

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 830

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-9-82
DATE FOR REVIEW 7-19-82
DATE DUE 7-23-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 7-23-82 Disapproved _____ Returned to Agency 7-26-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-26-82 Revisor approved 6/2/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 6.24.82 Date

N/A Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking does not exist
_____ date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency typographical error in cite to statutory authority does not provide telephone number for agency contact.

✓ Affidavit of Mailing Notice or rulemaking
4.12.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
4.19.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness See my comment

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOAN A. GROWE
Secretary of State

DATE: 7/23/82

ATTN: DOUGLAS BLOMGREN, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Absentee Voting Materials and Delivery Procedures, and Election Judge Training

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. Please 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 stamps of the Attorney General and Secretary of State;

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

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

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

LDS:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL
515 Transportation Building

TO : Ms. Judith Wehrwein

DATE June 30, 1982

FROM : Doug Blomgren
Special Assistant
Attorney General

PHONE: 6-3206

SUBJECT: Rules of the Secretary of State

Enclosed for your review are rules which have been recently adopted by the Secretary of State. It is my understanding that the Revisor of Statutes has already delivered to your office an approved copy of the Rules as finally adopted.

Please contact me if you have any questions.

DB/aa
Enc.

AG copy.

Office of the Secretary of State

Election Division

Adopted Amendments to Rules Concerning Voter Registration (1 MCAR SS 2.0101-2.1101), Preparation of the White Ballot (1 MCAR SS 2.2101-2.2115), Absentee Voting Materials and Delivery Procedures (1 MCAR SS 2.4101-2.4205), and Election Judge Training (1 MCAR SS 2.51101-2.5119)

Rules as Adopted

1 MCAR S 2.0101 Delegation of duties. The county auditor may delegate to municipal officials all duties assigned to him by 1 MCAR SS 2.0101-2.1101 and by Minn. Stat. ch. 201, except the preparation and distribution of lists of registered voters and the duties assigned to him by 1 MCAR SS 2.0901-2.0903. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of his duty to accept voter registrations.

1 MCAR S 2.0301 Specifications.

A. Printing. Voter registration cards printed for the purpose of distribution and mailing shall be printed in the following manner:

1.-3. [Unchanged.]

4. The duplicate card shall have a light blue screen.

5.-6. [Unchanged.]

B. Original card; form. The original voter registration card shall be in the following form:

VOTER REGISTRATION CARD

Please type or print in ink

Read instructions before completing

X Name_____ W_____ P_____

Last First Middle

X Legal Residence _____ S.D. No._____

Street or Route No. OFFICE USE ONLY

Election day voter

_____ registration proof:

Apt. No. and Rural Box No. ☐ Driver's License

_____ ☐ Minn. Ident. Card

☐ City or ☐ Township County Zip ☐ Witness

(Check whichever is applicable) ☐ Prior Registration

Mailing Address (if different from above) ☐ Ineffective Notice

☐ Student I.D.

_____ _____

Street or Route No. Apt. No. and Number(if applicable)

_____

Rural Box No. City or Township County Zip

Telephone Number _____

Date of Birth (optional) _____

Previous Name _____

(if changed since last registration)

X Address of Your Last

Registration If Any _____

Street or Route No. Apt. No.

_____

City or Township County State Zip

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER.

I certify that I will be at least 18 years old on election day and the above facts are correct. I understand that giving false

information to procure a registration is a felony punishable by not more than 5 years imprisonment and a fine of not more than $5,000, or both.

___/___/___ _____

Date X Legal Signature of Voter

Be sure to sign the blue card

In the upper right hand corner of the card there shall be a box marked for "office use only". In the box there shall be: "W __", "P __" and "S.D. No. __". (These initials stand for "ward", "precinct" and "school district".) Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the "office use only" box.

C. [Unchanged.]

D. Instruction card; form. The instruction card shall be in the following form:

INSTRUCTIONS FOR VOTER REGISTRATION

READ CAREFULLY BEFORE REGISTERING

Lines indicated by an (X) must be completed by the registrant before his or her registration may be accepted.

1.-12. [Unchanged.]

13. Complete the address on the reverse of the white registration card by filling in the name of the county where you reside and the name of the city which is the county seat. Mail or deliver to the office of the county auditor. An eligible voter is a person who at the time of any election:

a. is 18 years of age or older,

b. is a citizen of the United States and

c. has resided in Minnesota for 20 days.

The following persons are not eligible voters:

a. any person who has been convicted of a felony or treason, whose civil rights have not been restored;

b. any person who is under guardianship of the person;

c. any person who has been found by a court to be legally incompetent, whose civil rights have not been restored.

E.-H. [Unchanged.]

1 MCAR S 2.0402 Number of buildings. A political subdivision with voter registration shall have at least one building where voter registration cards may be obtained and deposited, for every 30,000 residents of the political subdivison. The auditor may designate more buildings than are required by law.

1 MCAR S 2.0505 Wrong county. When a county auditor receives a registration card from a person who the auditor has reason to believe is a resident of another county, the auditor shall within two working days forward the registration card to the auditor of the proper county if it can be ascertained.

1 MCAR S 2.0506 Ineffective registration. Upon receipt of a voter registration card that is faulty or defective, filed with the wrong office or filed during a period when pre-election day voter registrations cannot by law be accepted, the following notice of ineffective registration shall be mailed to the person requesting to become registered. The notice shall require that it be returned if not deliverable.

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. __Incomplete: _____

_____

2. __Your registration was received fewer than 20 days before the upcoming election. It will be effective on ___/___/___ (day after next election).

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 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 S 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 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 _____

County City or Township Ward

_____ and that I personally know that _____

Precinct

_____ is a resident of this

Name of person registering

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 S 2.0602 Swearing to residence. No person in a polling place as a challenger, pursuant to Minn. Stat. S 204C.07, shall be permitted to swear to the residence of any persons attempting to register on election day. A voter registered in the same precinct, including an election judge, may swear to the residence of any person who he knows to be a resident of the precinct. An election judge, however, must swear to a person's residence before another election judge.

1 MCAR S 2.0604 Notation. When a voter uses a Minnesota Driver's License, Learner's Permit, or Minnesota Identification Card 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 the original card.

1 MCAR S 2.0606 Training. Election judges who will be registering voters on election day shall receive training on election day voter registration procedures from the county auditor or designated municipal clerk at the same time training is provided pursuant to Minn. Stat. S 204B.25.

1 MCAR S 2.0801 Procedure. Persons wishing to challenge a voter's registration pursuant to Minn. Stat. S 201.195 may do so in the following form:

To the Auditor of _____ County
County Courthouse
_____, Minnesota
(County Seat)

I, _____, am a registered voter in
(Name of person making challenge)
_____County, Minnesota. I reside
at_____
(Street or Route No.) (City or Township)
I challenge the registration of _____
Name of challenged voter
whose registration lists his residence as
_____
(Street or Route No.) (City or Township)
The grounds for my challenge are:_____
_____
(attach additional sheets of signed statement if necessary)
__/__/__ _____
(Date) (signature of challenger)

The petition shall be accompanied by an affidavit of the challenger stating the basis for the challenge on personal knowledge.

1 MCAR S 2.1005 Electronic or automatic data processing system of maintaining duplicate voter registration records.

A. Notification. The auditor of the county or clerk of a

city electing to use an electronic or automatic data processing system in place of duplicate voter registration cards shall notify the Secretary of State of that election no later than 90 days before the first election at which the system will be used.

Notification may be made simultaneously with a request for approval, pursuant to 1 MCAR S 2.1001, of an electronic or automatic data processing system for maintaining voter registration records, but no system shall be used in place of duplicate voter registration cards unless the system has been approved for maintenance of voter registration records.

The notification shall be in writing and shall include:

1. A sample of no less than three pages of the form of the duplicate registration file to be used at the polling place;

2. A sample of no less than three pages of the duplicate registration list to be made available for examination or purchase;

3. A plan to be implemented for obtaining day and month of birth for previously registered voters;

4. A copy of a plan providing for back-up records and emergency service; and

5. A certification that the system conforms to all requirements of Minn. Stat. SS 201.071; 201.221, subd. 3; and 204C.10, subd. 2, and this rule.

The county auditor or city clerk shall file amendments with the Secretary of State whenever alterations to the original notification are made.

B. Back-up records and emergency service. A county or city using an electronic or automatic data processing system in place of duplicate voter registration cards shall make arrangements for back-up and emergency service. Prior to each election, the county or city shall deposit a duplicate program and all necessary data records in a secure location separate from the location where the originals are maintained.

C. Voting records. When a county or city elects to use an electronic or automatic data processing system in place of duplicate voter registration cards, information required to be

kept on duplicate cards shall be retrievable from the equipment. The address of previous registration may be deleted from the duplicate file after proper notification of registration has been made to the county or city of previous registration. Each voter's voting history for all elections in the previous four years shall be retrievable and shall indicate whether the voter voted in person or by absentee ballot.

D. Duplicate registration file. The duplicate registration file to be used on election day in the polling place shall be in the form of a precinct election list. The list shall be arranged alphabetically by voter's last name or in order of street address. Whichever arrangement is used shall be used consistently in all the precincts of the political subdivision.

Conspicuously at the top of each page of the precinct election list shall be printed precinct identifying information and the words:

*OATH

I certify that I am at least 18 years of age, and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct.

The precinct election list shall contain the following information for each registered voter:

1. Registrant's name as it appears on the original registration card;

2. Registrant's address;

3. Month and day of registrant's birth;

4. Notations about challenges, notices of guardianship, or other special information required to be affixed to the original or duplicate voter registration card.

Directly underneath or next to the voter's name shall be printed *OATH and a line indicating the place for the voter to sign the list. Sufficient space shall be provided so that the voter's signature will not obscure any voter's name. In no case shall the space be smaller than 1/2 by 3-1/2 inches.

If any computer identification numbers or other information not required by this rule is printed on the precinct election list, it shall not obscure required information or be printed in a manner to cause confusion for voters or election judges.

A separate precinct list in the same format shall be prepared for use by voters who register on election day. The newly registered voter shall print on the list the voter's name, address, and month and day of birth and shall sign the precinct election list.

In a split precinct, separate lists shall be prepared for each part of the precinct with specific information differentiating the split printed at the top of each list.

The precinct election list shall be ready no later than three days prior to any election.

The election jurisdiction may choose to attach forms required by 1 MCAR S 2.0513 for emergency voting as part of the precinct election list. If separate cards are used, the election judges shall return the cards with the list.

E. Request for birthdate. Prior to the first election at which electronic or automatic data processing equipment is used in place of the duplicate registration file, and prior to the subsequent statewide general election, the county or municipality shall send a request for the voter's birthdate to each previously registered voter whose month and day of birth is not included in the duplicate registration file.

The request for a voter's birthdate shall be in the form of a nonforwardable mailed notice with a postage pre-paid return form. The notice shall include the following information:

1. At the next election in (name of political subdivision) the duplicate registration file for use at the polling place will be prepared by automatic data processing

equipment. The month and day of each registered voter's birth will be used as an additional identifier and precaution against fraud.

2. Please fill in your month and day of birth on the enclosed return form, correct any information that is not printed properly on the form, sign the form, and mail it to (name of political subdivision). Return postage has been prepaid. Only the month and day of your birth are requested; the year of your birth is not needed.

3. You will NOT lose your registration if you do not provide this information or return this form, but your cooperation will be appreciated and helpful to election officials.

The return form shall include the following material:

The voter's name and address, pre-printed as they appear in the duplicate registration file.

..... / .....

month of birth day of birth

.....

voter's signature

When a request for birthdate is returned as undeliverable by the post office, it shall be treated as a returned verification notice pursuant to Minn. Stat. S 201.12.

F. Challenges and other notices. A record of any challenge to a voter registration shall be made part of the duplicate registration file and remain until removed according to law. The word "challenged" shall appear on the same line as or directly above the name of a challenged voter on the precinct election list. A record of any notice affixed to an original voter registration card pursuant to Minn. Stat. S 201.15 shall be made part of the duplicate registration file and remain part of the file until removed according to law. The word "guardianship" shall appear on the same line as or directly above the name of the voter on the precinct election list. If any other special notice or information is affixed to a voter registration card, a record of that notice shall be part of the

duplicate registration file and an indication of the notice shall be printed on the precinct election list.

G. Absentee voting. When an absentee ballot envelope is marked "Accepted" pursuant to Minn. Stat. S 203B.12, subd. 3, the election judge shall place the letters "A.B." in the space for the voter's signature on the precinct election list followed by the judge's initials.

When a ballot envelope is accepted from a voter who registers on election day by including a registration card with the absentee ballot, the election judge shall print the voter's name, address, and month and day of birth and the letters "A.B." in the appropriate places on the precinct election list.

H. Security. The auditor or clerk shall be responsible for maintaining the integrity of the duplicate registration file and for restricting access to the electronic or data processing equipment to properly authorized persons. The auditor or clerk may make available lists of registered voters in forms other than paper copies, but in whatever form, no list made available for examination or purchase shall include the birth dates of registered voters. The auditor or clerk shall provide for the transport and security of the precinct election lists in accordance with 1 MCAR S 2.0202.

I. Voter's Receipt. The election judges shall determine the number of ballots to be counted by adding the number of return envelopes from accepted absentee ballots to the number of voter's receipts issued pursuant to Minn. Stat. S 204C.10, subd. 2 or to the number of names signed on the precinct election lists. The election jurisdiction may require that the election judges number or initial each voter's receipt as it is issued.

J. Voter registration cards. Any voter registration accepted by a county or municipality after the date of its notification to the Secretary of State of the election under Minn. Stat. S 201.071, subd. 5, and this rule, is defective if it does not contain the day and month of birth of the registrant. Voter registration cards must conform to the specifications of 1 MCAR S 2.0301, except that the card and instructions must be

modified to indicate that the day and month of birth are not optional.

1 MCAR S 2.2102 Auditor's duties. The white ballot shall be prepared under the direction of the county auditors in a sufficient number to enable the clerks to comply with the provisions of Minn. Stat. S 204B.29. It shall be the duty of the county auditors to prepare and print the white ballot as soon as practicable, but in no event less than 15 days before the election. Two weeks before the general election the auditor shall file sample copies of the white ballot in his office for public inspection.

1 MCAR S 2.2103 Form of ballots; size, weight and color. The white ballot shall be printed with black ink on white paper as close as practicable to 30 pound. The ballot shall be 5 1/4" wide and printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions and other matter proper to be printed on the ballot. The auditor shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate his choice easily and accurately.

1 MCAR S 2.2104 Top of ballot. At the top of the white ballot shall be printed in upper and lower case letters the words "Put an (X) in the square opposite the name of each candidate you wish to vote for." On the left side of the words and directly above the squares in which a voter marks his choices shall be printed a small arrow pointing downward.

1 MCAR S 2.2105 Ballot heading. Below the marking instructions on the white ballot shall be printed the words "STATE GENERAL ELECTION BALLOT" in upper case letters.

1 MCAR S 2.2109 Designation of candidates. Above or below the name of each candidate for a partisan office shall appear in upper and lower case letters the designation in not more than three words of the party or principle the candidate represents.

Words used in the name of a political party as defined in Minn. Stat. S 200.02, subd. 6, may not be used to identify the party of a candidate of any other party. The word "nonpartisan" may not be used in the designation of any candidate. The words "Nominated Without Party Designation" in upper and lower case letters shall appear above or below the name of each candidate for a nonpartisan office. If a justice of the Supreme Court is a candidate to succeed himself, the word "Incumbent" shall be printed in upper and lower case letters on the same line and following the candidate's name. The words "Nominated by Petition" shall be printed in upper and lower case letters on the same line and to the right of the name of the candidate.

1 MCAR S 2.2110 Order of candidates. Before a general election, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in Minn. Stat. S 200.02, subd. 6, shall appear for every partisan office on the white ballot. Candidates nominated by petition shall appear on the ballot beneath the names of the candidates of the political parties as defined in Minn. Stat. S 200.02, subd. 6, and in the order in which the petitions were filed with the filing officer. The names of the candidates for nonpartisan offices shall be rotated on the white ballot so that each name appears substantially an equal number of times at the top, at the bottom and at each intermediate place in the group of candidates for an office.

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

The words "STATE GENERAL ELECTION 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, and the word "Judge" in upper and lower case in as close to 10 point Caslon Old Face Italic as practicable.

1 MCAR S 2.2113 Binding and distribution of ballots. The white ballots shall be bound in blocks of 50.

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, and shall not otherwise mark the same.

No official ballot shall be distributed except to voters in the voting room about to vote, or to disabled voters in their vehicles pursuant to Minn. Stat. S 204C.15, subd. 2, 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 S 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 the summary statement prepared by the county conformed to the form prescribed by the secretary of state, pursuant to Minn. Stat. S 204C.26, subd. 3, the cost to the county of printing and an itemization of costs.

1 MCAR S 2.4101 Absentee ballot application.

A. Form. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minn. Stat. S 203B.06, subd. 1, shall be in the following form:

OFFICE USE ONLY

RECEIVED _____

BALLOTS ISSUED _____

ABSENTEE BALLOT APPLICATION

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)

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 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 Minnesota law provides that it is a felony to make a false or untrue statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to exhibit a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote in a precinct or to assist anyone to cast an illegal vote.

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. Be sure to sign the application.

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.

B. [Unchanged.]

1.-4. [Unchanged.]

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

A.-C. [Unchanged.]

D. The words "Accepted" 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 accepted or rejected.

E. [Unchanged.]

1 MCAR S 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 WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your witness:

a. an eligible voter of the same county in which you are registered or registering to vote;

b. a notary public;

c. a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

d. any officer having authority to administer an oath.

(2) [Unchanged.]

(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 that contains your valid address in the precinct in which you are registering;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

c. a current student identification card, a current student fee statement, or copy of a current student registration

card that contains your valid address in the precinct in which you are registering;

d.-f. [Unchanged.]

Show these instructions to your witness. Your witness must 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 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 the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to mark your ballot for you.

(6)-(7) [Unchanged.]

(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 complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9)-(12) [Unchanged.]

1 MCAR S 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)

(print or type)

(legal address of absent voter)

(print or type)

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

(legal signature of voter)

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 if witness is an eligible voter)

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

Method used by voter to prove residence:

☐ 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

☐ _____
(legal signature of registered voter in the precinct who swore to residence)

_____
(legal address of registered voter in the precinct who swore to residence)

_____

B.-C. [Unchanged.]

1 MCAR S 2.4105 Absentee ballot return envelope.

A.-B. [Unchanged.]

1.-5. [Unchanged.]

C. Mailing adress. 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.-3. [Unchanged.]

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 immediately notify the auditor of

every change in the initial notification.

D.-E. [Unchanged.]

1 MCAR S 2.4201 Mailing or delivering absentee ballot return envelopes. Except as provided in Minn. Stat. S 203B.11, 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.-C. [Unchanged.]

1 MCAR S 2.5101 Scope and purpose. Rules 1 MCAR SS 2.5101-2.5119 establish the program for training of election judges required by Minn. Stat. S 204B.25.

A. [Unchanged.]

B. Minimum standards. Rules 1 MCAR SS 2.5101-2.5119 shall be construed as the minimum standards required of training programs conducted pursuant to Minn. Stat. S 204B.25. Nothing in 1 MCAR SS 2.5101-2.5119 shall restrict training authorities from implementing training programs more comprehensive than are required by 1 MCAR SS 2.5101-2.5119.

1 MCAR S 2.5102 Definitions. Terms used in 1 MCAR SS 2.5103-2.5118 have the meanings given:

A. Training program. A system of instruction to promote the competence of election judges by supplying necessary information to improve election-related skills.

B. [Unchanged.]

1 MCAR S 2.5103 Delegation of training duty. 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 designated, if different from the municipal clerk. The auditor shall notify the secretary of state within thirty days after the delegation.

1 MCAR S 2.5106 Training requirements.

A. Courses required. An election judge who must receive training pursuant to Minn. Stat. S 204B.25 shall successfully complete a Basic Training course which meets the requirements of 1 MCAR S 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 S 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. Time of training. The Basic Training course and the Review course shall be conducted not more than 30 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.-D. [Unchanged.]

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

A. [Unchanged.]

B. Must show certification. Except as provided in Minn. Stat. S 204B.25, 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 S 2.5116 Training plan. Each training authority shall submit a training plan to the secretary of state by August 1 of each general election year.

A.-C. [Unchanged.]

D. Notice of no change. 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.

Repealer. Rule 1 MCAR S 2.5119 is repealed.

APPROVED AS TO LEGALITY

July 23, 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY Terry D. Jacobson

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 26 1982
Joan Anderson Growe
Secretary of State

9:55
A.M.

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

CAROLYN PEABODY
Deputy Secretary of State

180 STATE OFFICE BUILDING
Corporation Division: 612/296-2803
UCC Division: 612/296-2434
Election Division: 612/296-2805
Office of the Secretary: 612/296-3266
Office of Deputy Secy.: 612/296-2309

STATE OF MINNESOTA

OFFICE OF THE SECRETARY OF STATE

In the Matter of the Proposed Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Absentee Voting Materials and Delivery Procedures, and Election Judge Training

ORDER ADOPTING RULES

Notice of the Secretary's intent to adopt the above-entitled amendments without a public hearing was published in the State Register on April 19, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on April 12, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these amendments are adopted this 24th day of June, 1982 pursuant to authority vested in me by Minnesota Statutes sections 201.221, 204D.11, 203B.08, 203B.09, and 204B.25.

STATE OF MINNESOTA

Joan A. Growe

Secretary of State

Office of the Secretary of State

Election Division

Proposed Amendments to the Rules of the Secretary of State for Voter Registration (1MCAR §§2.0101 - 2.1101), Preparation of the White Ballot (1MCAR §§2.2101 - 2.2115), Absentee Voting Materials and Delivery Procedures (1MCAR §§2.4101 - 2.4205), and Election Judge Training (1MCAR §§2.5101 - 2.5119.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Secretary of State intends to adopt without a public hearing amendments to the above-captioned rules. 1MCAR §2.0904 prescribes forms and procedures for use when electronic or automatic data processing systems for maintaining registration files are used in place of duplicate registration cards. Other proposed amendments clarify instructions, remove obsolete language, simplify procedures and forms, and accomplish changes made necessary by Minn. Laws 1981, ch. 29 and Minn. Laws 1982 ch. .

The secretary has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §15.0412, subd. 4(h) (1980).

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing be submitted to Grace Haukoos, Director, Election Division, Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299;

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend the above-captioned rules is contained in Minn. Stat. §§201.221, 204D.11, 203B.08, subd. 4, 203B.09, 204B.25 (1981 Supp.) and Minn. Laws 1981, ch. 92. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Ms. Haukoos at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Ms. Haukoos at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. §15.0412, subds. 4-4f;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

Joan Anderson Growe
Secretary of State

In the Matter of the Proposed Amendments to the Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Absentee Voting Materials and Delivery Procedures, and Election Judge Training

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Grace Haukoos, being first duly sworn, deposes and says:

That on the 12th day of April, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice ofIntent to Adopt Rules Without Public Hearing and copies of the proposed amendments by depositing in the State of Minnesota Central Mail System for first class mailing (or) in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Election Division of the Office of the Secretary of State for the purpose of receiving notice of the proposed adoption of rules by this division.

Grace Louise Haukoos

Subscribed and sworn to before me
this 24 day of June, 1982.

THOMAS G. DURAND
NOTARY PUBLIC MINNESOTA
ANOKA COUNTY
My Commission Expires Jan. 6, 1988

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

CAROLYN PEABODY
Deputy Secretary of State

180 STATE OFFICE BUILDING
Corporation Division: 612/296-2803
UCC Division: 612/296-2434
Election Division: 612/296-2805
Office of the Secretary: 612/296-3266
Office of Deputy Secy.: 612/296-2309

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Absentee Voting Materials and Delivery Procedures and Election Judge Training

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 14.0412, subd. 4, that their names be placed on file with and maintained by the Election Division for the purpose of receiving notice of the proposed adoption of rules by this division is accurate and complete as of 8:00 A.M., this 12th day of April, 1982.

Grace Louise Hawkins

STATE REGISTER

STATE OF MINNESOTA



VOLUME 6, NUMBER 42

April 19, 1982

Pages 1729-1764

RECEIVED

APR 20 1982

SECRETARY OF STATE
ELECTION DIVISION

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 6		
43	Monday April 12	Monday April 19	Monday April 26
44	Monday April 19	Monday April 26	Monday May 3
45	Monday April 26	Monday May 3	Monday May 10
46	Monday May 3	Monday May 10	Monday May 17

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Albert H. Quie
Governor

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Commissioner
Department of Administration

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Director
State Register and
Public Documents Division

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 40-42 1732

EXECUTIVE ORDERS

Executive Order No. 82-5

Providing for the Establishment of a Governor's Task Force on Use and Disposition of the Rochester State Hospital Site.....1733

PROPOSED RULES

Secretary of State's Office
Election Division

Voter Registration; Preparation of the White Ballot; Absentee Voting Materials and Delivery Procedures; and Election Judge Training [notice of intent to adopt rules without a hearing] 1734

ADOPTED RULES

Administration Department
Board of Electricity

Inspection Fees and Handling Fee for Request for Inspection Form 1747

Commerce Department
Insurance Division

Annual Audited Financial Reports [temporary rules] 1747

Public Welfare Department

Investigation and Reporting of Maltreatment of, and Some Aspects of the Provision of Protective Services to, Vulnerable Adults 1748

TAX COURT

State of Minnesota, Tax Court. Estate of Verna Abel, Appellant, v. The Commissioner of Revenue, Appellee. Findings of Fact, Conclusions of Law, and Order for Judgment. In the Matter of the Appeal from the Commissioner's Order dated July 20, 1981, relating to Computation of Inheritance Tax. Order dated April 1, 1982. Docket No. 3406.....1752

SUPREME COURT

Decisions Filed Friday, April 9, 1982

81-574 John R. Jansen, Relator, v. People's Electric Company, Inc. Commissioner of Economic Security. Department of Economic Security.....1755

81-751/Sp. State of Minnesota v. Robert Armstrong, Appellant. Hennepin County 1755

81-845/Sp. State of Minnesota v. Vicki Lynn Woelm, Appellant. Ramsey County 1755

Decision Filed Tuesday, April 6, 1982

82-144/Sp. State of Minnesota, Appellant, v. John Henry Brown. Ramsey County 1755

STATE CONTRACTS

Minnesota Housing Finance Agency
Home Mortgage Division

Review Contractors/Mortgage Loan Servicing 1755

Public Welfare
Fergus Falls State Hospital

Health-related Services 1757

Revenue Department
Revenue Management Program

Development and Implementation of a Work Redesign Program.....1757

State University System

Auditing Service 1758

OFFICIAL NOTICE

State Board of Education
Department of Education
Instruction Division

Outside Opinion Sought on Proposed Rules Governing Special Education Definitions, Supervision, Staff to Student Ratios and other Related Topics.....1758

Finance Department

Notice of Maximum Interest Rate for Municipal Obligations for Month of April 1982 1759

Governor's Planning Council on Development Disabilities
Energy, Planning and Development
Developmental Disabilities Program

Public Forum to Obtain Input for Preparation of a Three-year Plan for Developmental Disabilities ...1759

Natural Resources

Petition(s) Concerning The Designation of Certain Public Waters and Wetlands in Washington County [notice of and order for hearing] 1760

NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION.** Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State's Office

1 MCAR §§ 2.0101, 2.0301, 2.0402, 2.0505-2.0506, 2.0601-2.0602, 2.0604, 2.0801, 2.1005 2.2102-2.2105, 2.2109, 2.2112-2.2113, 2.2115, 2.4101-2.4105, 2.4201, 2.5101-2.5103, 2.5106, 2.5115-2.5116 (proposed) 1734

1 MCAR § 2.5119 (proposed repeal) 1734

TITLE 3 AGRICULTURE

Part 2 Animal Health Board

3 MCAR § 2.057 (adopted) 1716

LSB 57 (repealed) 1716

TITLE 4 COMMERCE

Part 1 Commerce Department

4 MCAR §§ 1.9120 [Temp]-1.9135 [Temp] (adopted) 1747

Part 11 Electricity Board

4 MCAR § 11.004 (adopted) 1747

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR § 1.0221 (errata).....1726

TITLE 6 ENVIRONMENT

Part 2 Energy, Planning and Development Department

6 MCAR §§ 2.1501-2.1512 (proposed)..... 1669

6 MCAR §§ 2.4021 [Temp]-2.4034 [Temp] (adopted) 1716

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR § 1.0081 (errata).....1726

11 MCAR §§ 1.5201-1.5210 (proposed)..... 1709

Fire Mar 1-5 (proposed repeal) 1709

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

12 MCAR § 2.221 (adopted) 1748

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4010-1.4016 (proposed)..... 1711

EXECUTIVE ORDERS

Executive Order No. 82-5

Providing for the Establishment of a Governor's Task Force on Use and Disposition of the Rochester State Hospital Site

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including but not limited to Minnesota Statutes §§ 4.035 and 15.0593 (1981), do hereby issue this Executive Order:

WHEREAS, the Rochester State Hospital has served the Olmsted County area for many years by providing community and regional activities as well as state hospital services; and

WHEREAS, there are many worthwhile future uses possible for the Rochester State Hospital site; and

WHEREAS, consideration of the merits of these alternative uses by the community and region, as well as the state, will improve the quality of the information necessary to identify the best uses to serve the people of the state;

NOW, THEREFORE, I order:

1. The establishment of a Governor's Task Force on the Use and Disposition of the Rochester State Hospital site pursuant to Minnesota Statutes § 15.0593 (1981) and other applicable statutes. The task force shall consist of fifteen (15) members appointed by the Governor. The chair of the task force shall be chosen by the members from their own membership.

2. The task force shall invite appropriate public and private organizations to participate in its deliberations and to provide assistance to all of the activities of the task force.

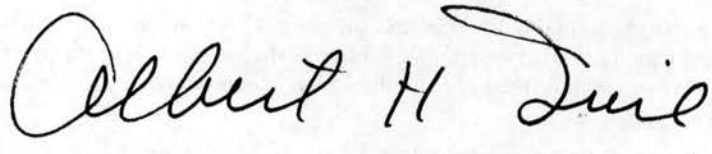
3. The task force shall conduct a study of possible uses of the Rochester State Hospital site by both public and private organizations and the disposition in whole or in part of that site and make specific recommendations to the Governor regarding such uses and disposition. Priority should be given to the preparation of a land use and long-range development plan for the campus in accordance with the recommendations of the Rochester State Hospital Task Force. The study shall be available as a decision-making tool and a guideline for the management and/or sale of the property. The study and recommendations shall be submitted to the Governor by December 1, 1982.

4. The cooperation of all state departments and agencies with the task force.

5. The terms of task force members and representatives to the task force shall coincide with the terms of this executive order.

Pursuant to Minnesota Statutes § 4.035 (1981), this order shall be effective fifteen (15) days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or expires in accordance with the provisions of § 4.035, subd. 3.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 2nd day of March, 1982.



PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Office of the Secretary of State Election Division

Proposed Amendments to Rules Concerning Voter Registration (1 MCAR §§ 2.0101-2.1101), Preparation of the White Ballot (1 MCAR §§ 2.2101-2.2115), Absentee Voting Materials and Delivery Procedures (1 MCAR §§ 2.4101-2.4205), and Election Judge Training (1 MCAR §§ 2.5101-2.5119)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Secretary of State intends to adopt without a public hearing amendments to the above-captioned rules. 1 MCAR § 2.0904 prescribes forms and procedures for use when electronic or automatic data processing systems for maintaining registration files are used in place of duplicate registration cards. Other proposed amendments clarify instructions, remove obsolete language, simplify procedures and forms, and accomplish changes made necessary by Laws of 1981. ch. 29.

The secretary has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4(h) (1980).

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30-day comment period;

3. All comments and any written requests for a public hearing be submitted to Grace Haukoos, Director, Election Division, Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299;

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend the above-captioned rules is contained in Minn. Stat. §§ 201.221; 204D.11; 203B.08, subd. 4; 203B.09; 204B.25 (1981 Supp.) and Laws of 1981, ch. 92. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Ms. Haukoos at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Ms. Haukoos at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4f;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

Joan Anderson Growe
Secretary of State

Rules as Proposed

1 MCAR § 2.0101 Delegation of duties. The county auditor may delegate to municipal officials all duties assigned to him by ~~these rules~~ 1 MCAR §§ 2.0101-2.1101 and by Minn. Stat. ch. 201, except the preparation and distribution of lists of registered voters and the duties assigned to him by ~~Chapter Nine of these rules~~ 1 MCAR §§ 2.0901-2.0903. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of his duty to accept voter registrations.

1 MCAR § 2.0301 Specifications.

A. Printing. Voter registration cards printed for the purpose of distribution and mailing shall be printed in the following manner:

1.-3. [Unchanged.]

4. The duplicate card shall have a ~~very~~ light blue screen.

5.-6. [Unchanged.]

B. Original card; form. The original voter registration ~~cards~~ card shall be in the following form:

VOTER REGISTRATION CARD

Please type or print in ink
Read instructions before completing

X Name _____ W _____ P _____
Last First Middle

X Legal Residence _____ S.D. No. _____
Street or Route No.

OFFICE USE ONLY
Election day voter registration proof:
☐ Driver's License
☐ Minn. Ident. Card
☐ Witness
☐ Prior Registration
☐ Ineffective Notice
☐ Student I.D.

_____
Number (if applicable)

Apt. No. and Rural Box No.

☐ City or ☐ Township County Zip
(Check whichever is applicable)

Mailing Address (if different from above) _____

Street or Route No. Apt. No. and

Rural Box No. City or Township County Zip

Telephone Number _____

Date of Birth (optional) _____

Previous Name _____
(if changed since last registration)

X Address of Your Last Registration If Any _____
Street or Route No. Apt. No.

City or Township County State Zip

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER.

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

I certify that I will be at least 18 years old on election day and the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than 5 years imprisonment and a fine of not more than $5,000, or both.

__ / __ / __

Date

X Legal Signature of Voter
Be sure to sign the blue card

In the upper right hand corner of the card there shall be a box marked for "office use only". In the box there shall be: "W __", "P __" and "S.D. No. __". (These initials stand for "ward", "precinct" and "school district".) Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the "office use only" box.

C. [Unchanged.]

D. Instruction card; form. The instruction card shall be in the following form:

INSTRUCTIONS FOR VOTER REGISTRATION
READ CAREFULLY BEFORE REGISTERING

Lines indicated by an (X) must be completed by the registrant before his or her registration may be accepted.

1.-12. [Unchanged,]

13. Complete the address on the reverse of the white registration card by filling in the name of the county where you reside and the name of the city which is the county seat. Mail or deliver to the office of the county auditor. An eligible voter is a person who at the time of any election:

a. is 18 years of age or older,

b. is a citizen of the United States and

c. has resided in Minnesota for 20 days.

The following persons are not eligible voters:

a. any person who has been convicted of a felony or treason, ~~who has not been restored to his~~ whose civil rights have not been restored;

b. any person who is under guardianship ~~over his~~ of the person;

c. any person who ~~is adjudicated to be not mentally competent; and~~

~~d. any person who is not properly registered, in areas that provide for voter registration~~ has been found by a court to be legally incompetent, whose civil rights have not been restored.

E.-H. [Unchanged.]

1 MCAR § 2.0402 Number of buildings. ~~There shall not be in any county~~ A political subdivision with voter registration ~~less than~~ shall have at least one building where voter registration cards may be obtained and deposited, for every 30,000 residents of the ~~county or fraction thereof. The buildings shall be located throughout the county according to population distribution~~ political subdivision. The auditor may designate more buildings than are required by law.

1 MCAR § 2.0505 Wrong county. When a county auditor receives a registration card from a person who ~~he~~ the auditor has reason to believe is a resident of another county, ~~he~~ the auditor shall within two working days forward the registration card to the auditor of the proper county if it can be ascertained. ~~The auditor shall notify the applicant of the action.~~

1 MCAR § 2.0506 Ineffective registration. Upon receipt of a voter registration card that is faulty or defective, filed with the wrong office or filed during a period when pre-election day voter registrations cannot by law be accepted, the following notice of ineffective registration shall be mailed to the person requesting to become registered. The notice shall require that it be returned if not deliverable.

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.~~ 1. ☐ Incomplete:_____

~~3.~~ 2. ☐ Your registration was received fewer than 20 days before the upcoming election. It will be effective on __ / __ / __ (day after next election).

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 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 § 2.0601 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 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 _____

County City or Township Ward Precinct

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″ × 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 § 2.0602 Swearing to residence. No person in a polling place as a challenger, pursuant to Minn. Stat. § ~~204A.38~~

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204C.07, shall be permitted to swear to the residence of any persons attempting to register on election day. A voter registered in the same precinct, including an election judge, may swear to the residence of any person who he knows to be a resident of the precinct; ~~provided, however, that~~ a. An election judge ~~swears~~, however, must swear to ~~such~~ a person's residence before another election judge.

1 MCAR § 2.0604 Notation. When a voter uses ~~either~~ a Minnesota Driver's License, Learner's Permit, or Minnesota Identification Card 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 the original card.

1 MCAR § 2.0606 Training. Election judges who will be registering voters on election day shall receive training on election day voter registration procedures from the county auditor or designated municipal clerk at the same time training is provided ~~as provided by Minnesota Statutes Section 204A.175~~ pursuant to Minn. Stat. §. 204B.25.

1 MCAR § 2.0801 Procedure. Persons wishing to challenge a voter's registration pursuant to Minn. Stat. § ~~201.231 shall~~ 201.195 may do so in the following form:

To the Auditor of _____ County

County Courthouse

_____ , Minnesota
(County Seat)

I, _____, am a registered voter in _____ County, Minnesota.
(Name of person making challenge)

I reside at _____
(Street or Route No.) (City or Township)

I challenge the registration of _____
Name of challenged voter

whose registration lists his residence as

_____
(Street or Route No.) (City or Township)

The grounds for my challenge are: _____

_____
(attach additional sheets of signed statement if necessary)

__ / __ / __ _____
(Date) (signature of challenger)

The petition shall be accompanied by an affidavit of the challenger stating the basis for the challenge on personal knowledge.

1 MCAR § 2.1005 Electronic or automatic data processing system of maintaining duplicate voter registration records.

A. Notification. The auditor of the county or clerk of a city electing to use an electronic or automatic data processing system in place of duplicate voter registration cards shall notify the Secretary of State of that election no later than 90 days before the first election at which the system will be used.

Notification may be made simultaneously with a request for approval, pursuant to 1 MCAR § 2.1001, of an electronic or automatic data processing system for maintaining voter registration records, but no system shall be used in place of duplicate voter registration cards unless the system has been approved for maintenance of voter registration records.

The notification shall be in writing and shall include:

1. A sample of no less than three pages of the form of the duplicate registration file to be used at the polling place;

2. A sample of no less than three pages of the duplicate registration list to be made available for examination or purchase;

3. A plan to be implemented for obtaining day and month of birth for previously registered voters;

4. A copy of a plan providing for back-up records and emergency service; and

5. A certification that the system conforms to all requirements of Minn. Stat. §§ 201.071; 201.221, subd. 3; and 204C.10, subd. 2, and this rule.

The county auditor or city clerk shall file amendments with the Secretary of State whenever alterations to the original notification are made.

B. Back-up records and emergency service. A county or city using an electronic or automatic data processing system in place of duplicate voter registration cards shall make arrangements for back-up and emergency service. Prior to each election, the county or city shall deposit a duplicate program and all necessary data records in a secure location separate from the location where the originals are maintained.

C. Voting records. When a county or city elects to use an electronic or automatic data processing system in place of duplicate voter registration cards, information required to be kept on duplicate cards shall be retrievable from the equipment. The address of previous registration may be deleted from the duplicate file after proper notification of registration has been made to the county or city of previous registration. Each voter's voting history for all elections in the previous four years shall be retrievable and shall indicate whether the voter voted in person or by absentee ballot.

D. Duplicate registration file. The duplicate registration file to be used on election day in the polling place shall be in the form of a precinct election list. The list shall be arranged alphabetically by voter's last name or in order of street address. Whichever arrangement is used shall be used consistently in all the precincts of the political subdivision.

Conspicuously at the top of each page of the precinct election list shall be printed precinct identifying information and the words:

*OATH

I certify that I am at least 18 years of age, and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct.

The precinct election list shall contain the following information for each registered voter:

1. Registrant's name as it appears on the original registration card;

2. Registrant's address;

3. Month and day of registrant's birth;

4. Notations about challenges, notices of guardianship, or other special information required to be affixed to the original or duplicate voter registration card.

Directly underneath or next to the voter's name shall be printed *OATH and a line indicating the place for the voter to sign the list. Sufficient space shall be provided so that the voter's signature will not obscure any voter's name. In no case shall the space be smaller than 1/2 by 3-1/2 inches.

If any computer identification numbers or other information not required by this rule is printed on the precinct election list, it shall not obscure required information or be printed in a manner to cause confusion for voters or election judges.

A separate precinct list in the same format shall be prepared for use by voters who register on election day. The newly registered voter shall print on the list the voter's name, address, and month and day of birth and shall sign the precinct election list.

In a split precinct, separate lists shall be prepared for each part of the precinct with specific information differentiating the split printed at the top of each list.

The precinct election list shall be ready no later than three days prior to any election.

The election jurisdiction may choose to attach forms required by 1 MCAR § 2.0513 for emergency voting as part of the precinct election list. If separate cards are used, the election judges shall return the cards with the list.

E. Request for birthdate. Prior to the first election at which electronic or automatic data processing equipment is used in

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place of the duplicate registration file, and prior to the subsequent statewide general election, the county or municipality shall send a request for the voter's birthdate to each previously registered voter whose month and day of birth is not included in the duplicate registration file.

The request for a voter's birthdate shall be in the form of a nonforwardable mailed notice with a postage pre-paid return form. The notice shall include the following information:

1. At the next election in (name of political subdivision) the duplicate registration file for use at the polling place will be prepared by automatic data processing equipment. The month and day of each registered voter's birth will be used as an additional identifier and precaution against fraud.

2. Please fill in your month and day of birth on the enclosed return form, correct any information that is not printed properly on the form, sign the form, and mail it to (name of political subdivision). Return postage has been prepaid. Only the month and day of your birth are requested; the year of your birth is not needed.

3. You will NOT lose your registration if you do not provide this information or return this form, but your cooperation will be appreciated and helpful to election officials.

The return form shall include the following material:

The voter's name and address, pre-printed as they appear in the duplicate registration file.

..... / .....

month of birth day of birth

.....

voter's signature

When a request for birthdate is returned as undeliverable by the post office, it shall be treated as a returned verification notice pursuant to Minn. Stat. § 201.12.

F. Challenges and other notices. A record of any challenge to a voter registration shall be made part of the duplicate registration file and remain until removed according to law. The word "challenged" shall appear on the same line as or directly above the name of a challenged voter on the precinct election list. A record of any notice affixed to an original voter registration card pursuant to Minn. Stat. § 201.15 shall be made part of the duplicate registration file and remain part of the file until removed according to law. The word "guardianship" shall appear on the same line as or directly above the name of the voter on the precinct election list. If any other special notice or information is affixed to a voter registration card, a record of that notice shall be part of the duplicate registration file and an indication of the notice shall be printed on the precinct election list.

G. Absentee voting. When an absentee ballot envelope is marked "Accepted" pursuant to Minn. Stat. § 203B.12, subd. 3, the election judge shall place the letters "A.B." in the space for the voter's signature on the precinct election list followed by the judge's initials.

When a ballot envelope is accepted from a voter who registers on election day by including a registration card with the absentee ballot, the election judge shall print the voter's name, address, and month and day of birth and the letters "A.B." in the appropriate places on the precinct election list.

H. Security. The auditor or clerk shall be responsible for maintaining the integrity of the duplicate registration file and for restricting access to the electronic or data processing equipment to properly authorized persons. The auditor or clerk may make available lists of registered voters in forms other than paper copies, but in whatever form, no list made available for examination or purchase shall include the birth dates of registered voters. The auditor or clerk shall provide for the transport and security of the precinct election lists in accordance with 1 MCAR § 2.0202.

I. Voter's Receipt. The election judges shall determine the number of ballots to be counted by adding the number of return envelopes from accepted absentee ballots to the number of voter's receipts issued pursuant to Minn. Stat. § 204C.10, subd. 2 or to the number of names signed on the precinct election lists. The election jurisdiction may require that the election judges number or initial each voter's receipt as it is issued.

1 MCAR § 2.2102 Auditor's duties. The white ballot shall be prepared under the direction of the county auditors ~~and~~ in a sufficient number ~~thereof~~ to enable the clerks to comply with the provisions of Minn. Stat. § ~~203A.11, subd. 2~~ 204B.29. It shall be the duty of the county auditors to prepare and print the white ballot as soon as practicable, but in no event less than 15 days before the election. Two weeks before the general election the auditor shall file sample copies of the white ballot in his office for public inspection. ~~Two weeks before the general election the auditor shall give one week's published notice of the contents of the white ballot.~~

1 MCAR § 2.2103 Form of ballots; size, weight and color. The white ballot shall be printed with black ink on white ~~newsprint~~ paper as close as practicable to 30# pound. The ballot shall be 5¼" wide and printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions and other matter proper to be printed on the ballot. The auditor shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate his choice easily and accurately.

1 MCAR § 2.2104 Top of ballot. At the top of the white ballot shall be printed in upper and lower case letters the words "Put an (X) in the square opposite the name of each candidate you wish to vote for ~~in the square indicated by the arrow~~." On the left side of the words and directly above the squares in which a voter marks his choices shall be printed a small arrow ~~or point~~ pointing downward.

1 MCAR § 2.2105 Ballot heading. Below the marking instructions on the white ballot shall be printed the words "STATE GENERAL ELECTION BALLOT" in upper case letters.

1 MCAR § 2.2109 Designation of candidates. Above or below the name of each candidate for a partisan office shall appear in upper and lower case letters the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a political party as defined in Minn. Stat. § 200.02, subd. ~~7~~ 6, may not be used to identify the party of a candidate of any other party. The word "nonpartisan" may not be used in the designation of any candidate. The words "Nominated Without Party Designation" in upper and lower case letters shall appear above or below the name of each candidate for a nonpartisan office. If a justice of the Supreme Court is a candidate to succeed himself, the word "Incumbent" shall be printed in upper and lower case letters on the same line and following the candidate's name. The words "Nominated by Petition" shall be printed in upper and lower case letters on the same line and to the right of the name of the candidate.

1 MCAR § 2.2110 Order of candidates. ~~At least 32 days~~ Before a general election, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in Minn. Stat. § 200.02, subd. ~~7~~ 6, shall appear for every partisan office on the white ballot. Candidates nominated by petition shall appear on the ballot beneath the names of the candidates of the political parties as defined in Minn. Stat. § 200.02, subd. ~~7~~ 6, and in the order in which the petitions were filed with the filing officer. The names of the candidates for nonpartisan offices shall be rotated on the white ballot so that each name appears substantially an equal number of times at the top, at the bottom and at each intermediate place in the group of candidates for an office.

1 MCAR § 2.2112 Type styles and sizes. The words "Put an (X) in the square 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 GENERAL ELECTION 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, 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 and distribution 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," and the date of the election. The band shall also contain the following instructions to the election judges:~~

~~"Instructions to Judges of Eelction~~

~~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.~~

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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, and shall not otherwise mark the same.

No official ballot shall be distributed except to voters in the voting room about to vote, or to disabled voters in their vehicles pursuant to Minn. Stat. § ~~204A.34~~ 204C.15, subd. 2, 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 the summary statement prepared by the county conformed to the form prescribed by the secretary of state, pursuant to Minn. Stat. § ~~204A.46~~ 204C.26, subd. ~~5~~ 3, the cost to the county of printing and an itemization of costs.

1 MCAR § 2.4101 Absentee ballot application.

A. Form. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minn. Stat. § ~~207.04, subd. 2~~ 203B.06, subd. 1, shall be in the following form:

OFFICE USE ONLY

RECEIVED _____

BALLOTS ISSUED _____

ABSENTEE BALLOT APPLICATION

Absentee Ballot Applicatoin 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)

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~~ Minnesota law 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."~~ it is a felony to make a false or untrue statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to exhibit a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote in a precinct or to assist anyone to cast an illegal vote.

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. Be sure to sign the application.

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.

~~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. [Unchanged.]

1.-4. [Unchanged.]

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

A.-C. [Unchanged.]

D. The words "~~Received~~ Accepted" 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~~ accepted or rejected.

E. [Unchanged.]

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 WILL INVALIDATE YOUR BALLOT.

(1) Locate ~~an elegible voter in the county in which you are registered or registering to vote, a notary public, United States~~

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~~postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station, or any officer having authority to administer an oath. This person will be your witness~~ any one of the following people to serve as your witness:

a. an eligible voter of the same county in which you are registered or registering to vote;

b. a notary public;

c. a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

d. any officer having authority to administer an oath.

(2) [Unchanged.]

(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 that contains your valid address in the precinct in which you are registering;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

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

d.-f. [Unchanged.]

Show these instructions to your witness ~~and have him~~. Your witness must 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 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~~ the presence of your witness mark the ballots in such a manner that ~~he cannot see~~ your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask ~~him~~ your witness to mark your ballot for you.

(6)-(7) [Unchanged.]

(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 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~~ complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9)-(12 [Unchanged.]

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)
(print or type)

_____

(legal address of absent voter)
(print or type)

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~~ if witness ~~if~~ is an eligible voter)

FOR REGISTRATION ONLY—Indicate method used by voter to prove residence.

Method used by voter to prove residence ~~if registering:~~

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

☐ Minn. ID Card or _____ (number) Receipt

☐ Registration in same precinct

☐ Notice of Ineffective Registration

☐ Student ID _____ (number)

~~☐ Registered voter in precinct~~

☐ _____ (legal signature of registered voter in the precinct who swore to residence)

_____ ~~(name)~~

_____ (legal address of registered voter in the precinct who swore to residence)

B.-C. [Unchanged.]

1 MCAR § 2.4105 Absentee ballot return envelope.

A.-B. [Unchanged.]

1.-5. [Unchanged.]

C. Mailing address. 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:

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

1.-3. [Unchanged.]

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 immediately notify the auditor of every change ~~of polling place address within 30 days after the change~~ in the initial notification.

D.-E. [Unchanged.]

~~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.~~

1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes. Except as provided in Minn. Stat. § ~~207.31~~ 203B.11, an absent voter who recieves 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.-C. [Unchanged.]

1 MCAR § 2.5101 Scope and purpose. ~~These~~ Rules 1 MCAR §§ 2.5101-2.5119 establish the program for training of election judges required by Minn. Stat. § ~~204A.13, subd. 6~~ 204B.25.

A. [Unchanged.]

B. ~~These~~ Minimum standards. Rules 1 MCAR §§ 2.5101-2.5119 shall be construed as the minimum standards required of training programs conducted pursuant to Minn. Stat. §§ ~~204A.175, 206.19 and 206.195~~ 204B.25. Nothing in ~~these rules~~ 1 MCAR §§ 2.5101-2.5119 shall restrict training authorities from implementing training programs more comprehensive than ~~is~~ are required by ~~the rules~~ 1 MCAR §§ 2.5101-2.5119.

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~~ to improve election-related skills ~~and by aiding in attitude development~~.

B. [Unchanged.]

1 MCAR § 2.5103 Delegation of training duty. 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~~ designated, if different from the municipal clerk. The auditor shall notify the secretary of state within thirty days after the delegation.

1 MCAR § 2.5106 Training requirements.

A. Courses required. An election judge who must receive training pursuant to Minn. Stat. §§ ~~204A.175, 206.19 and 206.195~~ 204B.25 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 least one election every four years.

B. Time of training. The Basic Training course and the Review course shall be conducted not more than ~~twenty-one~~ 30 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.-D. [Unchanged.]

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. [Unchanged.]

B. Must show certification. Except as provided in Minn. Stat. § ~~204A.175~~ 204B.25, 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. ~~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 August 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.-C. [Unchanged.]

D. ~~After 1980,~~ Notice of no change. 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.

Repealer. Rule 1 MCAR § 2.5119 is repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Administration Board of Electricity

Adopted Amendment of Rule Governing Inspection Fees and Handling Fee for Request for Inspection Form

The rule proposed and published at *State Register,* Volume 6, Number 33, pages 1414-1417, February 15, 1982 (6 S.R. 1414) is now adopted as proposed.

Department of Commerce Insurance Division

Adopted Temporary Rules Requiring Annual Audited Financial Reports

The temporary rules proposed and published at *State Register,* Volume 6, Number 30, pages 1337-1342, January 25, 1982 (6 S.R. 1337) are now adopted with the following modifications:

Temporary Rules as Adopted

4 MCAR § 1.9127 [Temporary] Consolidated or combined audits. Upon written application and for specified periods, the commissioner may permit an insurer to file audited consolidated or combined financial statements in lieu of separate annual audited financial statements. In such cases, the report shall include an organization chart of the companies together with a columnar consolidating or combining worksheet.

Amounts shown and the audited consolidated or combined ~~audited~~ financial ~~report~~ statement shall be shown on the worksheet.

Amounts for each insurer subject to this rule shall be stated separately.

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Noninsurance operations may be shown on the worksheet on a combined or individual basis.

Explanations of consolidating and eliminating entries shall be included on the worksheet.

A reconciliation of any differences between the amounts shown in the individual insurer columns of the worksheet and comparable amounts shown on the annual statements of the insurers shall be included on the worksheet.

~~The commissioner may at any time require an insurer to file separate annual audited financial statements even though permission had previously been given to file on a consolidated or combined basis.~~

4 MCAR § 1.9128 [Temporary] Scope of examination and report of independent certified public accountant. Financial statements furnished under 4 MCAR § 1.9124 [Temporary] shall be examined by an independent certified public accountant. The examination of the insurer's financial statements shall be conducted in accordance with generally accepted auditing standards and consideration should be given to such other procedures illustrated in the "Financial Condition Examiners Handbook," in the 'Examiners Handbook,' issued by the National Association of Insurance Commissioners (Milwaukee, Wisconsin: 1976, as amended) as the independent certified public accountant deems necessary. ~~The commissioner may from time to time require that additional examination procedures be observed by the accountant in the audit of the financial statements of insurers pursuant to this rule. Any separate reports given to the commissioner on the additional procedures and findings shall be considered to be the commissioner's workpapers.~~

4 MCAR § 1.9129 [Temporary] Notification of adverse financial condition. The insurer required to furnish the annual audited financial report shall require the independent certified public accountant to immediately notify in writing an executive officer and all directors of the insurer of the final determination by that independent certified public accountant that the insurer has materially misstated its financial condition as reported to the commissioner as of the balance sheet date currently under examination or that the insurer does not meet the minimum capital and surplus requirement of Minn. Stat. § 60A.07 as of that date.

Any executive officer or director of an insurer required to file an annual audited financial report who received any notification of adverse financial condition from the accountant shall make a written report to the commissioner of the existence of the materially misstated financial condition or the failure to meet the minimum capital and surplus requirements of the commissioner within three business days of the notification.

If the accountant becomes aware of facts which might have affected this report subsequent to the date of the audited financial report filed under this rule, the accountant shall take the action prescribed by section AU561, volume 1 of the 'AICPA Professional Standards,' issued by the American Institute of Certified Public Accountants.

Department of Public Welfare

Adopted Rules Governing the Investigation and Reporting of Maltreatment of, and Some Aspects of the Provision of Protective Services to, Vulnerable Adults (12 MCAR § 2.221)

The rule proposed and published at *State Register,* Volume 6, Number 11, pages 452-456, September 14, 1981 (6 S.R. 452) is now adopted with the following modifications:

Rule as Adopted

12 MCAR § 2.221 Protective services by local social services agencies to vulnerable adults.

A. Applicability. 12 MCAR § 2.221 governs the ~~administration and provision by local social services agencies of the protective services to vulnerable adults which are required by~~ investigation and reporting of maltreatment of vulnerable adults and some aspects of the emergency and continuing protective social services required to be furnished by local social services agencies under Minn. Stat. § 626.557.

B. Definitions. As used in 12 MCAR § 2.221, the following terms have the meanings given them.

1. Abuse. "Abuse" means:

a. Any act which constitutes a violation of Minn. Stat. § 609.322 related to prostitution;

b. Any act which constitutes a violation of Minn. Stat. §§ 609.342-609.345 related to criminal sexual conduct; or

c. The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

2. Caretaker. "Caretaker" means an individual or facility which has responsibility for the care of a vulnerable adult as a

result of family relationship, or which has assumed responsibility for all or a portion of the care of the vulnerable adult voluntarily, by contract, or by agreement. A person who has assumed only financial responsibility for an adult is not a caretaker.

3. County of financial responsibility. "County of financial responsibility" means the county designated as the county of financial responsibility pursuant to Minn. Stat. § 256E.08, subd. 7.

~~3.~~ 4. Facility. "Facility" means a hospital or other entity required to be licensed pursuant to Minn. Stat. §§ 144.50-144.58; a nursing home required to be licensed pursuant to Minn. Stat. § 144A.02; an agency, day care facility, or residential facility required to be licensed pursuant to Minn. Stat. §§ 245.781-245.812; a mental health program receiving funds pursuant to Minn. Stat. § 245.61; and any entity required to be certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. 1395 et seq.

~~4.~~ 5. False. "False" means ~~unsubstantiated~~ disproved to the satisfaction of the investigating agency.

~~5.~~ 6. Host county. "Host county" means the county in which a facility is located.

~~6.~~ 7. Impairment of mental or physical function or emotional status. "Impairment of mental or physical function or emotional status" means a condition which includes being substantially unable to carry out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working; being unable to protect oneself from hazardous or abusive situations without assistance; a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life; substantial difficulty in engaging in the rational decision-making process and inability to weigh the possible benefits and risks of seeking assistance; a condition in which an individual is so fearful, so ashamed, so confused, or so anxious about the consequences of reporting that that individual would be unable or unlikely to make a responsible decision regarding whether or not to report abuse or neglect.

~~7.~~ 8. Licensing agency. "Licensing agency" means:

a. The Commissioner of Health, for a facility which is required to be licensed or certified by the Department of Health;

b. The Commissioner of Public Welfare for facilities required by Minn. Stat. §§ 245.781-245.812 to be licensed;

c. Any licensing board which regulates persons pursuant to Minn. Stat. § 214.01; and

d. ~~Any agency responsible for credentialing human services occupations~~ The Minnesota Department of Health if the human services occupation of the alleged perpetrator is credentialed pursuant to Minn. Stat. § 214.13 or 149.02.

~~8.~~ 9. Local social services agency. "Local social services agency" means the local agency under the authority of the human services board or board of county commissioners which is responsible for social services.

~~9.~~ 10. Neglect. "Neglect" means failure by a caretaker to supply or to ensure the supply of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

~~10.~~ 11. Report. "Report" means any verbal or written report of abuse or neglect of a vulnerable adult received by the local social services agency, police department, county sheriff, or licensing agency.

~~11.~~ 12. State agency. "State agency" means the Minnesota Department of Public Welfare.

~~12. Unsubstantiated. "Unsubstantiated" means able to be disproved to the satisfaction of the investigating agency.~~

13. Substantiated. "Substantiated" means proved to the satisfaction of the investigating agency.

~~13.~~ 14. Vulnerable adult. "Vulnerable adult" means any person 18 years of age or older:

a. Who is a resident or patient of a facility;

b. Who receives services at or from a facility required to be licensed pursuant to Minn. Stat. §§ 245.781-245.812; or

c. Who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

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15. Inconclusive. "Inconclusive" means a report which cannot be substantiated or disproved to the satisfaction of the investigating agency.

C. Complaint investigation by local social services agencies.

1. Duty to accept and investigate complaints. The local social services agency shall accept and investigate all complaints alleging that a vulnerable adult has been abused or neglected in that agency's county. The local social services agency shall notify each relevant licensing agency and the local police departments or county sheriffs and shall cooperate in coordinating its investigation with the investigations of the licensing agencies, police departments, and sheriffs. The local social services agency shall immediately send a report of its findings to all other agencies notified concerning the complaint in question.

2. Time limits to initiate investigations. The local social services agency shall begin to investigate all complaints within the following time limits.

a. The local social services agency shall conduct an immediate on-site investigation for complaints alleging or from which it can be inferred that a vulnerable adult is in need of immediate care or protection because the adult is life threatened ~~and~~ or likely to experience physical injury due to abuse or abandonment.

b. The local social services agency shall begin its investigation within 24 hours for complaints alleging, ~~or from which it can be inferred~~ or when there is substantial evidence, that a vulnerable adult is not in need of immediate care or protection but is allegedly abused.

c. The local social services agency shall begin its investigation within 72 hours for complaints alleging, ~~or from which it can be inferred~~ or when there is substantial evidence, that a vulnerable adult is not in need of immediate care or protection but is allegedly neglected.

3. Investigations related to a facility. When an investigation involves an alleged incident or situation ~~in~~ related to a facility, the local social services agency shall make an on-site visit to the facility to assess the validity of the complaint. This investigation shall include the following activities when necessary to make an accurate assessment, but activities specified in a., c., and e. need not occur on the site of the facility:

a. Discussion with the reporter;

b. Discussion with the facility administrator or responsible designee;

c. Discussion with the physician or other professionals, or any corroborating contacts as necessary;

d. Contact with the alleged victim;

e. Discussion with the alleged perpetrator;

~~f. Discussion with other residents of the facility, unless the complaint is unsubstantiated, to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected;~~

~~g.~~ f. Examination of the physical conditions or the psychological climate of the facility; and

~~h.~~ g. Inspection of the alleged victim's record.

The local social services agency shall also determine whether the reported abuse or neglect places other vulnerable adults in jeopardy of being abused or neglected.

The local social services agency shall immediately send a report of its findings to all other agencies notified concerning the complaint in question.

4. Investigations not related to a facility. When an investigation involves an alleged incident or situation which is not related to a facility, the local social services agency shall assess the validity of the complaint. This investigation shall include the following activities where necessary to make an accurate assessment:

a. Discussion with the alleged victim;

b. Discussion with the reporter or any corroborating contacts, as necessary; ~~and~~

c. Discussion with the alleged perpetrator~~.~~;

d. Discussion with the physician or other professionals; and

e. Examination of the physical conditions or the psychological climate of the residence.

The local social services agency shall also determine whether the reported abuse or neglect places other vulnerable adults in jeopardy of being abused or neglected.

5. Investigations by agencies which are not in the county of financial responsibility. When a complaint involves a vulnerable adult who is receiving services from a facility located in a county other than the adult's county of financial responsibility, the local social services agency of the host county shall:

a. Investigate the complaint in accordance with C.3. and determine whether the complaint is substantiated, ~~unsubstantiated~~ inconclusive or ~~unable to be substantiated~~ false;

b. Notify each relevant licensing agency, the police or sheriff, and the county of financial responsibility;

c. Consult with the county of financial responsibility, ~~if possible~~ unless the host county must take immediate emergency measures and representatives of the county of financial responsibility are not available;

d. Take whatever measures are necessary to correct the situation or to remove the adult from the facility and notify the county of financial responsibility of the actions taken to correct the situation or of the removal of the adult from the facility; and

e. Complete and transmit all required written forms and findings to appropriate agencies.

The local social services agency of the county of financial responsibility shall then resume responsibility for ensuring ongoing planning and services for the vulnerable adult.

6. Use of outside experts. When it is investigating alleged abuse or neglect of a vulnerable adult, the local social services agency shall consult persons with appropriate expertise if the local agency believes that it lacks the expertise necessary for making judgments pertaining to the allegations. This consultation may include matters of physical health, mental health, specialized treatment such as behavior modification, geriatrics, or other matters.

7. Investigations after initial complaint assessment. If upon the initial assessment required by 1.-6. there appears to be substance to a complaint, the local social services agency shall attempt to determine the following:

a. The risk posed if the vulnerable adult remains in the present circumstances;

b. The current physical and emotional condition of the vulnerable adult, including ~~an assessment of prior injuries, if any~~ the history or pattern of abuse or neglect or related prior injuries;

c. The name, address, age, sex, and relationship of the alleged perpetrator to the vulnerable adult; and

d. In a complaint of neglect, the relationship of the caretaker to the vulnerable adult, including the agreed-upon roles and responsibilities of the caretaker and the vulnerable adult.

8. Protective services. The local social services agency shall offer emergency and continuing protective social services for purposes of preventing further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult.

D. Classification of complaints. Within 90 days of receiving the initial complaint, the local social services agency shall assess, make a finding, and classify all complaints as either substantiated, ~~unsubstantiated~~ false, or ~~unable to be substantiated~~ inconclusive. At the conclusion of the assessment, the alleged victim of maltreatment and the alleged perpetrator shall be notified in writing as to whether the complaint was substantiated, ~~unsubstantiated~~ false, or ~~unable to be substantiated~~ inconclusive.

E. Actions on behalf of a vulnerable adult who refuses services. If a vulnerable adult who is the victim of abuse or neglect by a caretaker refuses an offer of services from a local social ~~service~~ services agency and in the judgment of that agency the vulnerable adult's safety or welfare is in jeopardy, the agency shall seek the authority to intervene on behalf of that adult. If the agency believes it to be in the adult's best interest, it shall seek or help the family or victim seek any of the following:

~~a.~~ 1. A restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to Minn. Stat. § 518B.01.

~~b.~~ 2. Guardianship or conservatorship pursuant to Minn. Stat. §§ 525.539-525.6198, or guardianship or conservatorship pursuant to Minn. Stat. ch. 252A.

~~c.~~ 3. A hold order or commitment pursuant to the Minnesota Hospitalization and Commitment Act, Minn. Stat. ch. 253A.

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~~d.~~ 4. A referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under Minn. Stat. ch. 609.

F. Reports to the state agency.

1. Initial report. Every incident of abuse or neglect reported to the local social services agency shall be reported to the Social Services Division of the state agency on forms provided by the state agency. The local agency shall send the completed report form to the state agency within 20 days of receiving the complaint, whether or not the classification of the report has been determined according to D.

2. Subsequent report. When the classification of the report has been determined or if the classification has changed subsequent to the time of the initial report to the state agency, the local agency shall advise the state agency in writing of the correct information. The local agency shall do this within 90 days of when the local agency received the complaint.

3. Data privacy. Reports to the Social Services Division of the state agency are for statistical purposes only. The identity of the vulnerable adult and of the perpetrator shall not be included on the copy of the report sent to the state agency.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota — Tax Court

Estate of Verna Abel,

Appellant,

v.

The Commissioner of Revenue,

Appellee.

Findings of Fact, Conclusions of Law, and Order for Judgment

In the Matter of the Appeal from the Commissioner's Order dated July 20, 1981, relating to Computation of Inheritance Tax.

Order dated April 1, 1982
Docket No. 3406

The above matter was submitted to the Minnesota Tax Court, Judge Carl A. Jensen presiding, on the basis of a Stipulation of Facts and briefs of the parties.

Appellant was represented by attorney David J. Bishop.

Appellee was represented by James W. Neher, Special Assistant Attorney General, Department of Revenue, State of Minnesota.

Syllabus

Statutes must be construed to give effect to the apparent intention of the legislature where there is an apparent ambiguity.

Findings of Fact

1. Verna Abel died July 24, 1979.

2. John A. Abel died on May 18, 1979, at which time he was the husband of Verna Abel.

3. An inheritance tax was determined and paid to the Commissioner of Revenue on the transfer of $512,985.29 in assets from the Estate of John A. Abel to Verna Abel. Verna Abel's inheritance tax, computed without regard to the alternate marital exemption, was $23,920.14. Her marital exemption tax, computed pursuant to Minn. Stat. § 291.051, was $9,833.80. The latter was the amount of tax actually paid to the commissioner.

4. Assets taxed to Verna Abel in the Estate of John A. Abel have been identified and traced to the Estate of Verna Abel.

5. Minn. Stat. § 291.06 provides for the exemption of certain assets which have been inherited from the decedent's spouse within the previous five years which now go to the children. The statutes in effect at the time of Verna Abel's death are substantially different from the statutes presently in effect. Minn. Stat. § 291.06 at the time of Verna Abel's death read as follows:

"291.06 LIMITED EXEMPTIONS. Where property is transferred to [the children of a decedent], which can be identified as have been transferred to the decedent from [her spouse] who died within five years prior to the death of the decedent * * * such property shall be exempt to the extent of the value thereof * * * provided, * * * (2) the exemption shall be limited to the value of property which is in excess of the amount of the exemption provided in section 291.05 allowed on the transfer to the decedent. * * *

6. Minnesota Statutes 291.051 read as follows at the time of Verna Abel's death:

* * *

"'Marital exemption' means 50 percent, but not more than $250,000, of the net taxable value passing to the surviving spouse of a decedent domiciled in Minnesota at the time of his death."

* * *

"'Marital exemption tax' means a tax imposed at the rates provided by this chapter on the value of property passing to the surviving spouse less the marital exemption, but without regard to the exemptions allowed to the surviving spouse by sections 291.05, clauses (1), (2) and (3) and 291.10."

"Subd. 2. Alternate tax. If the marital exemption tax on the property passing to the surviving spouse is less than a tax computed on that property under the other provisions of this chapter, the marital exemption tax shall be imposed in lieu of the tax computed under the other provisions.

7. The exemptions provided for a widow in Minnesota Statutes § 291.05 are $60,000 personal exemption, $45,000 homestead exemption, and $9,000 maintenance exemption.

8. Using Minn. Stat. § 291.051, the tax in John Abel's estate for the property going to Verna Abel was $9,833.80. Without Minn. Stat. § 291.051, the tax for Verna Abel in John Abel's estate would have been $23,920.14. The statute provides that the lesser amount is the amount due, so Verna Abel paid tax of $9,833.80 on the property she received from her husband John Abel.

9. The tax return filed in the John Abel estate shows on Schedule A, line 17, that Verna Abel received a marital exemption of $249,313.43. Using this exemption, the tax to Verna Abel was $9,833.80. If the tax had been calculated without Minn. Stat. § 291.051, the tax would have been $23,920.14 using the exemptions stated in Minn. Stat. § 291.05.

10. $292,817.99 of the assets in the Verna Abel estate were identified and traced to have been received from the John Abel estate. The estate considered all of this exempt and arrived at a tax on the remainder of the property in the Verna Abel estate in the amount of $8,486.06. The commissioner determined that $99,000 of this $292,817.99 was not exempt because of Minn. Stat. § 291.06, and the commissioner arrived at a tax in the Verna Abel estate of $13,232.62. The $99,000 consisted of the exemptions under Minn. Stat. § 291.05 that would have been applicable in the John Abel estate if those exemptions had applied. They would have been $60,000 personal exemption, $30,000 homestead exemption, and $9,000 maintenance exemption. However, the exemption actually used in the John Abel estate was the marital exemption of $249,313.43.

11. Although this Court believes that the entire exemption of $249,313.43 taken by Verna Abel in the John A. Abel estate should now be subject to tax, the Stipulation provides that the tax should either be the amount under the Commissioner's interpretation which is $13,232.62 or the amount under the estate's interpretation which is $8,486.06.

12. The Order of the Commissioner should be affirmed since it is less than the amount this Court would have found if the parties had not stipulated.

Conclusions of Law

1. The Order of the Commissioner dated July 20, 1981, relative to inheritance taxes in the Estate of Verna Able is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

By the Court,
Carl A. Jensen, Judge
Minnesota Tax Court

Memorandum

This is a very difficult case. It appears to this Court that the legislature in 1976 added Minn. Stat. § 291.051 which provided for a different marital deduction than had previously existed. This statute drastically reduced the inheritance taxes from one spouse to another spouse. At the time this was passed, Minn. Stat. § 291.06 made certain provisions for exemption in an estate

of property that had been inherited from a spouse within the preceding five years where the property now goes to the children. This statute was not amended in 1976. It seems clear to this Court that the intent of Minn. Stat. § 291.06 at that time was to provide that property that had been subjected to inheritance taxes within the previous five years should not be again subjected to inheritance taxes. By this treatment, children actually inherited at a lower tax rate because the one-time tax was calculated at the lower rates available to a spouse. The statute clearly provided that the exemptions that the spouse had received in the preceding estate from Minn. Stat. § 291.05 would be subject to inheritance tax as they had never previously been taxed.

The determination rests on the proper interpretation of Minn. Stat. § 291.06. We construe this statute to mean basically that property which was inherited by a spouse within the preceding five years of the surviving spouse's death is not subject to inheritance taxes if it has been subject to inheritance taxes in the first estate. This is clearly spelled out under Minn. Stat. § 290.06 as it applied at the time Minn. Stat. § 291.051 was passed by specific reference to Minn. Stat. § 291.05 exemptions. There is, however, no specific reference to Minn. Stat. § 291.051 in Minn. Stat. § 291.06.

In effect we believe that Minn. Stat. § 291.06 should be construed to refer to the exemptions taken under § 291.05 if that section is used or the exemptions taken under § 291.051 if that section was actually used in the determination of the tax.

The spouse's exemption used in the John Abel estate was $249,313.43. This was not taxed in the John Abel estate and should be taxed in the Verna Abel estate. With that interpretation, the tax in the Verna Abel estate would be substantially more than the amount determined by the commissioner of $13,232.62. However, we take the position that it was stipulated that the tax in the Verna Abel estate was either to be the amount determined by the Commissioner of $13,232.62 or the amount determined by the estate of $8,486.06.

Although the question involved was considerably different in the case of *In Re Raynolds' Estate*, 18 N.W. 2d 238, Minn. 1945, we find the comments of the Court relative to determining legislative intent as being very helpful. Some of the comments made by the Court are as follows:

"It is true that courts cannot make exceptions and limitations which the statute does not warrant (citations omitted). It is not the function of courts to supply that which the legislature purposely omits or inadvertently overlooks (citation omitted). * * * On the other hand, it is our duty to interpret the statute in the light of its obvious purpose (citation omitted). The fundamental aim of construction is to ascertain and give effect to the intention of the legislature as expressed in the language used (citations omitted)."

" * * * ' cannons of construction are not the masters of the courts, but merely their servants, to aid them in ascertaining the legislative intent;' and when it is ascertained the statute must be so construed as to give effect to such intention, even if it seems contrary to such rules and the strict letter of the statute." *Winters v. City of Duluth*, 82 Minn. 127, 129, 84 N.W. 788, 789."

"A literal construction is not to be adopted contrary to the general policy and object of the statute (citation omitted)."

* * *

"We are required to look beyond mere words and inquire into the operation of the statute (citation omitted). The Supreme Court of the United States in *United States v. American Trucking Ass'n.*, 310 U.S. 534, 543, 60 S. Ct. 1059, 1063, 84 L. Ed. 1345, 1350, in discussing the problem of construction of a statute, aptly states: 'There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislature. In such cases we have followed their plain meaning. When that meaning has led to absurd or futile results, however, this Court has looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one 'plainly at variance with the policy of the legislation as a whole' this Court has followed that purpose, rather than the literal words."

We hold that Appellant's interpretation would be "plainly at variance with the policy" of Minnesota Statutes § 291.06.

Where there is ambiguity in an exemption statute, it is settled law that any doubt as to the legislature's intent should be resolved in favor of taxability. *American Ry. Express Co. v. Holm*, 211 N.W. 467 (Minn. 1926). See also, *Great Northern Ry. Co. v. State of Minnesota*, 30 S. Ct. 344, 348 (1910), and *DePonti Aviation, Inc. v. State*, 157 N.W. 2d 742, 746 (Minn. 1968).

Minn. Stat. § 645.17(5) specifically provides that in the construction of a statute it should be presumed that the legislature intends to favor the public interest as against any private interest.

C.A.J.

SUPREME COURT

Decisions Filed Friday, April 9, 1982

Compiled by John McCarthy, Clerk

81-574 John R. Jansen, Relator, v. People's Electric Company, Inc., Commissioner of Economic Security. Department of Economic Security.

The doctrine of constructive voluntary quit as enunciated in *Anson v. Fisher Amusement Corp.*, 254 Minn. 93, 93 N.W.2d 815 (1958), applies to an employee who is bumped from his position due to the seniority provision of his collective bargaining agreement.

Affirmed. Simonett, J. Dissenting, Scott, Todd, Yetka, and Wahl, JJ.

81-751/Sp. State of Minnesota v. Robert Armstrong, Appellant. Hennepin County

Evidence of defendant's guilt was sufficient, and trial court did not err in admitting eyewitness identification testimony challenged on due process grounds.

Affirmed. Simonett, J.

81-845/Sp. State of Minnesota v. Vicki Lynn Woelm, Appellant. Ramsey County.

In prosecution of defendant for engaging in prostitution, trial court did not err in admitting *Spreigl* evidence establishing remarkably similar act of prostitution by defendant 6 months earlier.

Evidence was sufficient to support defendant's gross misdemeanor conviction of engaging in prostitution.

Affirmed. Simonett, J.

Decision Filed Tuesday, April 6, 1982

82-144/Sp. State of Minnesota, Appellant, v. John Henry Brown. Ramsey County.

District court correctly concluded that United States Supreme Court's decision in *Edwards v. Arizona*, 101 S.Ct. 1880 (1981), requires new trial of defendant on charges of criminal sexual conduct.

Remanded. Scott, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Minnesota Housing Finance Agency
Home Mortgage Division

Notice of Request for Proposals for Review Contractor/Mortgage Loan Servicing

The Minnesota Housing Finance Agency is seeking proposals from real estate lenders to act as review contractors and loan servicers for conventional and insured conventional home mortgage loans originated under the next Home Mortgage Loan Program. MHFA anticipates that $50-$65 million in home mortgage loans will be originated under the program. The home mortgage loans originated will most likely require one or two interim debt service payment adjustments as specified by the mortgage contract.

Those lenders who act as review contractors will be granted loan servicing on a specified amount of mortgage loans originated. Only lenders who participate as review contractors will be granted servicing under the program; other lenders who originate mortgages under the program will be required to assign servicing to the review contractor/servicer designated by MHFA.

In general, lenders who participate in the Home Mortgage Loan Program may sell loans to MHFA either directly or through the assistance of a review contractor. Only lenders who are able to demonstrate past mortgage lending activity and ability to MHFA's satisfaction are allowed to sell loans directly to MHFA. All other lenders who participate in the program must have their loans reviewed for compliance with MHFA and industry accepted requirements and standards both prior to loan closing and prior to loan purchase by MHFA. The review contractor will provide both of these reviews, will be provided the authority by MHFA to approve or decline lender loan submissions to MHFA, and will be required to ultimately provide for the purchase of said loans which will comply fully with MHFA requirements.

As mentioned above, lenders who are selected as review contractors will ultimately service all loans that are originated under the program. MHFA is seeking full servicing, including collection of payments, maintenance of tax and insurance escrow accounts, customer service, handling of satisfactions, delinquency servicing, and foreclosures, and preparation of reports and accounting documents. Loan servicing is to be handled in accordance with the MHFA Servicing Agreement entered into between MHFA and the review contractor and the MHFA Servicing and Accounting Manual.

To be eligible to submit proposals to act as a review contractor/servicer under the Home Mortgage Loan Program, a lender must be:

1. A lender which may compellingly demonstrate the ability and expertise in mortgage lending that would enable it to sell loans directly to MHFA; and

2. A lender with demonstrated familiarity with MHFA's Home Mortgage Loan Program; and

3. A FHLMC or FNMA approved Seller and Servicer of FHA, VA, and conventional loans; and

4. A servicer currently utilizing a computer system for the servicing and reporting of MHFA home mortgage loans; and

5. A lender whose processing volume within the previous calender year was at least 200% greater than the amount which it proposes to process under this program; and

6. A lender whose present portfolio is at least 400% greater than the number of MHFA loans it proposes to service under this program; and

7. A lender with the ability and willingness to provide mortgage loan processing and servicing functions in and for underserved areas of the state, if necessary.

Proposals submitted to MHFA must include the following information:

1. Bid at which the lender is willing to perform the review contractor and servicing activities. The bid may include both a "per loan" fee for review contractor activity and a traditional servicing fee, provided that:

a. The fee for acting as review contractor does not exceed ¼ of 1% of the principal balance per loan purchased, and

b. The servicing fee due the servicer for each mortgage shall consist of an amount, payable from the interest portion of each installment collected, that shall not exceed $\frac{3}{10}$ of 1% annum computed on the same principal amount and for the same period as the interest portion of the installment.

The bid may also provide for a servicing fee only if the lender does not deem a "per loan" fee necessary to provide both the review contractor and servicing activities. It is understood that each bid represents all costs associated with the review contractor and servicing activities.

2. Information demonstrating that the lender meets eligibility criteria established above.

3. A detailed description of the lender's processing operation which specifically addresses the method in which the lender feels it may successfully operate as a review contractor.

4. A detailed description of the lender's servicing operation.

5. Current financial statements of the lender. MHFA reserves the right to require insurance, bonds or other security devices deemed necessary to protect its interests.

Evaluation and award will be based on the above factors. Proposals must be received in writing by MHFA not later than 4:30 p.m., April 30, 1982. Requests for more detailed information, proposals and inquiries should be directed to:

Michael Haley
Director of Home Mortgage Programs
Minnesota Housing Finance Agency
333 Sibley Street, Suite #200
St. Paul, Minnesota 55101
(612) 296-2678

Department of Public Welfare
Fergus Falls State Hospital

Notice of Request for Proposals for Health-related Services

The Fergus Falls State Hospital, a division of the Department of Public Welfare, Mental Health Bureau, is seeking the following services on a contractual basis for the period July 1, 1982, through June 30, 1983. These services are to be performed as requested by the administration of the Fergus Falls State Hospital.

This request for proposals does not obligate the state to complete the projects, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Description of Services Requested:

1) Services of a local organization to provide sheltered (handicapped) workers to work in the Fergus Falls State Hospital's industries in a learning experience setting. The organization shall provide necessary administrative and overhead functions related to evaluation of productivity of workers, placement, payroll recordkeeping, etc. The estimated amount of the contract should not exceed $18,000.00.

2) Services of a radiologist, including the provision of facilities, equipment and supplies, to interpret X-rays as needed by the Fergus Falls State Hospital's X-ray Department. The estimated amount of the contract should not exceed $13,000.00.

3) Services of a pathologist, including the provision of necessary facilities, equipment and supplies, to perform pathological services and autopsies as needed by the Fergus Falls State Hospital, and to provide a consultant to review hospital's laboratory tests, check quality control, and provide consultation and supervision to the hospital's own laboratory. The estimated amount of the contract should not exceed $17,000.00.

4) Services of a mental health center to provide qualified psychiatrists trained and experienced in all areas of human services for the mentally ill, mentally retarded and chemically dependent to give consultation for individual resident treatment, staff education and program development at the Fergus Falls State Hospital. The estimated amount of the contract should not exceed $11,000.00.

Proposals for any of the above listed services must be received by not later than 11:00 a.m., May 10, 1982. Late proposals will not be accepted.

Direct inquiries or proposals to:

Linda A. Wright, Acting Business Manager
Fergus Falls State Hospital
Box 157
Fergus Falls, MN 56537
Phone: (218) 739-7378

Department of Revenue
Revenue Management Program

Notice of Request for Proposals for Contractual Services to Assist in Developing and Implementing a Work Redesign Program

The Department of Revenue is seeking proposals from firms experienced in implementing work (job and process) redesign programs and in instructing client organizations in redesign technology. Prospective responders should be prepared to provide the following services:

1. At least three days of intensive instruction and practicum in work redesign technology to approximately 25 selected department employees.

2. Necessary services to qualify internal department instructors and facilitators to administer a continuous work redesign program.

3. Copies of procedural manuals for implementing the technology, examples of work redesign problems and solutions, job evaluation and employee attitude questionnaires, and copies of books and articles on work redesign.

4. Approximately ten days of visits to Department of Revenue locations where redesign activities are being conducted for the purpose of evaluating the department's progress.

Responders should be prepared to begin work on the project no later than June 1, 1982. The amount of the contract shall not exceed $60,000. The deadline for the receipt of complete proposals is 4:30 p.m., Wednesday, May 5, 1982.

To obtain a copy of the complete Request for Proposals or for additional information, please write or call:

George W. Winter
Assistant Commissioner
Minnesota Department of Revenue
2nd Floor, Centennial Office Building
St. Paul, MN 55145
Phone: (612) 296-3403

State University System

Notice of Request for Proposals for Auditing Service

The State University System is requesting proposals for auditing service. The project will be an audit of the Revenue Bond Fund, which includes student residence hall, food service, and student union operations on six state university campuses. Fiscal year 1981 net income was $475,594 on Revenues of $22,856,065. Total assets equaled $75,637,052. The audit will be performed in accordance with generally accepted auditing standards. Services requested are outlined in the formal Request for Proposals (RFP). The RFP may be requested from and inquiries should be directed to:

Gerald Rushenberg
Financial Reporting Director
State University System
407 Capitol Square Building
St. Paul, Minnesota 55101
Phone 612-297-2619

It is anticipated that the activities to accomplish this audit will not exceed a total cost of $36,000. The deadline for submission of completed proposals will be the close of the working day of April 30, 1982.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

State Board of Education
Department of Education
Instruction Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Special Education Definitions, Supervision, Staff to Student Ratios and Other Related Topics

Notice is hereby given that the Department of Education is seeking information or opinions from sources outside the agency in preparing to amend current rules governing special education definitions, supervision, staff to student ratios and other related topics of State Board of Education Rules Chapter Seven: Standards and Procedures for the Provision of Special Education

Instruction and Services for Children and Youth Who Are Handicapped. The promulgation of these rules is authorized by Minnesota Statutes § 120.17, subdivision 3, which requires the agency to adopt rules relative to size of classes and supervision and any other rules deemed necessary.

The Department of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit written statements of information to:

Wayne A. Erickson, Manager
Special Education Section
802 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

All statements of information will be accepted until May 17, 1982. Any written material received by the State Department of Education shall become part of the record in the event that the rules are promulgated.

April 8, 1982 John J. Feda, Commissioner

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations for Month of April 1982

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Allan L. Rudell, announced today that the maximum interest rate for municipal obligations in the month of April will be 14 percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to 15 percent per annum.

The maximum interest rate for obligations authorized by resolution prior to April 1, 1982 shall be 12 percent per annum.

The Governor's Planning Council on Developmental Disabilities Department of Energy, Planning and Development Developmental Disabilities Program

Notice of Intent to Hold a Public Forum to Obtain Input for Preparation of a Three-year Plan for Developmental Disabilities

The Governor's Planning Council on Developmental Disabilities is responsible for the development of a three-year state plan for submission to the Administration on Developmental Disabilities, U.S. Department of Health and Human Services. For the purpose of obtaining input for the new three-year state plan (October 1, 1983—September 30, 1986), a public forum will be held in Conference Rooms A and B (1st floor), Capitol Square Building, 550 Cedar, St. Paul, Minnesota, on May 4 and 5, 1982.

The purpose of the public forum is to provide an opportunity for the Governor's Planning Council on Developmental Disabilities to be more inclusive and comprehensive in meeting its state planning responsibilities. Invitations have been sent to state agencies, advocacy groups, and provider organizations.

Persons wishing to participate should prepare a 15-minute response to three questions: (1) what is the current status of community services and programs germane to your organization, (2) what are the most critical problems or gaps in programs and services, and (3) what recommendations or solutions do you see as needed to address the problems outlined in (2). These solutions could include changes in resource allocation, statutes, or regulations. All participants will be asked to submit a written copy of their presentation including any data. Please keep in mind that the definition of developmental disabilities refers to the most substantially handicapped population, and not to the broad categories of mental retardation, cerebral palsy, epilepsy, and autism.

To reserve a 15-minute period on the agenda for remarks, questions, and submission of any written or printed material, call Colleen Wieck (612/296-9964).

Department of Natural Resources

Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Washington County

Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1980) will be held in the County Board Room, Court House, Stillwater, Minnesota, on April 22, 1982, commencing at 1:00 p.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of county representative Lester Rydeen, 14447 Norell Avenue No., Marine-on-the-St. Croix, MN 55047, Department of Natural Resources representative Karen Loechler, 1200 Warner Road, St. Paul, MN 55106, and County Soil and Water Conservation District representative Lyle Swanson, 5491 Neal Avenue South, Afton, MN 55001.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1980). Please take notice that waters listed in para. A.2. may sometimes also be considered for designation in the alternative, as wetlands.

A. PUBLIC WATERS

1. Watercourses.

Name	Section	Township	Range-to-Section		Township	Range
*Unnamed from Horseshoe Lake	30 (Basin 74)	29 (West Lakeland)	20	31	29 (West Lakeland)	20

2. Preliminarily designated under Section 105.37, subds. 14(a)-14(h).

Number and Name	Section	Township	Range
82-159: Forest Lake	various	32 (Forest Lake)	21

B. WETLANDS

Number and Name	Section	Township	Range
82-161: Cranberry Lake	12	32 (Forest Lake)	21
*82-482: Mergen's Pond	29	29 (West Lakeland)	20
*82-486: Unnamed	W½ 10	32 (Forest Lake)	21
*82-487: Unnamed	NW 10	32 (Forest Lake)	21
*82-488: Unnamed	31	29 (West Lakeland)	20

*Petitions to be added.

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425 (1980).

Any activity that would change the course current, or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this notice and order may be directed to any member of the hearings unit or to:

David B. Milles
DNR—Division of Waters
Third Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-2835

April 7, 1982

Joseph N. Alexander, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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FOR LEGISLATIVE NEWS

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Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

CAROLYN PEABODY
Deputy Secretary of State

180 STATE OFFICE BUILDING
Corporation Division: 612/296-2803
UCC Division: 612/296-2434
Election Division: 612/296-2805
Office of the Secretary: 612/296-3266
Office of Deputy Secy.: 612/296-2309

In the matter of the Proposed Amendments to the Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Absentee Voting Materials and Delivery Procedures, and Election Judge Training

FINDINGS OF FACT AND CONCLUSION

Notice of the Secretary's intent to adopt the above-entitled amendments without a public hearing was published in the State Register on April 19, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.04]1, subdivision 4 on April 12, 1982. After affording interested and affected persons an opportunity to submit comments for 30-days after Notice, receiving no written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules, I make the following findings and conclusion.

FINDINGS

1MCAR 2.0801 (J). Section J, which was part of the temporary rule, provides for modification of the Voter Registration card prescribed by M.S. 201.071, subd. 1 and 1 MCAR 2.0801 to indicate that month and day of birth are required for effective registration in jurisdictions electing to use an electronic or automatic data processing system in place of duplicate cards.

One standard voter registration card is in use in all election jurisdictions of Minnesota, but M.S. 201.071, subd. 1, 3 and 7 now provide variant standards for determining if a registration is defective. Unless the variant requirement is indicated, a voter may submit a deficient registration through no fault of the voter. Although voters whose cards are returned as ineffective have the opportunity to register at the polls, standing in line to register on election day is an additional burden that should not be imposed on voters who have made timely, good faith efforts to pre-register.

In response to the proposed rule, one telephone comment was received from an election jurisdiction asking that Section J be included to minimize the expense of sending notices of ineffective registration. Confusion for the public and election administrators, is best avoided by one standard voter registration card and with minimal variations to indicate the variant requirement.

CONCLUSION

The amendments to be adopted are reasonable and necessary. The change is a minimal change to benefit the public. Therefore with this change, the above-entitled amendments should be adopted.

June 24, 1982

STATE OF MINNESOTA

Joan A. Growe

Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

SECRETARY OF STATE

In the matter of the Proposed Amendments to the Rules of the Secretary of State for Voter Registration (1MCAR 2.0101 - 2.1101), Preparation of the White Ballot (1MCAR 2.2101 - 2.2115), Absentee Voting Materials and Delivery Procedures (1MCAR 2.4101 - 2.4205), and Election Judge Training (1MCAR 2.5101 - 2.5119).

1. Voter Registration — STATEMENT OF NEED

The above-captioned rules governing voter registration, except 1MCAR 2.0904, are amendments to existing rules of the Secretary of State.

The need to adopt the amendatory rules arises because Minn. Stat. ch. 201 (1981 Supp.) provides for the registration of voters and Minn. Stat. 201.221 (1981 Supp.) mandates that the Secretary of State adopt rules to implement Chapter 201, facilitate the execution of federal and state election laws in an orderly manner, assist local election officials by establishment

of uniform forms and procedures and provide uniform regulations governing the maintenance of voter registration records.

The need to adopt 2.0904 arises because Minn. Laws 1981, Ch. 92 mandates that the Secretary of State prescribe forms and procedures for use when electronic or automatic data processing systems for maintaining registration files are used in place of duplicate registration cards. A temporary rule was adopted .

2.0904 (A) is necessary to insure adequate information about use of alternate systems. 2.0904 (B), (C), (F) and (H) are necessary to protect the integrity of the voter registration files and insure that all information required by law is maintained 2.0904 (D) and (E) are necessary to prescribe forms required by law. 2.0904 (G) and (I) are necessary to prescribe alternative in polling place procedures when duplicate registration cards are not used.

The proposed amendments to 2.0402, 2.0602 and 2.0606 accomplish changes made necessary by Minn. Laws, 1981, ch. 29. Proposed amendments to 2.0505, 2.0506 and 2.0301 D.13 clarify instructions, remove obsolete language or simplify procedures. The proposed amendment to 2.0601 alters the form to insure that all information required by M.S. 201.061, subd. 3-4 is provided.

2. White Ballot Preparation

The above captioned rules governing white ballot preparation are amendments to existing rules of the Secretary of State.

The need for the rules araises because Minn. Stat. ch. 204D (1981 Supp.) provides for the conduct of particular elections. Minn. Stat. 204D.11 mandates that the Secretary of State adopt rules for preparation and time of delivery of the white ballot.

Proposed amendments to 2.2112 and 2.2113 accomplish changes made necessary by Minn. Laws 1981, ch. 29 or simplify ballot preparation to reduce costs.

2. Absentee Voting

The above captioned rules governing absentee ballots are amendments to existing rules of the Secretary of State.

The need for the rules arises because Minn. Stat. ch. 203B (1981 Supp.) provide for absentee voting. Minn. Stat. 203B.08 subd. 4 and 203B.09 mandate that the Secretary of State adopt rules establishing the form and content and type size for the printing of blank applications for absentee ballots, return envelopes, certificates of eligibility, ballot envelopes and directions for casting an absentee ballot and procedures to be followed to assure accurate and timely return of absentee ballots.

Statement of Need

Proposed amendments to 2.4101, 2.4101, 2.4201 and 2.5101 accomplish changes made necessary by Minn. Laws 1981, ch. 29. Proposed amendments to 2.4103, 2.5104, 2.5102 and 2.5103 make forms simpler or simplify and clarify language. Proposed amendments to 2.4105 are necessary to ensure that absenteee ballots can be properly delivered.

4. Election Judge Training

The above captioned rules governing election judge training are amendments to existing rules of the Secretary of State.

The need to adopt the amendatory rules arises because Minn. Stat., ch. 204B (1981 Supp.) provides for general provisions related to the conduct of elections and M.S. 204B.25 mandates that the Secretary of State adopt rules establishing a program for the training of election judges. Proposed amendments 2.5101, 2.5106 and 2.5115 accomplish changes made necessary by Minn. Laws 1981, ch. 29. Proposed amendments to 2.5102 and 2.5103 clarify language. Proposed amendments to 2.5106 and 2.5116 ensure that sufficient time is allowed for developing and conducting an effective training program.

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General Douglas Blomgren do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rule of the Attorney General have been followed. Any exceptions are noted below.

Special Assistant
Attorney General

Dated: July 7, 1982