

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 4WW

11/3 requested Tickerberg to send Order Adopting + Affidavit of Mailing

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-25-83
DATE FOR REVIEW 11-3-83
DATE DUE 11-8-83

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

Approved _____ Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 11.1.83 disapproved _____

___✓___ Rule as Adopted

___✓___ Rule as Proposed see SR

___✓___ Order Adopting 11.4.83 Date combined w/ FofF

___N/A___ Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking
_____ date of Hearing not submitted

___N/A___ Certificate of Board's Authorizing Resolution

_____ Notice of rulemaking
_____? Sufficiency misciites relevant portion of APA

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

___✓___ Mailing list Certificate

___✓___ Publication in State Register
9.12.83 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 combined w/ Order Adopting

___N/A___ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

___✓___ Statement of Need and Reasonableness

___N/A___ Petition for Adoption of a Rule

___N/A___ 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

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

ELAINE V. VOSS
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

October 19, 1983

To: Peter Ackerberg
Assistant Attorney General

From: Shirley Erickmand
Election Procedure Advisor

Enclosed are the final copies of our rules as prepared by the revisor's office, a copy of the notice published in the State Register on September 12, 1983, a copy of the rules as published in the State Register on September12, 1983, and a copy of the list of persons requesting notice of the proposed adoption of rules. The required notice has been sent to the persons on the list this same day as required by section 14.26, Minnesota Statutes.

Please let me know if anything else is needed for the attorney general's review and approval, and when we can arrange for final publication in the State Register.

Thank you for your help with this project,

RECEIVED
OCT 19 1983
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST PAUL, MN. 55155

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO JOAN ANDERSON GROWE, Secretary of State DATE: 11/8/83

Attn: PETER ACKERBERG, Special Assistant Attorney General

FROM : TED A. MARTINEZ TAM
Special Assistant Attorney General

PHONE: 296-4347

SUBJECT: In the Matter of the Proposed Adoption of Amendments to the Rules of the Secretary of State Governing Voter Registration and In the Matter of the Proposed Adoption of Rules of the Secretary of State Governing Administrative and Automatic Recounts and the Proposed Adoption of Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Certification and Experimental (below)

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.

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

and General Use of Voting Machines and Abesentee Voting Materials and Delivery Procedures.

AG copy

Office of the Secretary of State

Adopted Rules for Administrative and Automatic Election Recounts (1 MCAR SS 2.4001-2.4012); Adopted Amendments to Rules for Voter Registration (1 MCAR SS 2.0101-2.1101); Adopted Amendments to Rules for Preparation of the White Ballot (1 MCAR SS 2.2101-2.2115); Adopted Amendments to Rules for Certification and Experimental and General Use of Voting Machines (1 MCAR SS 2.3101-2.3907); Adopted Amendments to Rules for Absentee Voting and Delivery Procedures (1 MCAR SS 2.4101-2.4205)

Rules as Adopted

1 MCAR S 2.4001 Automatic and administrative recounts.

Rules 1 MCAR S 2.4001-2.4011 establish procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the state canvassing board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. "Legal advisor" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

1 MCAR S 2.4002 Notice.

Within 24 hours after determining that an automatic recount is required or within 48 hours of receipt of a written request for a recount and filing of a ~~bond~~ security deposit if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted. ~~The notice may also be posted or published.~~ The notice must include

the date, starting time, and location of the recount, the office to be recounted, and the name of the official performing the recount. The notice must state that the recount is open to the public, and in case of an automatic recount, that the losing candidate may waive the recount.

1 MCAR S 2.4003 Securing ballots and materials.

The official who has custody of the voted ballots is responsible for keeping secure and making available to the recount all election materials. Registration cards of voters who registered on election day may be processed as required by 1 MCAR S 2.0502. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

1 MCAR S 2.4004 Securing voting machines.

Where lever voting machines or electronic voting systems are used, the machines and marking devices must remain sealed and locked under the supervision of the municipal clerk. No candidate, candidate's representative, or other person, except an election official carrying out election responsibilities, may be granted access to the voting machines or marking devices. The election official having custody of the machines or marking devices is responsible for security of the machines and restricting access to them. All counting programs for electronic voting systems must be preserved in the manner required for voted ballots, and the official in charge of the jurisdiction shall certify that the true program used in the election has not been altered in any way and is available for the recount.

1 MCAR S 2.4005 Facilities and equipment.

All recounts must be accessible to the public. In a multi-county recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available without charge to

the recount official or body conducting the recount adequate accessible space and all necessary equipment and facilities. Where an electronic voting system is used, the jurisdiction must make available without charge to the recount official or body conducting the recount the counting program used in the election, computers, services of technical personnel, and other equipment and facilities necessary to conduct the recount.

1 MCAR S 2.4006 General procedures.

At the opening of a recount the recount official or legal advisor shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or containers containing the sealed envelopes of voted ballots, and any other election materials requested by the recount official. No ballots or election materials may be handled by candidates, their representatives, or members of the public. The recount official shall arrange the counting of the ballots so that the candidates ~~or~~ and their representatives may observe the ballots as they are recounted. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

1 MCAR S 2.4007 Paper ballots.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount them in accordance with Minnesota Statutes, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of ~~how~~ whether and for whom the ballot should be counted, the ballot may be challenged. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the candidate challenging the ballot must be marked on the back of each

challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the ~~precinct boxes~~ custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

1 MCAR S 2.4008 Lever voting machines.

In precincts where lever voting machines are used, the recount official shall compare the number of votes cast for each candidate as shown on the voting machine to the number of votes for each candidate recorded by the election judges from the same voting machine. Machines must be read by precinct. Only the recount official and authorized election officials may open, read, or in any way touch or handle the voting machine. The recount official shall arrange the counting so that the candidates and their representatives may observe the recorded votes on the voting machines. Absentee paper ballots must be counted in accordance with 1 MCAR S 2.4007. After the count of votes has been determined for the precinct, the absentee ballots must be resealed in their envelope and returned with the other materials to the ~~precinct box~~ custodian of the ballots. A statement of recount results must be made for each precinct showing the machine number for each machine and the number of votes recorded for each candidate recorded on that machine.

1 MCAR S 2.4009 Electronic voting systems.

In a precinct where an electronic voting system is used, the ballot cards must be recounted on the automated equipment. A test of the program and counting equipment as provided in 1 MCAR S 2.3901 must be made immediately prior to the recount. Access to the immediate area of the automatic counter or computer is limited to the recount official and legal advisor, officials of the election jurisdiction, the candidates and their representatives, and the technical persons necessary to the

operation of the counting equipment. An observation area must be provided for the public. Ballots must be recounted by precinct. Paper absentee ballots must be counted in accordance with 1 MCAR S 2.4007. A machine-produced report of recount results must be provided for each precinct. After the count of ballots for a precinct has been determined, all ballot cards and paper absentee ballots must be resealed in the ballot container and returned with the other materials to the ~~precinct box~~ custodian of the ballots.

1 MCAR S 2.4010 Canvassing board.

The recount official shall present the summary statement of the recount and any challenged ballots to the canvassing board. The candidate or candidate representative who made the challenge may present the basis for the challenge to the canvassing board. The canvassing board shall rule on the challenged ballots and incorporate the results into the summary statement. The canvassing board shall certify the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots.

1 MCAR S 2.4011 Security deposit.

When a bond, cash, or surety for recount expenses is required by Minnesota Statutes, section 204C.35 or 204C.36, the governing body or recount official shall set the amount of security deposit at an amount which will cover expected recount expenses. In multi-county districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting an administrative recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 9 1983
Joan Anderson Growe
Secretary of State

2:10 PM

APPROVED AS TO LEGALITY
November 9 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Ted A. Mondale
SPECIAL ASSISTANT ATTORNEY GENERAL

AG copy.

Office of the Secretary of State

Adopted Rules for Administrative and Automatic Election Recounts (1 MCAR SS 2.4001-2.4012); Adopted Amendments to Rules for Voter Registration (1 MCAR SS 2.0101-2.1101); Adopted Amendments to Rules for Preparation of the White Ballot (1 MCAR SS 2.2101-2.2115); Adopted Amendments to Rules for Certification and Experimental and General Use of Voting Machines (1 MCAR SS 2.3101-2.3907); Adopted Amendments to Rules for Absentee Voting and Delivery Procedures (1 MCAR SS 2.4101-2.4205)

Rules as Adopted

1 MCAR S 2.0103 Experimental forms.

The secretary of state may provide for the experimental use of alternate forms on a trial basis.

1 MCAR S 2.0301 Specifications.

A. Printing. Voter registration cards printed for the purpose of distribution and mailing must be printed pursuant to 1.-6.:

1. The size must be 6" x 12-3/4", including a 3/4" stub.

2. The paper must be at least 100 lb. white offset.

3. ~~The ink must be red with red X's next to the line indicating the voter's name, address, month, day, and year of birth, last previous registration address, and signature. The certification must also be printed in red ink on the original voter registration card. The remainder of the card must be printed with blue ink~~ Red ink must be used on the original card for printing the X's and the following words: "Name," "Township or City of Legal Residence," "Complete Address of Legal Residence," "Date of Birth," "Address of Your Last Registration or Check if NONE," and "Legal Signature of Voter." The certification must also be printed in red ink on the original card. The X and the words "Legal Signature of Voter" on the duplicate card must be printed in red ink. The remainder of the form must be printed in blue ink.

F of F 1.

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

5. The card must have three 1/16" perforations that result in the three equal-sized 6" x 4" cards.

6. The top stub must have a substance applied to it so that the card can be sealed when it is folded together for mailing.

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

VOTER REGISTRATION CARD. Type or print in ink.

X Name.....
Last First Middle Initial

X Township or City of Legal Residence...../...../.....
Township or City County

X Complete Address of Legal Residence (include street or rural mail route address)

.....
House No. and Street or Rural Rte. No.

.....
Apt. No. or Rural Box No. City Zip

X Date of Birth...../...../.....
Month Day Year

X Address of Your Last Registration or ..... Check if NONE
House No./Street Name or Rte./Box No. Apt No.
.....
City or Township County State Zip

Previous Name (If changed since last registration).....

W.....P.....
S.D. No. .....
OFFICE USE ONLY
Election Day Voter Registration Proof
...Driver's License
...Minn. I.D. Card
...Witness
...Prior Registration
...Ineffective Notice
...Student I.D.
.....
(Number if applicable)

Telephone No. .....

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 that I am a citizen of the United States, reside at the

address shown above and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than $5,000, or both.

..../..../.... .....

Date X Legal Signature of Voter

Also sign the blue card.

In the upper right hand corner of the card there must be a box marked for "office use only" which contains "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. The duplicate voter registration card must be in the following form:

DUPLICATE VOTER REGISTRATION CARD

Sign this card - do not complete

The information will be typed by the voter registration office

Office Use Only

Name..... W.....P.....

Township or City S.D. No. .....

of Residence ...../...../.....

Township or City County

~~Complete~~ Address of Legal Residence

.....

House Number and Street or Rural Route Number

.....

Apt. No. or Rural Box Number City Zip

Read the Instructions to Determine Whether You are

Qualified to Register

.../.../... X.....

Date Legal Signature of Voter

(For identification only)

In the upper right hand corner of the card there must be a box marked for "office use only" which contains "W __," "P __," and "S.D. No. __." These initials stand for "ward," "precinct," and "school district." Other information may also be included.

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

Instructions for Voter Registration

Read Carefully Before Registering

~~LINES~~ ITEMS INDICATED BY A RED "X" MUST BE COMPLETED BY THE REGISTRANT BEFORE THE REGISTRATION WILL BE ACCEPTED.

1. Print in ink or type all information requested on the white card.

2. Print or type your legal name--nicknames are not acceptable.

3. Print or type the name of the township or city in which you live and are eligible to vote.

4. Print or type the house number and street name or the rural route and box number where you live.

5. Include your full birthdate--month, day, and year.

6. Give the address where you were last registered. If you have never been registered before, check the box for "none."

7. Give your previous name if it has been changed since you last registered.

8. Enter telephone number in appropriate space (optional).

9. Date and sign the WHITE CARD with your legal written signature.

10. Date and sign the BLUE CARD with your legal written signature.

11. Review the cards to determine that they are correctly completed.

12. Fold the form, use the sealing tab, and mail or return to your county auditor at your county courthouse. 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 2.0507 Notification of registration.

When a county auditor receives a registration card listing a prior registration in another county, the auditor shall promptly notify the auditor of the other county, but in no case shall the notice be sent later than three months from the date the registration was received or postmarked.

1 MCAR S 2.0509 Prior residence outside Minnesota.

When a county auditor receives a registration card which lists a former registration in a state other than Minnesota, the auditor shall promptly notify the secretary of state of the state of former registration that the person has registered to vote in Minnesota.

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

A.-C. [Unchanged.]

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

Conspicuously at the top of each page of the precinct election list must 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 must 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, day, and year of registrant's birth; and

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 must be printed *OATH and a line indicating the place for the voter to sign the list. Sufficient space must be provided so that the voter's signature will not obscure any voter's name. In no case may 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 may 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 must 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, day, and year of birth and shall sign the precinct election list.

In a split precinct, separate lists must 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 must 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 must 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 must send a request for the voter's birthdate to each previously registered voter whose birthdate is not included in the duplicate registration file.

The request for a voter's birthdate must be in the form of a nonforwardable mailed notice with a postage prepaid return form. The notice must 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 birthdate of each registered voter will be used as an additional identifier and precaution against fraud.

2. Please fill in the month, day, and year of your 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.

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 must include the following material:

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

...../...../.....
(month of birth) (day of birth) (year of birth)

.....

voter's signature

When a request for birthdate is returned as undeliverable by the post office, it must be treated as a returned verification notice pursuant to Minnesota Statutes, section 201.12.

F. [Unchanged.]

G. Absentee voting. When an absentee return envelope is marked "Accepted" pursuant to Minnesota Statutes, section 203B.12, subdivision 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 return 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, day, and year of birth and the letters "A.B." in the appropriate places on the precinct election list.

H.-I. [Unchanged.]

J. Voter registration cards. Voter registration cards must conform to the specifications of 1 MCAR S 2.0301.

1 MCAR S 2.2101 Definition.

The "white ballot" is the ballot used at general elections and is the paper ballot on which are printed the names of the candidates nominated for the offices of senator and representative in Congress, senator and representative in the Legislature, governor and lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

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 Minnesota Statutes, section 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 20 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. Ballots for

distribution in the polling place must be bound in pads of 50.

1 MCAR S 2.2106 Offices.

The offices must appear on the white ballot in the following order and must be identified as follows in upper case letters:

"UNITED STATES SENATOR IN CONGRESS"

"UNITED STATES REPRESENTATIVE IN CONGRESS"

"SENATOR IN THE LEGISLATURE"

"REPRESENTATIVE IN THE LEGISLATURE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"STATE TREASURER"

"ATTORNEY GENERAL"

If an office is not to be filled at a general election, the office shall not appear on the ballot. Directly underneath the titles of the offices of representative in Congress and senator and representative in the Legislature must be printed in upper case letters or numbers the district (e.g. "SIXTH DISTRICT," "DISTRICT SIX," or "DISTRICT 6") that the person elected will represent. A single vote must be cast for governor and lieutenant governor.

1 MCAR S 2.2109 Designation of candidates.

Above or below the name of each candidate for a partisan office must 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 Minnesota Statutes, section 200.02, subdivision 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.

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

Minnesota Statutes, section 200.02, subdivision 6, must appear for every partisan office on the white ballot. Candidates nominated by petition must appear on the ballot beneath the names of the candidates of the political parties as defined in Minnesota Statutes, section 200.02, subdivision 6, and in the order in which the petitions were filed with the filing officer.

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" must be printed in upper and lower case in as close to 8-point Century Bold type as practicable.

The words "STATE GENERAL ELECTION BALLOT" must be printed in upper case in as close to 18-point Franklin Gothic type as practicable.

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

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

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

The party designation or political principle must 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 must be printed in upper case in as close to 18-point ~~Cheltingham~~ Cheltenham 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 2.2114 Example ballots.

At least 32 days before a general election, the secretary of state shall supply each auditor with a copy of an example ballot. The secretary of state shall have printed on the ballot the names of all candidates for all statewide offices appearing on the white ballot. The state white ballot shall conform in

all respects to the example ballot.

1 MCAR S 2.2115 White ballot appropriation.

Following every state general election, the secretary of state shall calculate and pay to each county its proportionate share of the money appropriated by the state for white ballot costs. Proportionate shares must be based on the number of voters at the election as certified on the county abstract and the total number of congressional, state senate, and state house districts in the county. The amount to be paid per voter must be 80 percent of the money appropriated divided by the total number of persons voting at the election as certified on the state canvassing board report. The amount to be paid per district shall be 20 percent of the money appropriated divided by the aggregate of districts in all counties. No funds may be disbursed to any county until after the county auditor has certified to the secretary of state that the white ballots were printed as prescribed by Minnesota Statutes and 1 MCAR SS 2.2101-2.2114 and that the summary statement and abstract prepared by the county conformed to the forms prescribed by the secretary of state pursuant to Minnesota Statutes, section 204C.26, subdivision 3.

1 MCAR S 2.3104 Meanings of terms.

A. [Unchanged.]

B. The following terms have the meanings given them:

1.-58. [Unchanged.]

59. Voting booth. A structure constructed in a manner prescribed in Minnesota Statutes, sections 204B.18 and 206.026 so that the voter while preparing his ballot may be free from observation. Each booth has a facility to hold a voting machine.

60.-62. [Unchanged.]

1 MCAR S 2.3200 Scope.

This chapter pertains to the vendor only. It does not pertain to computer center operators or responsible authorities of election jurisdictions.

1 MCAR S 2.3302 Preparation of test deck or ballot image.

A.-D. [Unchanged.]

E. The test deck must conform to 1 MCAR S 2.3103 B.50. A test deck must be prepared specifically for each election.

F.-O. [Unchanged.]

1 MCAR S 2.3702 Absentee ballots, general provisions.

A. [Unchanged.]

B. All voters requesting absentee ballots must be supplied with paper absentee ballots, except as provided by Minnesota Statutes, section 203B.08, subdivision 1a.

C. [Unchanged.]

1 MCAR S 2.3703 Absentee voting, electronic voting system.

A. Applicability. This rule applies only when municipal clerks administer absentee ballots as provided in Minnesota Statutes, section 203B.08, subdivision 1a, for voters applying in person at the clerk's office for an absentee ballot.

B. Ballot cards. Ballot cards issued to voters under Minnesota Statutes, section 203B.08, subdivision 1a, must conform to all of the provisions of 1 MCAR S 2.3501 A.

C. Ballot labels and voting machines. Ballot labels and voting machines must be prepared as provided in 1 MCAR SS 2.3501 C. and 2.3502. At least one voting machine must be ~~made-ready~~ available for each precinct in the municipality and placed in a proper booth or voting station within the building where the office of the clerk is maintained.

D. Demonstrator. A demonstrator voting device must be available to absentee voters and instructions for casting a ballot on an electronic voting system must be offered to each absentee voter by the municipal clerk or an election judge trained under 1 MCAR SS 2.5101-2.5119.

E. Issuing ballot cards. The municipal clerk shall remove the smaller numbered stub from the ballot card when it is issued to the voter. The smaller numbered stubs must be placed in an envelope marked "Absentee Ballot Stubs" and retained by the municipal clerk in the clerk's office.

F. After voting. The voter shall be instructed to insert the voted card in the ballot envelope and to fold the large numbered stub over the outside of the envelope. The voter shall next insert the ballot envelope in the absentee return envelope and seal it. The certificate of eligibility on the back side of the return envelope must be completed by the voter and a witness, and the voter shall give the municipal clerk the return envelope with the voted ballot card and its envelope sealed inside.

G. Voted ballot cards. Absentee return envelopes with voted ballot cards must be retained by the municipal clerk in a secure container that will not damage the machine readability of the card. The municipal clerk shall deliver the absentee return envelopes with voted ballot cards to the election judges in the appropriate precinct on election day.

H. Processing. When election judges have processed the absentee return envelopes as provided in Minnesota Statutes, section 203B.12, the ballot envelopes must be removed from the return envelopes marked "accepted." The large numbered stub must be removed from each ballot card before each ballot envelope is deposited in the ballot box along with the ballot cards of voters voting in person.

I. Disposition of stubs. The election judges shall attach one large numbered stub to each absentee return envelope marked "accepted" from which a ballot envelope was removed. The stubs can be attached after all of the ballot envelopes have been removed and the large stubs detached.

J. Reconciliation. The return envelopes with stubs attached must be placed with the voter certificates and "accepted" return envelopes of voters casting paper absentee ballots and included in the count to arrive at the total number of persons voting in the precinct. To arrive at the proper number of ballot cards to be tabulated, the "accepted" return envelopes with stubs attached must be counted with the voter certificates and the total must equal the number of ballot cards to be tabulated. The reconciliation of the ballot cards and number of persons

voting must be entered on the precinct certification.

1 MCAR S 2.3801 Procedures following close of polls.

A. Ballot cards not issued. All ballot cards and envelopes which are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

B. [Unchanged.]

C. Total number of voters. The total number of voters, determined pursuant to Minnesota Statutes, section 204C.20, subdivision 1, and 1 MCAR S 2.3703 J. must be entered on the precinct certification.

D. [Unchanged.]

E. Each ballot in its envelope must be examined for write-ins. Ballot cards for which no write-ins exist must be separated from their envelopes. The envelopes must be placed in a sturdy container, which must be marked with the precinct name, and delivered at the same time the voted ballots are delivered to the county auditor or municipal clerk.

F. [Unchanged.]

G. Hanging chad. The intent of the voter is to be ascertained when processing ballot cards. A ballot card with a chad hanging must be processed in the following manner:

1. [Unchanged.]

2. Where a chad is found hanging by three corners the ballot card is defective for that office and must be placed in the envelope for original cards for which duplicates are to be made at the counting center.

H.-J. [Unchanged.]

K. Entries on precinct certification. The election judges shall enter in the appropriate place on the precinct certification the number of ballot cards issued to the precinct, the number of ballot envelopes issued to the precinct, the number of ballot cards issued to voters, the number of spoiled ballot cards, the number of defective ballot cards, the number of cards for which duplicates are to be made for any reason, and the number of ballot cards not issued to voters.

L. Items in transfer case. The election judges shall place

in the transfer case for delivery to the counting center all of the following items:

1. valid voted ballot cards;

2. ballot envelopes with write-in votes;

3. envelope containing paper absentee ballots;

4.-11. [Unchanged.]

If space in the transfer case is inadequate, then a second transfer case or metal container of a type approved by the election jurisdiction for storage of ballots is to be used and the sealing and security handled in the same manner as the transfer case.

M. [Unchanged.]

N. Retention of ballot cards and ballot envelopes. Ballot cards and ballot envelopes which are not issued to voters must be returned to the election official in charge of the election jurisdiction who shall issue a receipt for them and retain them by precinct until the time for contest has expired.

O. Seal and certificate. The transfer case must be sealed with a ~~metal~~ seal so that it is impossible to open the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal must be a certificate signed by the judges indicating its content, the precinct name, and the number of the ~~metal~~ seal used to seal the case. The seal number must also be recorded in the certificate of the election judges. The transfer case certificate must be in a clear plastic envelope of a type approved by the secretary of state and affixed to the case by the ~~metal~~ seal.

P. [Unchanged.]

Q. Delivery of ballot envelope container. The container which holds the ballot envelopes issued to voters must be delivered to the counting center by the same election judges who deliver the transfer case containing voted ballots.

1 MCAR S 2.4104 Absent voter's certificate.

A. Form. Except as provided in D., the Absent Voter's Certificate for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15 must 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 a manner that I could not see, the voter 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 proof of residence was provided 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)

Minn. ID Card or Receipt _____ (number)

Registration in same precinct _____

Notice of Ineffective Registration _____

Student ID _____ (number)

_____

(legal signature of registered voter in the precinct who ~~swore~~ attested to residence in the precinct)

_____

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

B.-C. [Unchanged.]

D. Alternative certificates. As an alternative, a county auditor may print two different versions of the absent voter's certificate. One certificate must be provided to absentee voters not previously registered to vote and must be printed as prescribed in 1 MCAR S 2.4104 A. An alternate certificate may be printed in the following form and must be provided only to absentee voters who are registered to vote at the time of application. The certificate must be printed to the specifications of C.

ABSENTEE VOTER'S CERTIFICATE

OF

.....

(print or type legal name of voter)

.....

(print or type legal address of voter)

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 a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

....

(date) (legal signature of witness)

.....

(print or type name of witness)

.....

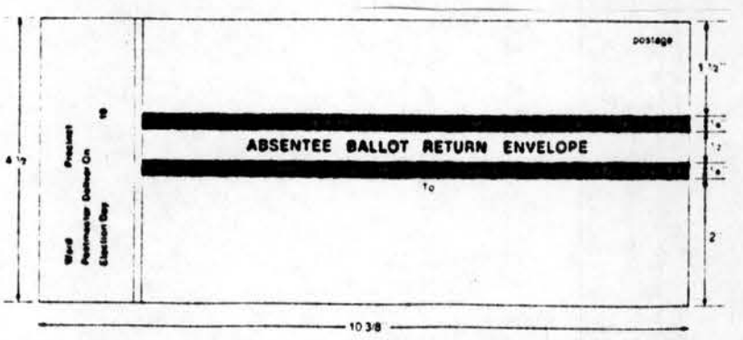
(official title if witness is an official)

.....

(legal address if witness is an eligible voter.)

1 MCAR S 2.4105 Absentee ballot return envelope as provided by Minnesota Statutes, sections 203B.04-203B.15.

A. Form. The absentee ballot return envelope must be printed in the following form:



B. Specifications. The absentee ballot return envelope must be printed according to the following specifications:

1. The envelope must be 10-3/8 inches by 4-1/2 inches.

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

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

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

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

6. The flap on the right end of the back side of the envelope may be printed as follows:

....

..... accepted ..... rejected

.....

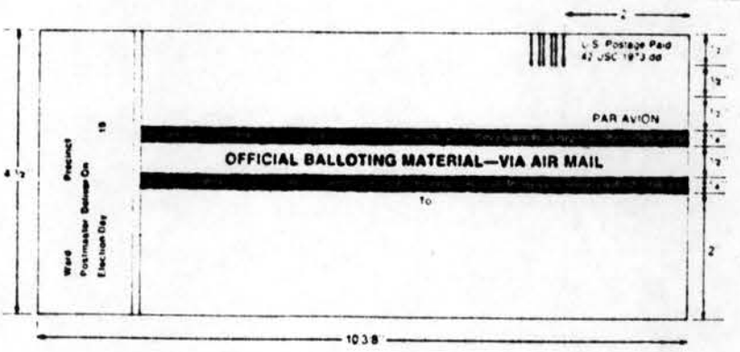
.....

Election Judges

C.-E. [Unchanged.]

1 MCAR S 2.4106 Absentee ballot return envelope as provided by Minnesota Statutes, sections 203B.16 to 203B.17.

A. Form. The absentee ballot return envelope for military and overseas voters must be printed in the following form:



B. Specifications. The specifications in 1.-9. apply to envelopes prepared pursuant to A.

1. The envelope may not be more than 11-1/2 inches in length nor less than five inches in length.

2. The envelope may not be more than 6-1/8 inches in width nor less than 3-1/2 inches in width.

3. In the upper right hand corner in a space two inches by one-half inch, a postage symbol and box shall be imprinted:

U.S. Postage Paid

42 USC 1973 dd

4. The words PAR AVION must be printed in 12-point bold

type in capital letters one-half inch below the postage box.

5. A solid rule line 1-1/2 picas wide must be placed 1-1/2 inches from the top of the envelope. A second solid rule line 1-1/2 picas wide must be placed one-half inch from the bottom of the first line.

6. In the one-half inch space between the two solid rule lines must be printed the words "OFFICIAL ELECTION BALLOTING MATERIAL-VIA AIR MAIL" in 18-point bold type in capital letters.

7. The envelope must be white in color with Pantone 193 U red ink used for all printing.

8. County auditors or municipal clerks must address the return envelope as provided in 1 MCAR S 2.4105 C.

9. Facing Identification Marks (FIM) must be positioned as specified in United States Postal Service instructions for Facing Identification Marks.

C. On the back of the absentee return envelope provided for in Minnesota Statutes, section 203B.21, an affidavit of eligibility must be printed in the following form on the right hand three-fourths of the envelope:

ABSENT VOTER'S CERTIFICATE

I, ..., do solemnly swear that my
(please print or type)

present address (or last address) in the State of Minnesota is at..... in the City or Town of
(please print or type)

....., County of ..... .
(please print or type) (print or type)

I am qualified to vote the enclosed ballot(s) as (check category that applies) ....a member of the Armed Forces; ....a spouse or dependent of a member of the Armed Forces; ....a citizen of the United States temporarily residing outside the territorial limits of the United States; ....a citizen of the United States permanently residing outside the territorial limits of the United States. I have not cast and will not cast any other ballot in this election. I personally marked the enclosed ballot(s) without exhibiting it to any other person, or which, in case of my

physical disability, was marked for me under my personal direction.

.....

(Legal signature of Voter)

Subscribed and sworn to me this ... day of .....,19...

.....

(Signature of Witness)

.....

(Give title or office of witness authorized to administer oaths. If an officer of the Armed Forces, a commissioned or noncomissioned officer not below the rank of sergeant or its equivalent.)

1 MCAR S 2.4107 Experimental forms.

The secretary of state may provide for the experimental use of alternate forms on a trial basis.

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

A. Absentee ballot return envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by 7:00 p.m. on the day before election day.

B.-C. [Unchanged.]

Repealer. Rules 1 MCAR SS 2.0901; 2.0902; 2.0903; 2.2113; 2.4102 D. and E. are repealed.

APPROVED AS TO LEGALITY

November 8 19 83

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Ted A. Mathews
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 9 1983
Joan Anderson Growe
Secretary of State

2:12PM

Secretary of State

Proposed Rules of the Secretary of State for Administrative and Automatic Election Recounts (1MCAR 2.4001- 2.4012); proposed amendments to Rules of the Secretary of State for Voter Registration (1MCAR 2.0101- 2.1101); proposed amendments to Rules of the Secretary of State for Preparation of the White Ballot (1MCAR 2.2101-2.2115); proposed amendments to Rules of the Secretary of State for Certification and Experimental and General Use of Voting Machines (1MCAR 2.3101-2.3907); proposed amendments to Rules of the Secretary of State for Absentee Voting and Delivery Procedures (1MCAR 2.4101- 2.4205).

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Secretary of State proposes to adopt the above-captioned rules without a public hearing. The Secretary of State has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to following the procedures set forth in Minn. Stats. §14.21-14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stats. §14.21-14.28 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Shirley Zikmund
Election Procedure Advisor
Office of the Secretary of State
180 State Office Building
St. Paul, MN. 55155-1299

Authority for the adoption of these rules is contained in Laws of 1983, ch. 253, sections 17 and 18; Minn. Stats. §§201.221; 203B.09; 204D.11, subd. 1 and 206.08, subd. 1 (1982) as amended by Laws of 1983, ch. 301, §163. Additionally, a statement of need and reasonableness that describes the need and resonableness of each provision of the proposed rules and amendments has been prepared and is available from Shirley Zikmund upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Shirley Zikmund.

(A copy of the proposed and amended rules is attached to this notice).

Joan Anderson Growe
Secretary of State

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

ELAINE V. VOSS
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 Adoption of Rules of the Secretary of State Governing Administrative and Automatic Recounts and the Proposed Adoption of Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Certification and Experimental and General Use of Voting Machines and Absentee Voting Materials and Delivery of Procedures

CERTIFICATION OF NOTICE SENT

I hereby certify that Notice was sent by United States mail to all persons on the list maintained by the agency pursuant to section 14.22, Minnesota Statutes, on September 12, 1983, and on October 19, 1983.

DATE 11/4/83

Shirley A. Zikmund
Election Procedure Advisor

Subscribed and Sworn before me
Oct. 19/1983

GRACE-LOUISE HAUKOOS
NOTARY PUBLIC
FREEBORN COUNTY, MN
MY COMMISSION EXPIRES
JUNE 22, 1987

Grace Louise Haukoos

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

ELAINE V. VOSS
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 Rules of the Secretary of State Governing Administrative and Automatic Recounts and the Proposed Adoption of Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Certification and Experimental and General Use of Voting Machines and Absentee Voting Materials and Delivery Procedures

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to sections 14.14, subd.1 and 14.22, Minnesota Statutes, that their names be placed on file with and maintained by the Election Division, Secretary of State, for the purpose of receiving notice of the proposed adoption of rules by this division is accurate and complete as of 8:00 AM, this 12th day of September, 1983.

Shirley A. Zikmund
Election Procedure Advisor

SECRETARY OF STATE

ELECTIONS AND RULES MAILING LIST

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Jacobson, Wallace Law Center Bldg.
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MacArthur Co.
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St. Paul, MN 55114

T. J. Manthey
Pickands Mather & Co.
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Board of Nursing
717 Delaware St. S.E.
Mpls, MN 55414

McCrady, Norbert Independent
327 Plymouth Bldg
12 S. 6th
Mpls, MN 55402

Bankers of Minnesota

Board Physchology
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ATTN: Executive Secretary

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Nancy Tanji
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Windom 56101
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Preston 55965
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Conrad J. Ohm
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Judy Pattison
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Byron Zurn
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Bagley 56621
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Courthouse
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Bill Miller
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Robert Loscheider
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Grand Rapids 55744
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A. H. Hoogeveen
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Terry Overn
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Delores Flint
Grant County Auditor
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Elbow Lake 56531
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Roland Vik
Hubbard County Auditor
Courthouse
Park Rapids 56470
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Luther Glaser
Jackson County Auditor
Courthouse
Jackson 56143
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Elden W. Johnson
Kittson County Auditor
Courthouse
Hallock 56728
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MelRoy Peterson
Lake County Auditor
Courthouse
Two Harbors 55616
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Deane Sagmoe
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Courthouse
Ivanhoe 56142
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Charles G. Cheney
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Courthouse
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Kanabec County Auditor
Courthouse
Mora 55051
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Courthouse
Baudette 56623
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Martin County Auditor
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Elmer Warolin
Mille Lacs County Auditor
Courthouse
Milaca 56353
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Elvira Johnson
Morrison County Auditor
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Nicollet County Auditor
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(507)372-7711

Sylvia G. Bergerud
Otter Tail County Auditor
Courthouse
Fergus Falls 56537
(218)739-2271

Gordon Baden
Pipestone County Auditor
Courthouse
Pipestone 56164
(507)825-4494

Lou McKenna
Dir., Dept. of Property
Taxation
Ramsey County Courthouse
St. Paul 55102
(612)298-4181

Jim Tersteeg
Renville County Auditor
Courthouse
Olivia 56277
(612)523-2071

Richard C. Bergan
Roseau County Auditor
Courthouse
Roseau 56751
(218)463-1282

E. Dale Palmer
Sherburne County Auditor
Courthouse
Elk River 55330
(612)441-1441

John Hallenberger
Steele County Auditor

Duane Q. Bondhus
Murray County Auditor
Courthouse
Slayton 56172
(507)836-6148

Kenneth Benesh
Norman County Auditor
Courthouse
Ada 56510
(218)784-2101

Kenneth Olson
Pennington County Auditor
Courthouse
Thief River Falls 56701
(218)681-4011

Lawrence H. Fontaine
Polk County Auditor
Courthouse
Crookston 56716
(218)281-2554

David G. Kankel
Red Lake County Auditor
Courthouse
Red Lake Falls 56750
(218)253-2598

Lorraine Nelson
Rice County Auditor
Courthouse
Faribault 55021
(507)334-2281

Russell Petersen
St. Louis County Auditor
Courthouse
Duluth 55802
(218)726-2380

Gene O. Solmonson
Sibley County Auditor
Courthouse
Gaylord 55334
(612)237-2369

Dick Bluth
Stevens County Auditor

Courthouse
St. Cloud 56301
(612) 251-4377

Byron L. Giese
Swift County Auditor
Courthouse
Benson 56215
(612) 842-6271

Charles E. McDonald
Wabasha County Auditor
Courthouse
Wabasha 55981
(612) 565-3978

T. R. Greeder
Washington County Auditor
Courthouse
Stillwater 55082
(612) 439-3220

Catherine Sherwood
Winona County Auditor
Courthouse
Winona 55987
(507) 452-3337

Courthouse
Owatonna 55060
(507) 451-8040

Melvin Bense
Todd County Auditor
Courthouse
Long Prairie 56347
(612) 732-6181

Bob Fort
Wadena County Auditor
Courthouse
Wadena 56482
(218) 631-2425

Roald Revne
Watonwan County Auditor
Courthouse
St. James 56081
(507) 375-3341

O. J. "Ozzie" Arlien
Wright County Auditor
Courthouse
Buffalo 55313
(612) 682-3900

Courthouse
Morris 56267
(612) 589-4660

John A. Muellenbach
Traverse County Auditor
Courthouse
Wheaton 56296
(612) 563-4242

Roy Nelson
Waseca County Auditor
Courthouse
Waseca 56093
(507) 835-1880

William E. McCullough
Wilkin County Auditor
Courthouse
Breckenridge 56520
(218) 643-4981

Mayme Kompelien
Yellow Medicine County
Auditor
Courthouse
Granite Falls 56241
(612) 564-3132

Rep. Sally Olsen
Room 312
State Office Bldg.
St. Paul, MN 55155

Rep. Tom Osthoff
Room 335
State Office Bldg.
St. Paul, MN 55155

Sen. Jerome Hughes
Room 328
State Capitol
St. Paul, MN 55155

Evelyn Woulfe, Clerk
City of Bloomington
Old Shakopee Rd. & Penn.
Bloomington, MN 55431

A.S. Lindman
City of Brooklyn Center
6301 Shingle Creek Pkwy.
Brooklyn Center, MN 55430

Wesley Long
City of Brooklyn Park
5800 85th Ave. N.
Brooklyn Park, MN 55443

Betty Bell, Clerk
City of Coon Rapids
1313 Coon Rapids Blvd.
Coon Rapids, MN 55433

Delores Ahmann, Clerk
City of Crystal
4141 Douglas Dr.
Crystal, MN 55422

Betty Pouliot, Clerk
City of New Hope
4401 Exylon Ave. N.
New Hope, MN 55428

City Clerk
City of Plymouth
3025 Harbor Lane
Plymouth, MN 55441

City Clerk
City of Golden Valley
7800 Golden Valley Rd.
Golden Valley, MN 55427

Dr. Roland Peek
Dept. of Public Welfare
Centennial Bldg.
St. Paul, MN 55165

Karl Huber
Clerk-Treas.
City of New Ulm
100 N. Broadway
New Ulm, MN 56073

Bill Bierman
I-R Caucus Staff
Room 113
State Office Bldg.
St. Paul, MN 55155

Brad Ervin
Senate Counsel
Committee on Ethics & Elections
Room 480
State Office Bldg.
St. Paul, MN 55155

Office of the Secretary of State

Proposed Rules for Administrative and Automatic Election Recounts (1 MCAR §§ 2.4001-2.4012); Proposed Amendments to Rules for Voter Registration (1 MCAR §§ 2.0101-2.1101); Proposed Amendments to Rules for Preparation of the White Ballot (1 MCAR §§ 2.2101-2.2115); Proposed Amendments to Rules for Certification and Experimental and General Use of Voting Machines (1 MCAR §§ 2.3101-2.3907); Proposed Amendments to Rules for Absentee Voting and Delivery Procedures (1 MCAR §§ 2.4101-2.4205)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Secretary of State proposes to adopt the above-captioned rules without a public hearing. The Secretary of State has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §§ 14.21-14.28 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Shirley Zikmund
Election Procedure Advisor
Office of the Secretary of State
180 State Office Building
St. Paul, MN. 55155-1299

Authority for the adoption of these rules is contained in Laws of 1983, ch. 253, sections 17 and 18; Minn. Stat. §§ 201.221; 203B.09; 204D.11, subd. 1; and 206.08, subd. 1 (1982) as amended by Laws of 1983, ch. 301, § 163. Additionally, a statement of need and reasonableness that describes the need and reasonableness of each provision of the proposed rules and amendments has been prepared and is available from Shirley Zikmund upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Shirley Zikmund.

(A copy of the proposed and amended rules is attached to this notice).

Joan Anderson Growe
Secretary of State

Rules as Proposed (all new material)

1 MCAR § 2.4001 Automatic and administrative recounts.

Rules 1 MCAR § 2.4001-2.4011 establish procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the state canvassing board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. "Legal advisor" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

1 MCAR § 2.4002 Notice.

Within 24 hours after determining that an automatic recount is required or within 48 hours of receipt of a written request for a recount and filing of a bond if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted. The notice may also be posted or published. The notice must include the date, starting time, and location of the recount, the office to be recounted, and the name of the official performing the recount. The notice must state that the recount is open to the public, and in case of an automatic recount, that the losing candidate may waive the recount.

1 MCAR § 2.4003 Securing ballots and materials.

The official who has custody of the voted ballots is responsible for keeping secure and making available to the recount all election materials. Registration cards of voters who registered on election day may be processed as required by 1 MCAR § 2.0502. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

1 MCAR § 2.4004 Securing voting machines.

Where lever voting machines or electronic voting systems are used, the machines and marking devices must remain sealed and locked under the supervision of the municipal clerk. No candidate, candidate's representative, or other person, except an election official carrying out election responsibilities, may be granted access to the voting machines or marking devices. The election official having custody of the machines or marking devices is responsible for security of the machines and restricting access to them. All counting programs for electronic voting systems must be preserved in the manner required for voted ballots, and the official in charge of the jurisdiction shall certify that the true program used in the election has not been altered in any way and is available for the recount.

1 MCAR § 2.4005 Facilities and equipment.

All recounts must be accessible to the public. In a multi-county recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available without charge to the recount official or body conducting the recount adequate accessible space and all necessary equipment and facilities. Where an electronic voting system is used, the jurisdiction must make available without charge to the recount official or body conducting the recount the counting program used in the election, computers, services of technical personnel, and other equipment and facilities necessary to conduct the recount.

1 MCAR § 2.4006 General procedures.

At the opening of a recount the recount official or legal advisor shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or containers containing the sealed envelopes of voted ballots, and any other election materials requested by the recount official. No ballots or election materials may be handled by candidates, their representatives, or members of the public. The recount official shall arrange the counting of the ballots so that the candidates or their representatives may observe the ballots as they are recounted. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

1 MCAR § 2.4007 Paper ballots.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount them in accordance with Minnesota Statutes, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of how the ballot should be counted, the ballot may be challenged. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the candidate challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the precinct boxes. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

1 MCAR § 2.4008 Lever voting machines.

In precincts where lever voting machines are used, the recount official shall compare the number of votes cast for each candidate as shown on the voting machine to the number of votes for each candidate recorded by the election judges from the same voting machine. Machines must be read by precinct. Only the recount official and authorized election officials may open, read, or in any way touch or handle the voting machine. The recount official shall arrange the counting so that the candidates and their representatives may observe the recorded votes on the voting machines. Absentee paper ballots must be counted in accordance with 1 MCAR § 2.4007. After the count of votes has been determined for the precinct, the absentee ballots must be resealed in their envelope and returned with the other materials to the precinct box. A statement of recount results must be made for each precinct showing the machine number for each machine and the number of votes recorded for each candidate recorded on that machine.

1 MCAR § 2.4009 Electronic voting systems.

In a precinct where an electronic voting system is used, the ballot cards must be recounted on the automated equipment. A test of the program and counting equipment as provided in 1 MCAR § 2.3901 must be made immediately prior to the recount. Access to the immediate area of the automatic counter or computer is limited to the recount official and legal advisor, officials of the election jurisdiction, the candidates and their representatives, and the technical persons necessary to the operation of the counting equipment. An observation area must be provided for the public. Ballots must be recounted by precinct. Paper absentee ballots must be counted in accordance with 1 MCAR § 2.4007. A machine-produced report of recount results must be provided for each precinct. After the count of ballots for a precinct has been determined, all ballot cards and paper absentee ballots must be resealed in the ballot container and returned with the other materials to the precinct box.

1 MCAR § 2.4010 Canvassing board.

The recount official shall present the summary statement of the recount and any challenged ballots to the canvassing board. The candidate or candidate representative who made the challenge may present the basis for the challenge to the canvassing board. The canvassing board shall rule on the challenged ballots and incorporate the results into the summary statement. The canvassing board shall certify the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots.

1 MCAR § 2.4011 Security deposit.

When a bond, cash, or surety for recount expenses is required by Minnesota Statutes, section 204C.35 or 204C.36, the governing body or recount official shall set the amount of security deposit at an amount which will cover expected recount expenses. In multi-county districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting an administrative recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

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.

Rules as Proposed

1 MCAR § 2.0103 Experimental forms.

The secretary of state may provide for the experimental use of alternate forms on a trial basis.

1 MCAR § 2.0301 Specifications.

A. Printing. Voter registration cards printed for the purpose of distribution and mailing ~~shall~~ must be printed ~~in the following manner~~ pursuant to 1.-6.:

1. The size ~~shall~~ must be 6" × 12¼" ~~(~~including a ¼" stub~~)~~.

2. The paper ~~shall~~ must be at least ~~while~~ 100 lb. white offset.

3. The ink ~~shall~~ must be ~~blue~~ red with red X's next to the line indicating the voter's name, address, month, day, and year of birth, last previous registration address ~~(if any)~~, and signature. The certification must also ~~shall~~ be printed in red ink on the original voter registration card. The remainder of the card must be printed with blue ink.

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

5. The card ~~shall~~ must have three 1/16" perforations that result in the three ~~equal size~~ equal-sized 6" × 4" cards ~~6" × 4"~~.

6. The top stub ~~shall~~ must have a substance applied to it so that the card can be sealed when it is folded together for mailing.

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

~~VOTER REGISTRATION CARD~~

~~Please type or print in ink~~

~~Read instructions before completing~~

~~X Name~~ _____
~~Last~~ ~~First~~ ~~Middle~~

~~X Legal Residence~~ _____
~~Street or Route No.~~

_____
~~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)~~

~~W~~ _____ ~~P~~ _____

~~S.D. 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)~~

~~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~~

VOTER REGISTRATION CARD. Type or print in ink.

X Name .....
Last First Middle

X Township or City of Legal Residence .....
Township or City County

X Complete Address of Legal Residence (include street or rural mail route address)
.....
House No. and Street or Rural, Rte. No. .....
.....
Apt. No. or Rural Box No. City Zip

X Date of Birth ...../...../.....
Month Day Year

X Address of Your Last Registration or ..... Check if NONE
House No./Street Name or Rte./Box No. Apt. No.
.....
City or Township County State Zip

W .....P .....
S.D. No. .....
OFFICE USE ONLY
Election Day Voter Registration Proof
. . .Driver's License
. . .Minn. I.D. Card
. . .Witness
. . .Prior Registration
. . .Student I.D.
.....
(Number if applicable)

Telephone No. .....

Previous Name (If changed since last registration).....

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 that I am a citizen of the United States, reside at the address shown above and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than $5,000, or both.

. . ./. . ./. . .
Date

.....
X Legal Signature of Voter
Also sign the blue card.

In the upper right hand corner of the card there ~~shall~~ must be a box marked for "office use only". ~~In the box there shall be~~ which contains "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. The duplicate voter registration card ~~shall~~ must be in the following form:

DUPLICATE VOTER REGISTRATION CARD

Sign this card DO NOT COMPLETE

The information will be typed by the voter registration office

X Name _____
Last First Middle

W _____ P _____

S.D. No. _____

OFFICE USE ONLY

X Legal Residence _____
Street or Route No.

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)

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.

__/__/__ X _____

Date

Legal signature of Voter
(for identification only)

DUPLICATE VOTER REGISTRATION CARD

Sign this card—do not complete

The information will be typed by the

voter registration office

Name .....

Township or City
of Residence...../...../.....
Township or City County

Complete Address of Legal Residence

.....

House Number and Street or Rural Route Number

.....

Apt. No. or Rural Box Number City Zip

Read the Instructions to Determine Whether You are Qualified to Register

.../.../...

Date

Office Use Only

W.....P.....

S.D. No.....

X .....

Legal Signature of Voter
(For identification only)

In the upper right hand corner of the card there shall must be a box marked for "office use only". In the box there shall be which contains "W ___," "P ___," and "S.D. No. ___." (These initials stand for "ward," "precinct," and "school district.") Other information may also be included.

D. Instruction card; form. The instruction card shall must 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. Print in ink or type all information requested on white card.

2. Print or type your legal name Do not use nicknames.

3. Your residence should be that place where you actually live. Check the appropriate box indicating whether you live in a city or township.

4. Print or type your mailing address if it is different from your residence address.

~~5. Place your telephone number (optional) on the appropriate line.~~

~~6. Place your date of birth (optional) on the appropriate line.~~

~~7. If your name has been changed through marriage, divorce or decree or order of court since your last voter registration, print or type your former name on the appropriate line.~~

~~8. Address of last previous registration Print or type the address from which you were last registered to vote. If you have never been registered to vote before, print or type "none".~~

~~9. After the white card is completed, sign your full name in ink and fill in the date on the white card.~~

~~10. SIGN THE BLUE CARD.~~

~~11. The blue card must be signed in ink on the line where it is required, but do not fill in the blue card. It will be typed in by the voter registration office.~~

~~12. After the white card is completed and both cards are signed, seal using sealing tab attached.~~

~~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.~~

Instructions for Voter Registration
Read Carefully Before Registering

LINES INDICATED BY A RED "X" MUST BE COMPLETED BY THE REGISTRANT BEFORE THE REGISTRATION WILL BE ACCEPTED.

1. Print in ink or type all information requested on the white card.

2. Print or type your legal name—nicknames are not acceptable.

3. Print or type the name of the township or city in which you live and are eligible to vote.

4. Print or type the house number and street name or the rural route and box number where you live.

5. Include your full birthdate—month, day, and year.

6. Give the address where you were last registered. If you have never been registered before, check the box for "none."

7. Give your previous name if it has been changed since you last registered.

8. Enter telephone number in appropriate space (optional).

9. Date and sign the WHITE CARD with your legal written signature.

10. Date and sign the BLUE CARD with your legal written signature.

11. Review the cards to determine that they are correctly completed.

12. Fold the form, use the sealing tab, and mail or return to your county auditor at your county courthouse. An eligible voter is a person who at the time of any election:

a. is 18 years of age of 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 § 2.0507 Notification of registration.

When a county auditor receives a registration card listing a prior registration in another county, the auditor shall promptly notify the auditor of the other county, but in no case shall the notice be sent later than three months from the date the registration was received or postmarked.

1 MCAR § 2.0509 Prior residence outside Minnesota.

When a county auditor receives a registration card which lists a former registration in a state other than Minnesota, the auditor shall promptly notify the secretary of state of the state of former registration that the person has registered to vote in Minnesota.

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

A.-C. [Unchanged.]

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

Conspicuously at the top of each page of the precinct election list ~~shall~~ must 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~~ must 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, and year of registrant's birth; and

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~~ must be printed *OATH and a line indicating the place for the voter to sign the list. Sufficient space ~~shall~~ must be provided so that the voter's signature will not obscure any voter's name. In no case ~~shall~~ may the space be smaller than ½ by 3½ inches.

If any computer identification numbers or other information not required by this rule is printed on the precinct election list, it ~~shall~~ may 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~~ must 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, and year of birth and shall sign the precinct election list.

In a split precinct, separate lists ~~shall~~ must 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~~ must 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~~ must 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~~ must send a request for the voter's birthdate to each previously registered voter whose ~~month and day of birth~~ birthdate is not included in the duplicate registration file.

The request for a voter's birthdate ~~shall~~ must be in the form of a nonforwardable mailed notice with a postage prepaid return form. The notice ~~shall~~ must 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~~ birthdate of each registered ~~voter's birth~~ voter will be used as an additional identifier and precaution against fraud.

2. Please fill in ~~your~~ the month ~~and~~, day, and year of your 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~~ must include the following material:

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

~~month of birth~~ / ~~day of birth~~

(month of birth) / (day of birth) / (year of birth)

voter's signature

When a request for birthdate is returned as undeliverable by the post office, it ~~shall~~ must be treated as a returned verification notice pursuant to Minnesota Statutes, section 201.12.

F. [Unchanged.]

G. Absentee voting. When an absentee ballot return envelope is marked "Accepted" pursuant to Minnesota Statutes, section 203B.12, subdivision 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 return 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, and year of birth and the letters "A.B." in the appropriate places on the precinct election list.

H.-I. [Unchanged.]

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. § 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 § 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 § 2.2101 Definition.

The "white ballot" is the ballot used at general elections and is the paper ballot on which are printed the names of the candidates nominated for the offices of senator and representative in Congress, senator and representative in the Legislature, governor and lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general and chief justice and associate justice of the Supreme Court.

1 MCAR § 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 Minnesota Statutes, section 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 20 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. Ballots for distribution in the polling place must be bound in pads of 50.

1 MCAR § 2.2106 Offices.

The offices shall must appear on the white ballot in the following order and shall must be identified as follows in upper case letters:

"UNITED STATES SENATOR IN CONGRESS"
"UNITED STATES REPRESENTATIVE IN CONGRESS"
"SENATOR IN THE LEGISLATURE"
"REPRESENTATIVE IN THE LEGISLATURE"
"GOVERNOR AND LIEUTENANT GOVERNOR"
"SECRETARY OF STATE"
"STATE AUDITOR"
"STATE TREASURER"
"ATTORNEY GENERAL"
"CHIEF JUSTICE OF THE SUPREME COURT"
"ASSOCIATE JUSTICE OF THE SUPREME COURT"

Any nonpartisan office for which there is no opposition shall appear after any nonpartisan office for which there is opposition. If an office is not to be filled at a general election, the office shall not appear on the ballot. Directly underneath the titles of the offices of representative in Congress and senator and representative in the Legislature shall must be printed in upper case letters and/or or numbers the district (e.g. "SIXTH DISTRICT," "DISTRICT SIX," or "DISTRICT 6") that the person elected will represent. A single vote shall must be cast for governor and lieutenant governor. Each justice of the Supreme Court is deemed to hold a separate office. Directly beneath the titles of the offices of justice of the Supreme Court, each office shall be identified in upper case letters as follows:

"FOR THE OFFICE OF ASSOCIATE JUSTICE (or CHIEF JUSTICE) OF THE SUPREME COURT TO WHICH (name of justice) WAS ELECTED FOR THE REGULAR TERM (or WAS APPOINTED)"

The appropriate designation shall be printed on the ballot with the name of the justice whose successor is to be elected printed in the appropriate place. At least 32 days before the general election, the secretary of state shall certify to the county auditors the order in which the offices of associate justice shall appear.

1 MCAR § 2.2109 Designation of candidates.

Above or below the name of each candidate for a partisan office shall must 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 Minnesota Statutes, section 200.02, subdivision 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" by Petition" 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.

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 Minnesota Statutes, section 200.02, subdivision 6, ~~shall~~ must appear for every partisan office on the white ballot. Candidates nominated by petition ~~shall~~ must appear on the ballot beneath the names of the candidates of the political parties as defined in Minnesota Statutes, section 200.02, subdivision 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" ~~shall~~ must 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~~ must be printed in upper case in as close to 18-point Franklin Gothic type as practicable.

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

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

The names of the candidates ~~shall~~ must 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~~ must 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~~ must 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 § 2.2114 Example ballots.

At least 32 days before a general election, the secretary of state shall supply each auditor with a copy of an example ballot. The secretary of state shall have printed on the ballot the names of all candidates for all statewide ~~office~~ offices appearing on the white ballot. The state white ballot shall conform in all respects to the example ballot.

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. § 204C.26, subd. 3, the cost to the county of printing and an itemization of costs.~~ White ballot appropriation.

Following every state general election, the secretary of state shall calculate and pay to each county its proportionate share of the money appropriated by the state for white ballot costs. Proportionate shares must be based on the number of voters at the election as certified on the county abstract and the total number of congressional, state senate, and state house districts in the county. The amount to be paid per voter must be 80 percent of the money appropriated divided by the total number of persons voting at the election as certified on the state canvassing board report. The amount to be paid per district shall be 20 percent of the money appropriated divided by the aggregate of districts in all counties. No funds may be disbursed to any county until after the county auditor has certified to the secretary of state that the white ballots were printed as prescribed by Minnesota Statutes and 1 MCAR §§ 2.2101-2.2114 and that the summary statement and abstract prepared by the county conformed to the forms prescribed by the secretary of state pursuant to Minnesota Statutes, section 204C.26, subdivision 3.

1 MCAR § 2.3104 Meanings of terms.

A. [Unchanged.]

B. The following terms ~~shall~~ have the meanings given them ~~as follows~~:

1.-58. [Unchanged.]

59. Voting booth. A structure constructed in a manner prescribed in ~~Minn. Stat. § 204A.11, subd. 2~~ Minnesota Statutes, sections 204B.18 and 206.026 so that the voter while preparing his ballot may be free from observation. Each booth has a facility to hold a voting machine.

60.-62. [Unchanged.]

1 MCAR § 2.3200 Scope.

This chapter pertains to the vendor only. It does not pertain to computer center operators or responsible authorities of election jurisdictions.

1 MCAR § 2.3302 Preparation of test deck or ballot image.

A.-D. [Unchanged.]

E. The test deck ~~shall~~ must conform to 1 MCAR § ~~2.3104 B.50~~ 2.3103 B.50. A test deck ~~shall~~ must be prepared specifically for each election.

F.-O. [Unchanged.]

1 MCAR § 2.3702 Absentee ballots, general provisions.

A. [Unchanged.]

B. All voters requesting absentee ballots ~~shall~~ must be supplied with paper absentee ballots, except as provided by ~~law~~ Minnesota Statutes, section 203B.08, subdivision 1a.

C. [Unchanged.]

1 MCAR § 2.3703 Absentee voting, electronic voting system.

A. Applicability. This rule applies only when municipal clerks administer absentee ballots as provided in Minnesota Statutes, section 203B.08, subdivision 1a, for voters applying in person at the clerk's office for an absentee ballot.

B. Ballot cards. Ballot cards issued to voters under Minnesota Statutes, section 203B.08, subdivision 1a, must conform to all of the provisions of 1 MCAR § 2.3501 A.

C. Ballot labels and voting machines. Ballot labels and voting machines must be prepared as provided in 1 MCAR §§ 2.3501 C. and 2.3502. At least one voting machine must be made ready for each precinct in the municipality and placed in a proper booth or voting station within the building where the office of the clerk is maintained.

D. Demonstrator. A demonstrator voting device must be available to absentee voters and instructions for casting a ballot on an electronic voting system must be offered to each absentee voter by the municipal clerk or an election judge trained under 1 MCAR §§ 2.5101-2.5119.

E. Issuing ballot cards. The municipal clerk shall remove the smaller numbered stub from the ballot card when it is issued to the voter. The smaller numbered stubs must be placed in an envelope marked "Absentee Ballot Stubs" and retained by the municipal clerk in the clerk's office.

F. After voting. The voter shall be instructed to insert the voted card in the ballot envelope and to fold the large numbered stub over the outside of the envelope. The voter shall next insert the ballot envelope in the absentee return envelope and seal it. The certificate of eligibility on the back side of the return envelope must be completed by the voter and a witness, and the voter shall give the municipal clerk the return envelope with the voted ballot card and its envelope sealed inside.

G. Voted ballot cards. Absentee return envelopes with voted ballot cards must be retained by the municipal clerk in a secure container that will not damage the machine readability of the card. The municipal clerk shall deliver the absentee return envelopes with voted ballot cards to the election judges in the appropriate precinct on election day.

H. Processing. When election judges have processed the absentee return envelopes as provided in Minnesota Statutes, section 203B.12, the ballot envelopes must be removed from the return envelopes marked "accepted." The large numbered stub must be removed from each ballot card before each ballot envelope is deposited in the ballot box along with the ballot cards of voters voting in person.

I. Disposition of stubs. The election judges shall attach one large numbered stub to each absentee return envelope marked "accepted" from which a ballot envelope was removed. The stubs can be attached after all of the ballot envelopes have been removed and the large stubs detached.

J. Reconciliation. The return envelopes with stubs attached must be placed with the voter certificates and "accepted" return envelopes of voters casting paper absentee ballots and included in the count to arrive at the total number of persons voting in the precinct. To arrive at the proper number of ballot cards to be tabulated, the "accepted" return envelopes with stubs attached must be counted with the voter certificates and the total must equal the number of ballot cards to be tabulated. The reconciliation of the ballot cards and number of persons voting must be entered on the precinct certification.

1 MCAR § 2.3801 Procedures following close of polls.

A. Ballot cards not issued. All ~~unused~~ ballot cards and envelopes ~~shall~~ which are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

B. [Unchanged.]

C. Total number of voters. The total number of voters, determined pursuant to Minnesota Statutes, section ~~204A.41~~ 204C.20, subdivision 1, ~~shall~~ and 1 MCAR § 2.3703 J. must be entered on the precinct certification.

D. [Unchanged.]

E. Each ballot in its envelope ~~shall~~ must be examined for write-ins. Ballot cards for which no ~~write-in exists~~ ~~shall~~ write-ins exist must be separated from their envelopes ~~and placed in appropriate piles~~. The envelopes must be placed in a sturdy container, which must be marked with the precinct name, and delivered at the same time the voted ballots are delivered to the county auditor or municipal clerk.

F. [Unchanged.]

G. Hanging chad. The intent of the voter is to be ascertained when processing ballot cards. A ballot ~~cards~~ card with a chad hanging ~~shall~~ must be processed in the following manner:

1. [Unchanged.]

2. Where a chad is found hanging by three corners the ballot card ~~shall be~~ is defective for that office and ~~shall~~ must be placed in the envelope for original cards for which duplicates are to be made at the counting center. ~~(See Chapter Nine, these rules.)~~

H.-J. [Unchanged.]

K. Entries on precinct certification. The election judges shall enter in the appropriate place on the precinct certification the number of ballot cards issued to the precinct, the number of ballot envelopes issued to the precinct, the number of ballot cards issued to voters, the number of spoiled ballot cards, the number of defective ballot cards, the number of cards for which duplicates are to be made for any reason, and the number of ~~unused~~ ballot cards not issued to voters.

L. Items in transfer case. The election judges shall place in the transfer case for delivery to the counting center all of the following items:

1. [illegible] ballot cards;

2. ballot envelopes ~~used in the election (unless they are placed and sealed in a separate metal container for separate delivery as determined by the election jurisdiction)~~ with write-in votes;

3. envelope containing paper absentee ballots;

4.-11. [Unchanged.]

If space in the transfer case is inadequate, then a second transfer case or metal container of a type approved by the election jurisdiction for storage of ballots is to be used and the sealing and security handled in the same manner as the transfer case.

M. [Unchanged.]

N. Retention of ballot cards and ballot envelopes. ~~The unused~~ Ballot cards and ~~unused~~ ballot envelopes ~~shall~~ which are not issued to voters must be returned to the election official in charge of the election jurisdiction who shall issue a receipt ~~therefor~~ for them and retain them by precinct until the time for contest has expired.

O. Seal and certificate. The transfer case ~~shall~~ must be sealed with a metal seal ~~in such a manner~~ so ~~as to render~~ that it is impossible to open the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal ~~shall~~ must be a certificate signed by the judges indicating its content, the precinct name, and the number of the metal seal used to seal the ~~said~~ case. The seal number ~~shall~~ must also be recorded in the certificate of the election judges. The transfer case certificate ~~shall~~ must be in a clear plastic envelope of a type approved by the secretary of state and affixed to the case by the metal seal.

P. [Unchanged.]

Q. Delivery of ballot envelope container. The container which holds the ballot envelopes issued to voters must be delivered to the counting center by the same election judges who deliver the transfer case containing voted ballots.

1 MCAR § 2.4104 Absent voter's certificate.

A. Form. Except as provided in D., the Absent Voter's Certificate ~~shall~~ for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15 must 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~~ a manner that I could not see ~~his vote, he~~ the voter 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 was provided 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)

Minn. ID Card or Receipt (number)

Registration in same precinct

Notice of Ineffective Registration

Student ID (number)

(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.]

D. Alternative certificates. As an alternative, a county auditor may print two different versions of the absent voter's certificate. One certificate must be provided to absentee voters not previously registered to vote and must be printed as prescribed in 1 MCAR § 2.4104 A. An alternate certificate may be printed in the following form and must be provided only to absentee voters who are registered to vote at the time of application. The certificate must be printed to the specifications of C.

ABSENTEE VOTER'S CERTIFICATE

OF

.....

(print or type legal name of voter)

.....

(print or type legal address of voter)

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, marked the ballots and enclosed and sealed them in the ballot envelope.

.....

(date)

.....

(legal signature of witness)

.....

(print or type name of witness)

.....

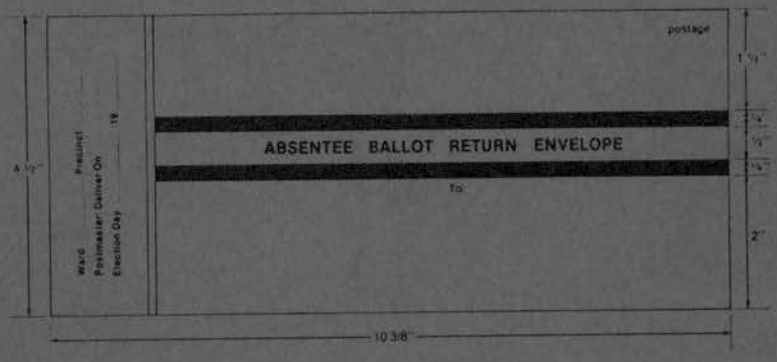
(official title if witness is an official)

.....

(legal address if witness is an eligible voter.)

1 MCAR § 2.4105 Absentee ballot return envelope as provided by Minnesota Statutes, sections 203B.04-203B.15.

A. Form. The absentee ballot return envelope ~~shall~~ must be printed in the following form:



B. Specifications. The absentee ballot return envelope ~~shall~~ must be printed according to the following specifications:

1. The envelope ~~shall~~ must be 10⅜ inches by 4½ inches.

2. A solid rule line 1½ picas wide ~~shall~~ must be placed 1½ inches from the top of the envelope and another placed two inches from the bottom of the envelope.

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

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

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

6. The flap on the right end of the back side of the envelope may be printed as follows:

....

.....accepted .....rejected

.....

.....

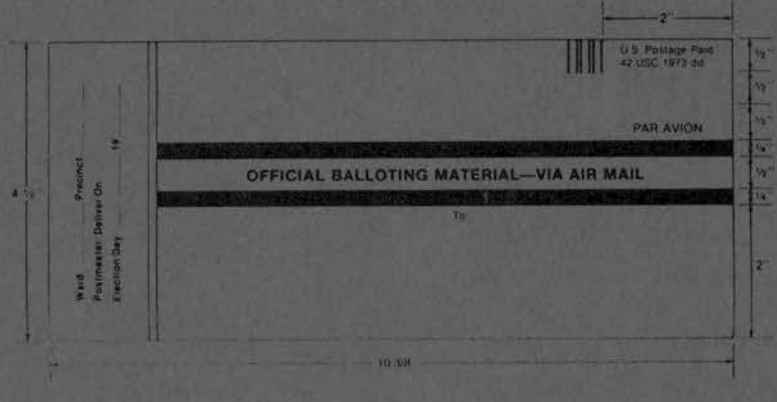
Election Judges

C.-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 § 2.4106 Absentee ballot return envelope as provided by Minnesota Statutes, sections 203B.16 to 203B.17.

A. Form. The absentee ballot return envelope for military and overseas voters must be printed in the following form:



B. Specifications. The specifications in 1.-9. apply to envelopes prepared pursuant to A.

1. The envelope may not be more than 11½ inches in length nor less than five inches in length.

2. The envelope may not be more than 6⅛ inches in width nor less than 3½ inches in width.

3. In the upper right hand corner in a space two inches by one-half inch, a postage symbol and box shall be imprinted:

U.S. Postage Paid
42 USC 1973 dd

4. The words PAR AVION must be printed in 12-point bold type in capital letters one-half inch below the postage box.

5. A solid rule line 1½ picas wide must be placed 1½ inches from the top of the envelope. A second solid rule line 1½ picas wide must be placed one-half inch from the bottom of the first line.

6. In the one-half inch space between the two solid rule lines must be printed the words "OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL" in 18-point bold type in capital letters.

7. The envelope must be white in color with Pantone 193 U red ink used for all printing.

8. County auditors or municipal clerks must address the return envelope as provided in 1 MCAR § 2.4105 C.

9. Facing Identification Marks (FIM) must be positioned as specified in United States Postal Service instructions for Facing Identification Marks.

C. On the back of the absentee return envelope provided for in Minnesota Statutes, section 203B.21, an affidavit of eligibility must be printed in the following form on the right hand three-fourths of the envelope:

ABSENT VOTER'S CERTIFICATE

I, ... , do solemnly swear that my present address (or last address) in the
(please print or type)
State of Minnesota is at ..... in the City or Town of .....
(please print or type) (please print or type)
County of .....
(print or type)

I am qualified to vote the enclosed ballot(s) as (check category that applies) . . . .a member of the Armed Forces; . . . .a spouse or dependent of a member of the Armed Forces . . . . a citizen of the United States temporarily residing outside the territorial limits of the United States; . . . .a citizen of the United States permanently residing outside the territorial limits of the United States. I have not cast and will not cast any other ballot in this election. I personally marked the enclosed ballot(s) without exhibiting it to any other person, or which, in case of my physical disability, was marked for me under my personal direction.

.....
(Legal signature of Voter)

Subscribed and sworn to me this . . . day of ....., 19. . .

.....
(Signature of Witness)

.....
(Give title or office of witness authorized to administer oaths. If an officer of the Armed Forces, a commissioned or noncommissioned officer not below the rank of sergeant or its equivalent.)

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

A. Absentee ballot return envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by ~~4:30~~ 7:00 p.m. on the day before election day.

B.-C. [Unchanged.]

Repealer. Rules 1 MCAR §§ 2.0901; 2.0902; 2.0903; 2.2113; 2.4102 D. and E. are repealed.

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

JOAN ANDERSON GROWE
Secretary of State

ELAINE V. VOSS
Deputy Secretary of State

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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 Adoption of Amendments to the Rules of the Secretary of State Governing Voter Registration

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 September 12, 1983, and was sent by United States mail to all persons on the list maintained by the agency pursuant to section 14.22, Minnesota Statutes, on September 12, 1983. 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, I make the following findings and conclusion.

FINDING

1. 1MCAR 2.0301.B Specifications. In the amendments as written a portion of this section was inadvertantly omitted. Ineffective Notice is an approved form of identification for registering on election day and it is necessary that it be included in the proper section on the original voter registration card.

CONCLUSION

The rules to be adopted are reasonable and necessary. The changes do not change the substance of the rules or amendments. Therefore, with these changes, the above entitled rules and amendments should be adopted.

Oct. 25, 1983
(Date)

STATE OF MINNESOTA

Joan A. Growe
Joan Anderson Growe
Secretary of State

"AN EQUAL OPPORTUNITY EMPLOYER"

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

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In the Matter of the Proposed Adoption of Rules of the Secretary of State Governing Administrative and Automatic Recounts and the Proposed Adoption of Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Certification and Experimental and General Use of Voting Machines and Abesentee Voting Materials And Delivery Procedures

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FINDINGS

1. 1MCAR 2.4107 Experimental Forms. In the amendments as written section 2.4107 was inadvertently omitted. There is a need to allow the use of forms which can help expedite an electin in special situations or test the usefulness of a proposed form.

CONCLUSION

The rules to be adopted are reasonable and necessary. The changes do not change the substance of the rules or amendments. Therefore, with these changes, the above entitled rules and amendments should be adopted.

Oct. 19, 1983
(Date)

STATE OF MINNESOTA

Joan A. Growe

Joan Anderson Growe
Secretary of State

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

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FINDINGS

1. 1MCAR 2.4107 Experimental Forms. In the amendments as written section 2.4107 was inadvertently omitted. There is a need to allow the use of forms which can help expedite an election in special situations or test the usefulness of a proposed form.

CONCLUSION

The rules to be adopted are reasonable and necessary. The changes do not change the substance of the rules or amendments. Therefore, with these changes, the above entitled rules and amendments are adopted.

11/4/83
(Date)

STATE OF MINNESOTA

Joan Anderson Growe

Joan Anderson Growe
Secretary of State

By

"AN EQUAL OPPORTUNITY EMPLOYER"

State of Minnesota

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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 September 12, 1983, and was sent by United States mail to all persons on the list maintained by the agency pursuant to section 14.22, Minnesota Statutes, on September 12, 1983. 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, I make the following findings and conclusion.

FINDING

1. 1MCAR 2.0301.B Specifications. In the amendments as written a portion of this section was inadvertantly omitted. Ineffective Notice is an approved form of identification for registering on election day and it is necessary that it be included in the proper section on the original voter registration card.

CONCLUSION

The rules to be adopted are reasonable and necessary. The changes do not change the substance of the rules or amendments. Therefore, with these changes, the above entitled rules and amendments are adopted.

11/4/83
(Date)

STATE OF MINNESOTA

Joan Anderson Growe
Joan Anderson Growe
Secretary of State

By

"AN EQUAL OPPORTUNITY EMPLOYER"

In the matter of the Proposed Rules of the Secretary of State for Administrative and Automatic Election Recounts (1MCAR 2.4001.-2.4011); the Proposed Amendments to Rules of the Secretary of State for Voter Registration (1MCAR 2.0101- 2.1101); the Proposed Amendments to the Rules of the Secretary of State for Preparation of the White Ballot (1MCAR 2.2101-2.2115); the Proposed Amendments to the Rules of the Secretary of State For Certification and Experimental and General Use of Voting Machines (1MCAR 2.3101-2.3907); the Proposed Amendments to the Rules of the Secretary of State for Absentee Voting and Delivery Procedures (1MCAR 2.4101- 2.4205).

BEFORE THE MINNESOTA SECRETARY OF STATE

1. Administrative and Automatic Recounts — Statement of Need

The need to adopt 1MCAR 2.4001, administrative and automatic recounts, arises because Laws of 1983, Chapter 253, requires the Secretary of State to establish uniform procedures for election recounts conducted under the provisions of section 204C.35 and section 204C.36, Minnesota Statutes. The recount official is designated for legislative, judicial, county and municipal offices and the scope of the recount is defined.

1MCAR 2.4002, notice, is necessary to assure a uniform method of notice to the candidates involved and the public.

The need to adopt 1MCAR 2.4003, securing ballots and materials, arises because of the critical need to have the voted ballots and other election materials properly secured so that an accurate recount can be conducted.

The need to adopt 1MCAR 2.4004, securing voting machines, arises because of the critical need to limit access to the voting machines and any programs for the automatic tabulation of ballots on which votes are recorded or is necessary to an accurate recount.

The need to adopt 1MCAR 2.4005, facilities and equipment, arises because of the need for an adequate facility accessible to the public in which the recount can be conducted with the public present and the voted ballots and election materials not be subject to damage or loss because of unecessary transportation or limited and inadequate space and that the recount not be delayed.

The need to adopt 1MCAR 2.4006, general procedures, arises because of the need for uniform general procedures for all administrative and automatic recounts for all offices provided for in sections 204C.35 and 204C.36, Minnesota Statutes.

The need to adopt 1MCAR 2.4007, paper ballots, arises because of the need to establish orederly procedures for opening the ballot envelopes and the

challenging of ballots, as well as the disposition of the ballots when a precinct count has been determined so that the integrity of the election is maintained.

The need to adopt 1MCAR 2.4008, lever voting machines, arises to establish orderly procedures for recanvassing lever voting machines and to clearly state that lever voting machines are to be secured and access is limited to authorized election officials until the recount has been completed.

The need to adopt 1MCAR 2.4009, electronic voting systems, arises to establish orderly procedures for election recounts where electronic voting systems are in use and that the recount shall be done using the automated equipment and that the necessary programs and materials will be secured and access to them limited until the recount has been completed.

The need to adopt 1MCAR 2.4010, canvassing board, arises to clearly establish that the canvassing board has final authority to declare the results of the election, to rule on any challenged ballots and to certify the results of the recount.

The need to adopt 1MCAR 2.4011, security deposit, arises because of the need to establish a fair and uniform method of determining the recount costs to be paid in accordance with sections 204c.35 and 204C.36, Minnesota Statutes.

2. Voter Registration — Statement of Need

The need to amend 1MCAR 2.0301 A, B, C and D, specifications, arises because section 201.221, Minnesota Statutes, requires the Secretary of State to assist local election officials by adopting rules which establish uniform procedures and forms and because Laws of 1983, Chapters 112 and 303, require an oath of qualification to be included on the original voter registration card and makes mandatory that persons registering to vote provide their complete birthdate of month, day and year.

This chapter does not appear to govern other election matters

Amendments to 1MCAR 2.0507 and 2.0509, are necessary to establish an administrative time in which the required notices are to be sent.

The need to amend 1MCAR 2.1005 D, E and J, electronic or automatic data processing system of maintaining duplicate voter registration cards, arises because Laws of 1983, Chapter 303, requires persons registering to vote to provide their complete birthdate of month, day and year.

The need to amend 1MCAR 2.1005 G, absentee voting, arises because Laws of 1983, Chapter 253, requires election judges to mark absentee return envelopes "accepted."

The need to adopt 1MCAR 2.1102, experimental forms, arises from the need to allow the use of forms which can help expedite an election in special situations or test the usefulness of a proposed form.

3. White Ballot Preparation — Statement of Need

The need to amend 1MCAR 2.2101, 2.2102, 2.2106, 2.2109, 2,2112 and 2.2114 arises because of Laws of 1983, Chapters 253 and 303, removing certain offices and language from the white ballot.

The need to amend 1MCAR 2.2115, white ballot appropriation, arises because Laws of 1983, Chapter 301, requires the Secretary of State to adopt rules establishing a base for distributing to counties for white ballot costs the set amount appropriated by the legislature.

4. Voting Machines — Statement of Need

The need to amend 1MCAR 2.3104.59, meanings of terms, and 1MCAR 3302, preparation of test deck or ballot image, arises to correct statutory references.

The need to amend 1MCAR 2.3702 B, absentee voting; general procedures, arises because Laws of 1983, Chapter 253, authorizes absentee voting on an electronic voting system on a limited basis.

The need to adopt 1MCAR 2.3703, absentee voting; electronic voting system, arises because Laws of 1983, Chapter 253, requires the Secretary of State to adopt rules for absentee voting using an electronic voting system.

The need to amend 1MCAR 2.3801, procedures following close of polls, arises to clarify the issuing and return procedures for ballot envelopes used in an election.

5. Absentee Voting — Statement of Need

The need to amend 1MCAR 2.4101, absente voter's certificate, arises to remove sexist language and to allow an alternative voter's certificate to be printed on absentee return envelopes for persons voting under the provisions of sections 203B.04 to 203B.15, Minnesota Statutes.

The need to adopt 1MCAR 2.4105, absentee return envelope as provided by sections 203B.16 to 203B.27, arises because of comments from the postal service and the director of the Federal Voting Assistance Program that the absentee return envelope used by military and overseas voters conform to United States postal regulations or delivery might not be made.

August, 1983

In the Matter of the Proposed Adoption of Rules of the Minnesota Secretary of State Governing Administrative and Automatic Recounts and the Proposed Adoption of Amendments to Rules of the Secretary of State Governing Voter Registration, Preparation of the White Ballot, Certification and Experimental and General Use of Voting Machines and Absentee Voting Materials and Delivery Procedures

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I [Special Assistant Attorney General] Peter Ackerberg, do hereby declare that I have examined the 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 rules of the Attorney General have been followed. Any exceptions are noted below.

Peter Ackerberg

[Special Assistant Attorney General]

Dated: 10-25-83