting machine precincts.

1 MCAR § 2.5117 In-Service review

This procedure provides for communication between training authorities and chairman judges in each precinct between the primary and ensuing regular election so that any problems or questions which arose in the primary are dealt with before the regular election. No meeting is required.

1 MCAR § 2.5118 Training evaluation

The Secretary of State must establish a program for training election judges. Training evaluation allows the Secretary of State to evaluate training programs, training materials and implementation of training rules. It provides the means to improve such rules, materials and programs. Election officials presently report to the Secretary of State regarding many manners.

1 MCAR § 2.5119 Effective date

The effective date is necessary to delay the requirement to train election judges pursuant to these rules until the 1980 primary election and the reporting requirements of 1 MCAR § 2.5103 and 2.5116 until May of 1980. The rule is reasonable, because training is not critical

until the next statewide election, the Secretary of State must be aware of delegations and training plans in advance of the election and the effective date gives election officials up to a year to comply with these proposed rules.

ABSENTEE VOTING

Increasing numbers of voters are utilizing the absentee voting process, especially in statewide elections. The Secretary of State conducted a survey of absentee voting in the 1978 general election. Sixty-five counties responded to the survey, reporting that 47,662 voters applied for absentee ballots in the 1978 general election. Absentee voting has a definite impact on election outcomes.

The purpose of these rules is to provide uniformity in the administration of the absentee voting law and to ensure the safe, accurate and timely return of absentee ballots.

Materials

Minn. Stat. § 207.085 (1978) mandates that the Secretary of State adopt rules establishing the form, content, type size and type style for the printing of absentee ballot applications, return envelopes, certificates of eligibility, ballot envelopes and instructions.

Minn. Stat. §§ 207.03 and 207.08 (1976) prescribed the forms for absentee ballot applications, return envelopes, absent voter's certificates, ballot envelopes and instructions to voters. In 1977 the Legislature repealed those sections and required auditors and clerks to continue printing forms in accordance with those statutes until the Secretary of State promulgated rules prescribing forms pursuant to section 207.085. The proposed rules provide for substantially the same forms sections 207.03 and 207.08 required.

All jurisdictions in Minnesota are presently providing the election materials governed by these proposed rules in substantially the proposed form without significant financial or other burdens.

Therefore, these rules are reasonable.

Chapter One

1 MCAR § 2.4101 Absentee ballot application

Minn. Stat. § 207.03 subd. 1 (1978) states the information which must be included in an application in order for it to be accepted. Minn. Stat. § 207.04 subd. 2 (1978) requires auditors and clerks to prepare and print application forms and deliver them to absent voters on request. Minn. Stat. § 207.02 (1978) states the reasons which qualify a voter to vote by absentee ballot. Minn. Stat. § 207.09 subd. 2 (1978) requires the certificate of the official providing absentee ballots.

The residence address information proposed parallels the address information required on voter registration cards by 1 MCAR § 2.301

and allows a determination of the voter's precinct. The instructions and certification on the application are presently included in forms prepared by Miller-Davis Co. and used by many counties.

Instructions are necessary to insure that a voter is eligible and to aid the voter in correctly completing the application.

The rule provides that an application may be printed as a postcard application if a county so chooses. The federal government, as well as other states, utilize the postcard format, and several counties have requested such an option to maximize participation in elections. The specifications for a postcard application conform to U.S. postal regulations regarding mail size.

1 MCAR § 2.4102 Ballot envelope

Provision for the words "Received" and "Rejected", for the boxes and for election judges' names or initials on ballot envelopes reflects the requirements of Minn. Stat. § 207.11 subd. 2 (1978) regarding the marking of ballot envelopes by election judges.

1 MCAR § 2.4103 Instructions to absent voter

The instructions have been expanded from prior statute and current practice because of the large number of absentee ballots invalidated due to voter error. In the survey conducted by the League of Women Voters, election judges gave 27 types of voter errors which have invalidated absentee ballots.

Minn. Stat. § 207.03 subd. 3 (1978) requires clerks and auditors to send voter registration cards to absentee ballot applicants. The proposed instructions explain how the voter registration card is to be completed.

A section on proof of residence shortens the absent voter's certificate. By Temporary Rule SecStat 4001, promulgated in 1978, the certificate contained a full statement of methods of proving residence. This required very small print on the return envelope, and many persons complained it was not readable.

Because new methods of return of absentee ballots are authorized by the Legislature and by these proposed rules, a section is included which expalins how a voter may return his absentee ballot.

The agent appointment form has been added to the instructions as a means of safeguarding the agent process. The appointment provides a method of verifying that an agent is duly authorized. The agent appointment is included on the instruction sheet so that a separate form is not necessary.

The proposed rule is reasonable, because the expanded instructions do not require election officials to provide any new materials to absentee voters.

1 MCAR § 2.4104 Absent voter's certificate

Temporary Rule SecStat 4001, adopted in 1978, set out the form for the voter's certificate. The certificate has been shortened in the proposed rules to the language required by Minn. Stat. § 207.08 subd. 1 (1978) so that the certificate will be easier to read than it is now. The addresses of the absent voter and of the witness who is an eligible voter in the county have been added for verification purposes. Several clerks and auditors requested that the name and address of the absent voter be printed on the absent voter's certificate, because it is often difficult to read the voter's name and find his application.

1 MCAR § 2.4105 Absentee ballot return envelope

The U.S. Postal Service has made several suggestions regarding the form of the absentee ballot return envelope in order to expedite the handling and delivery of the envelopes. The size of the return envelope conforms to the postal requirements on minimum/maximum size envelopes which can be processed without special handling and extra postage. The format of the envelope is designed to draw attention to the envelope and make easy identification possible so envelopes can be withdrawn and held at the post office until election day. The color is changed from buff in present practice to white, because many buff-colored materials are third and fourth class mail. The format of the return envelope also conforms to general guidelines on address hygiene. This will expedite handling and speed delivery of the envelopes. The precinct information has been moved to the end of the envelope so it does not interfere with the address block.

As provided in Minn. Stat. § 207.08 subd. 2 (1978), as amended by Minn. Laws 1979 ch. 9057, return envelopes may be addressed to county auditors, municipal clerks or election judges. If addressed to election judges, the proposed rule provides the polling place must be on a regular mail delivery route and the return envelope must include the complete street address of the polling place. This is necessary because the Postal Service will not guarantee delivery of return envelopes if the requirements are not met. The Postal Service is not required by law to look up precinct polling place addresses and place them on ballot return envelopes. Although Postal officials have done so in the past, they will not continue the practice because of the volume of absentee ballots.

Notification to the county auditor is necessary so that the auditor is able to correctly address return envelopes to election judges. It is reasonable in that auditors and municipal clerks frequently communicate with each other regarding election matters.

Entry of ward, precinct and day of election on return envelopes is a simple task which will facilitate delivery to the proper polling places. Absentee ballot requests presently must be filled individually.

Reports by county auditors to the Secretary of State will allow the Secretary to evaluate current absentee voting practices throughout the state. She then will be able to encourage proper procedures

and propose legislation and rules amendments.

Delivery

Minn. Stat. § 207.08 subd. 2 (1978), as amended by Minn. Laws 1979 ch. 9057, mandates that the Secretary of State establish procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots and permit the Secretary to provide methods of return of completed absentee ballots in addition to personal or mail return.

Chapter Two

1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes

The statutory methods of return of absentee ballots by mail or personally are restated in the rule, along with the proposed additional method of return by an agent, so that all methods of return appear in a single place for easy reference. This is especially important in view of the fact that return of absentee ballots in person was permitted by statute only recently and return by an agent is new.

Return by an agent is authorized to facilitate absentee ballot returns and, thereby, maximize participation in elections. The alternative is necessary, because voters often do not receive absentee ballots until it is too late to return the completed ballots by mail and the voters are unable to return the ballots personally. This occurs when a voter does not learn until shortly before an election that he will be unable to vote in person, when election officials are unable to print and deliver ballots to a voter until shortly before an election and in other circumstances.

Addition of return by an agent is reasonable, because at least Colorado, Connecticut, New Jersey and Oregon presently authorize it and have experienced no voter fraud or other difficulty.

The age requirement for an agent is consistent with Minn. Stat. § 207.19 subd. 1 (1978), which allows a child over 18 of a member of the military to apply for absentee ballots for him.

The principal concern with use of an agent is the possibility of voter fraud. In one election, New Jersey found that three sergeants in the military served as agents for approximately 2,000 servicemen voters. The limit of three deliveries per agent for a single election is designed to prevent that situation, which is rich in possibility and temptation for fraud. The limit is similar to the restriction on assistance to disabled voters in Minn. Stat. § 204A.34 subd. 1 (1978).

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of absentee ballot return envelope

The proposed rule requires that absentee ballots returned in person or by an agent reach the auditor or municipal clerk by 5 p.m.

on the day before election day in order to provide sufficient time for delivery of the ballots to the polling place on election day.

Procedures are instituted by the rule to allow for correction of faulty certificates and appointments when it can be done without danger of fraud. In the survey of absentee voting conducted by the Secretary of State after the 1978 primary and general elections, it was found that more than 40 percent of absentee ballots requested were voted in person in the clerk's or auditor's office and handed to the auditor or clerk. The total was more than 20,000 ballots at the 1978 general election.

When an absent voter delivers his return envelope, there is no danger of vote fraud; allowing corrections will validate the ballot and maximize participation in the election. When an agent returns a return envelope with an improperly completed certificate or appointment, allowing the agent to take the ballot back to the voter for correction prevents rejection of the ballot without permitting vote fraud.

When an agent delivers a return envelope which is unsealed or tampered with or which includes a signature different from the signature on the agent appointment, vote fraud is implied and the ballot should be destroyed. A notice of nonacceptance alerts the voter to the destruction and allows the voter to reapply for absentee ballots if time permits.

1 MCAR § 2.4203 Retaining ballots

Auditors or clerks may mail return envelopes received in their office or deliver them directly to the polls on election day. If ballots are received less than three working days before the election, however, there may not be sufficient time for the return envelopes to be delivered to the polling place through the mails, and they must be retained and delivered on election day.

1 MCAR § 2.4204 Safeguarding procedures

Because of the large number of absentee ballots delivered to auditors and clerks prior to election day, safeguarding and record-keeping procedures are necessary to insure the integrity of the ballots.

A record of absentee ballot return envelopes retained in the office or destroyed pursuant to 1 MCAR § 2.4202 provides a means by which ballots may be accounted for. It is similar to the record maintained in jurisdictions outside Minnesota, and section 207.09 already requires records of absentee ballot requests and deliveries. The record the proposed rule requires is simple and flexible.

The requirement of a secure storage facility is designed to prevent loss of ballots by fire, theft, mishandling and other causes. Most storage facilities now are secure.

A part-time municipal clerk generally has no office and stores return envelopes at home, necessitating special precautions. It is reasonable for clerks to report procedures to county auditors, because clerks do so now in other election contexts.

1 MCAR § 2.4205 Mail pick-up

Especially in larger cities, absentee ballots frequently arrive at the post office on election day after the regular mail delivery has left the office. In the 1978 primary election, more than 300 absentee ballots were received by a county's post office on election day after the mail delivery had left and were not delivered to the polls. If clerks are required to make arrangements for delivery of such ballots on election day, more ballots will reach the polls in a timely fashion and participation will be maximized. Only reasonable steps are required by clerks. A 4 p.m. cutoff is reasonable given the distances some ballots must be transported before polls close.

VOTER REGISTRATION

Minn. Stat. § 201.221 subds. 1-4 (1978) mandate that the Secretary of State adopt rules governing voter registration. The Secretary has done so and has amended the rules.

The Secretary now proposes further amendments to clarify or make more effective the rules and to repeal unnecessary and obsolete requirements. The proposals reflect her experience with the rules.

1 MCAR § 2.0506 Notice of ineffective registration

The Secretary of State has authority to approve documents for use to prove residence when registering on election day. This amendment simply reflects her proposed approval in 1 MCAR § 2.0601 of driving Learner's Permits and receipts therefor as proof of residence.

1 MCAR § 2.0512 Removal of cards

When a person registers to vote at a new address, he is aware that he is no longer eligible to vote from his home address. There is no need to inform the voter that his registration card has been removed from the files in the county of his former residence.

1 MCAR § 2.0601 Residence

This proposed rule approves use of driving Learner's Permits and receipts therefor as proof of residence by election day registrants. Minn. Stat. § 201.061 subd. 3 (1978) authorizes the Secretary of State to approve documents for proof of residence.

Many otherwise eligible voters are unable to register before election and cannot register on election day because they lack approved proof of residence. The addition of Learner's Permits and receipts will help maximize participation in elections.

It is reasonable to include Learner's Permits and receipts therefor in the list of documents approved as proof of residence, because they contain at least as much biographical and physical information as documents already approved and are as trustworthy.

1 MCAR § 2.0604 Notation

This amendment simply reflects the proposed approval in 1 MCAR § 2.0601 of Learner's Permits and receipts therefor as proof of residence on election day.

1 MCAR § 2.0608 Posters

As chief elections officer and pursuant to Minn. Stat. § 204A.13 (1978), the Secretary of State prepares various posters regarding election day registration and student registration which are designed to aid voters and election judges in the polls on election day. The Secretary distributes sufficient posters to county auditors so that each polling place may receive one. Many election judges request registration posters from the Secretary's office because they facilitate election day registration and voting. It is necessary to require county auditors to supply polling places with the posters and election judges to post them so that judges and voters can benefit from them at the polls. The proposed rule is reasonable, because the posters cost auditors nothing, auditors distribute many other election materials to the polls and election judges post other materials.

1 MCAR § 2.0902 Information on report

The Secretary of State must know who is administering voter registration statutes and rules if she is to carry out her duties to supervise voter registration administration, recommend statutory changes and propose rules and amendments.

The rule is reasonable, because county auditors have knowledge of delegations and presently report to the Secretary of State on other election matters.

1 MCAR § 2.0903 Information on report compiled during years when there is no primary or general election

Proposed 1 MCAR § 2.5103 requires reports to the Secretary of State regarding delegation of election judge training responsibilities. The information is no longer necessary in the report mandated by this rule.

1 MCAR § 2.1101 County attorneys to report

This reflects a change in terminology made previously in statute and voter registration rules.

WHITE BALLOT

Minn. Stat. § 203A.31 subd. 3a (1978) mandates that the Secretary of State adopt rules for the preparation and time of delivery of the white ballot and reimbursement of the counties' costs.

The Secretary has done so and has amended the rules.

The Secretary now proposes further amendments to reflect statutory changes and improve election statutes and rules. The proposed amendments reflect her experience with the rules.

1 MCAR § 2.2111 Back of ballot

1 MCAR § 2.2112 Type styles and sizes

1 MCAR § 2.2113 Binding ballots

The proposed amendments reflect Minn. Laws 1979 ch. 29, which removed the names of election officials from the ballot. The proposed amendments to 1 MCAR § 2.2113 also reflect recent statutory authority for disabled voters to cast ballots from their cars.

1 MCAR § 2.2115 Reimbursement of costs

Several times white ballots have not conformed to the rules of the Secretary of State or summary statements have not conformed to the form prescribed by the Secretary of State pursuant to Minn. Stat. § 204A.46 subd. 5 (1978).

This proposed amendment would require county auditors to report that white ballots and summary statements used at elections conform to the rules and form. The amendment is necessary to issue compliance and uniformity in election administration.

It is reasonable, because county auditors are presently reporting costs of election materials to the Secretary of State.

VOTING MACHINES

Minn. Stat. § 206.08 subds. 1 and 2 (1978) authorize the Secretary of State to adopt rules governing the approval and experimental and general use of voting machines. The Secretary has done so.

The Secretary now proposes to amend the voting machine rules to reflect statutory changes and repeal obsolete and unnecessary provisions. The proposed amendments reflect her experience with the rules.

1 MCAR § 2.3101 Training

All election judge training is governed by proposed 1 MCAR §§ 2.5101-2.5119. This rule is no longer necessary.

1 MCAR § 2.3702 Absentee ballots

C. A recent change reflected in Minn. Stat. § 207.30 subd. 3 (1978) requires all absentee ballots to be delivered first to the polls.

D.-F. Minn. Laws 1979 ch. 9059 eliminated the requirement that all absentee votes in electronic voting system precincts be transferred to computer cards.

1 MCAR § 2.3801 Procedures following close of polls

This rule provides for a determination of the number of voters in a precinct and requires the recording of the result. The determination is unnecessary, because Minn. Stat. § 204A.41 subd. 1 (1978) provides for a determination.

TESTIMONY

Lucy Wieland, election procedure advisor for the Secretary of State, will testify in support of the need for an reasonableness of the proposed rules and amendments.

Dated: October 11, 1979

JOAN ANDERSON GROWE
Secretary of State

By _____

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULEMAKING PROCEDURES

I, Special Assistant Attorney General Robert C. Hentges, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Special Assistant Attorney General

Dated: July 3, 1980

copy

STATE OF MINNESOTA

SECRETARY OF STATE

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner George A. Beck of the Minnesota Office of Hearing Examiners at 10:00 a.m. on Tuesday, October 30, 1979, in Room 57 of the State Office Building, Wabasha Street between Aurora and Fuller Avenues, in St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412, subd. 4 (1978) was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence adduced and upon the records, files and proceedings herein, having received the Report of the Hearing Examiner,

NOW, THEREFORE, IT IS ORDERED that rules identified as 1 MCAR §§ 2.5101-2.5119 governing election judge training and 1 MCAR §§ 2.4101-4105 and 2.4201-2.4205 regulating absentee voting materials and delivery procedures and amendments to 1 MCAR §§ 2.0506, 2.0512, 2.0601, 2.0604, 2.0608, 2.0902, 2.0903 and 2.1101 governing voter registration, 1 MCAR §§ 2.2111-2.2113 and 2.2115 regulating preparation, time of delivery and reimbursement of county costs of the white ballot and 1 MCAR §§ 2.3103, 2.3702 and 2.3801 governing certification and use of voting machines as published in the State Register, 4 S.R. 479-493, and as modified during the hearing, in the post-hearing recommendations of the Secretary of State and after the Report of the Hearing Examiner are adopted.

Dated: July 2, 1980

Joan Anderson Growe

JOAN ANDERSON GROWE
Secretary of State

SOS-80-001-GB

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE SECRETARY OF STATE

IN THE MATTER OF PROPOSED RULES OF THE SECRETARY OF STATE GOVERNING ELECTION JUDGE TRAINING AND ABSENTEE VOTING MATERIALS AND DELIVERY PROCEDURES AND PROPOSED AMENDMENTS TO RULES OF THE SECRETARY GOVERNING VOTER REGISTRATION, PREPARATION OF THE WHITE BALLOT AND CERTIFICATION AND USE OF VOTING MACHINES.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on October 30, 1979, before George A. Beck, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Secretary of State on December 18, 1979; and

WHEREAS, the Secretary of State has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Secretary of State has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.110; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Secretary of State has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the Secretary of State has the responsibility of submitting the complete hearing record and the rules as adopted by the Secretary to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4.

Dated this 2nd day of July, 1980

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

OFFICE OF THE SECRETARY OF STATE

RECEIVED
OCT 5 1979
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF PROPOSED ADOPTION OF)
RULES OF THE SECRETARY OF STATE)
GOVERNING TRAINING OF ELECTION JUDGES)
AND FORMS AND PROCEDURES FOR ABSENTEE)
VOTING AND AMENDMENTS TO RULES GOVERNING)
VOTER REGISTRATION, PREPARATION OF THE)
WHITE BALLOT AND CERTIFICATION AND)
EXPERIMENTAL AND GENERAL USE OF)
VOTING MACHINES.)

NOTICE OF INTENT TO SOLICIT INFORMATION

SOS Exhibit No. 1
File No. SOS-80-001-01B
Date 10/30/79

NOTICE IS HEREBY GIVEN that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose rules governing the training of election judges and forms and procedures for absentee voting, which are mandated by Minn. Stat. §§ 207.08 subd. 2 and 207.085 (1978) and amendments to the rules governing voter registration (1 MCAR 2.0101-2.1101), preparation of the white ballot (1 MCAR 2.2101-2.2115) and certification and experimental and general use of voting machines (1 MCAR 2.3101-2.3907).

The Secretary of State will propose rules:

(a) Establishing a program for the training of election judges by county auditors as required by Minn. Stat. § 204A.175 (1978);

(b) Establishing the form, content, and type size and style for the printing of applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot.

(c) Establishing the procedures to be used for each method of returning absentee ballots permitted by Minn. Stat. § 207.08 subd. 2 (1978); and

(d) Authorizing additional methods and procedures of return of absentee ballots.

The Secretary of State also will propose amendments to many of the existing rules governing voter registration, preparation of the white ballot and certification and experimental and general use of voting machines.

Any interested persons may submit data or views on these subjects orally or in writing to:

Secretary of State Joan Anderson Growe
Elections Division
180 State Office Building
St. Paul, Minnesota 55155
612-296-2805

Any written material received by the agency shall become a part of the hearing record when rules governing these subjects are promulgated.

Information or opinions should be submitted before August 1, 1979.

Please be advised that pursuant to Minn. Stat. §§ 10A.01 subd. 11 and 10A.03 subd. 1 (1978) certain individuals who spend time or money attempting to influence administrative action, such as adoption of or amendments to rules, must register with the Minnesota Ethical Practices Board as a lobbyist within five days of commencement of such activity.

Dated: April 16,1979

Joan Anderson Growe
JOAN ANDERSON GROWE
SECRETARY OF STATE