

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1430

Docket No. 05-0009.0747

RESUBMISSION DATE 2/25/88
DATE DUE 3/10/88

ADOPTED W/O HEARING X
EMERGENCY RULE

APPROVED 3/3/88
DISAPPROVED
WITHDRAWM

REVISOR APPROVED
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

____ **Does the revision raise significant new legal issues?**

_____ Review date

✓ Rule as adopted (4 copies)

✓ Supplemental Findings of Fact, Conclusions & Order Adopting

____ ~~Board's Supplemental Resolution Adopting~~

✓ Notice of submission to Attorney General (Monday) called

✓ Affidavit of Mailing Notice to Attorney General (Monday) called

ATTORNEY GENERAL

March 15, 1988

JEFF SIGURDSON
Election Division
Secretary of State

CHRISTIE B. ELLER
Assistant Attorney General

6-9421

In the Matter of the Adopted Rule Relating to
Mail Ballots

The above-referenced rule has been approved as to its legality by the Attorney General on March 8, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must establish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:nah
Enclosures

cc: Maryanne Hruby
Duane Harves

Secretary of State

Adopted Permanent Rules Relating to Mail Ballots

Rules as Adopted

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st

day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return

envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and

registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under

Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title if witness is an official)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
3:37 PM
MAR 10 1988
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
March 8 19 88
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Christie L Elle
~~SPECIAL~~ ASSISTANT ATTORNEY GENERAL

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

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A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st

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day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

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Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return

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envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and

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by Revisor _____

registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under

Approved by Revisor _____

Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

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a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

Approved by Revisor _____

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title if witness is an official)

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for publication
in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State
In the Matter of the Proposed
Adoption of the Rule of
the Secretary of State
Governing Mail Balloting

NOTICE OF
INTENT TO
ADOPT A RULE
WITHOUT A
PUBLIC HEARING

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 204B.45.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

C881.002

Jeff Sigurdson
Election Division
180 State Office Building
St. Paul, MN 55155
(612)296-6011

The proposed rule may be modified if the modifications are supported by data and view submitted to the agency and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Election Division upon request.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of this rule will not have any impact upon agricultural land nor will the adoption of this rule result in additional spending by local public bodies in excess of $100,000 per year for the first two years following the adoption of this rule within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to the Election Division.

1-4-88

Joan A. Growe
Secretary of State

In the matter of the Proposed Rules
of the Secretary of State relating
to the use of Mail Ballots.

STATEMENT OF NEED AND REASONABLENESS

The need to adopt parts 8210.3000 to 8210.3015 arises from the requirements of M.S. §204B.45 as found in the Laws of 1987, Chapter 212 which enacted new statutory provisions specifically establishing the use and limits of mail balloting. In particular subd. 3 of M.S. §204B.45 provides for the Secretary of State to adopt rules for: (1) conduct of mail balloting; (2) instructions to voters; (3) challenges to voters; (4) public observation of ballot counting; and (5) safeguarding of ballots to insure the integrity of the election.

Part 8210.3000, subpart 1 integrates the rules of mail balloting with the applicable rules of existing parts 8210.0200 and 8210.2500 for absentee voting. It also specifies the role of county auditor in an unorganized territory using mail balloting.

Subpart 2 is necessary to establish a reasonable time in which to prepare for a mail ballot election and clarify the types of elections at which the statute allows mail balloting to be used.

Subpart 3 is necessary to specify the responsibility and timing for posting or giving notice of mail balloting procedures and the information such a posting or notice must contain. This is reasonable to insure that eligible voters will be aware of the mail balloting and the methods available to take part in the election.

Subpart 4 is necessary to provide ballots to all registered voters in the municipality or unorganized territory, and establish standards to protect the integrity of the mail balloting.

Subpart 5 is necessary to provide the means for nonregistered eligible voters to vote by absentee ballot as authorized by M.S. §203B.04 and M.S. §203B.06.

Subpart 6 is necessary to meet the contingency of eligible voters who receive damaged ballots or no ballot at all.

Subpart 7 is necessary to specify the procedures and responsibilities of the auditor or municipal clerk when ballots are returned by the postal service as undeliverable.

Subpart 8 is necessary to define the methods acceptable for ballot return.

Subpart 9 is necessary to ensure that adequate facilities, election judges and public observation facilities are available for the counting of mail ballots.

Subpart 10 is necessary to provide standards to insure the proper handling of the ballots as they are received and to specify the time and method for the counting of mail ballots.

Subpart 11 is necessary to provide for challengers as provided for in M.S. §204C.07 and for challenges as provided in M.S. §204C.13, subd. 6.

Subpart 12 is necessary to define the basis for determining the costs of mailing a list of items included under mail balloting costs that the statute requires the municipality to bear.

Parts 8210.3005, 8210.3010 and 8210.3015 are necessary to provide replacement ballot affidavits, instructions to mail voters, and mail voter's certificates

as required in part 8210.3000. These parts are reasonable to provide standard forms to ensure accurate instructions, and documentation of voter eligibility.

Pursuant to M.S. §14.11, subd. 1, the adoption of mail balloting by the governing body of the county or municipality is optional and, as a result, there are no obligatory costs to local governments for two years immediately following the adoption of these rules. The proposed rules have no impact on agricultural land in the state pursuant to M.S. §14.11, subd. 2. Further the adoption of these rules do not directly affect small businesses pursuant to M.S. §14.115, subd. 7.

C8709.97

In the Matter of the Proposed Adoption

of the Rules of the Secretary of State

Governing Mail Balloting.

AFFIDAVIT OF

MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

SANDRA OLSON, being first duly sworn deposes and says:

That on the 25th day of February, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to Attorney General by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have registered their names with the Secretary of State for that purpose.

Sandra Olson

C8802.47.2

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of The Proposed
Adoption of the Rule of the
Secretary of State Governing
Mail Balloting

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26;

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, February 25th, 1988 for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, party 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
(612)296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Jeff Sigurdson
Election Division
Secretary of State
180 State Office Building
St. Paul, MN 55155
(612)296-6011

C8802.47

In the Matter of the Proposed Adoption

of the Rules of the State Governing

Mail Balloting

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Sandra Olson, being first duly sworn deposes and says:

That on the 11th day of January, 1988 at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Secretary of State for the purpose of receiving notice of the proposed adoption of rules by the Secretary of State.

Sandra Olson

C8801.10

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

Secretary of State
In the Matter of the Proposed
Adoption of the Rule of
the Secretary of State
Governing Mail Balloting

NOTICE OF
INTENT TO
ADOPT A RULE
WITHOUT A
PUBLIC HEARING

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 204B.45.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

C881.002

Jeff Sigurdson
Election Division
180 State Office Building
St. Paul, MN 55155
(612)296-6011

The proposed rule may be modified if the modifications are supported by data and view submitted to the agency and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Election Division upon request.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of this rule will not have any impact upon agricultural land nor will the adoption of this rule result in additional spending by local public bodies in excess of $100,000 per year for the first two years following the adoption of this rule within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to the Election Division.

1-4-88

Joan A. Growe
Secretary of State

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st

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day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return

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by Revisor _____

envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and

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by Revisor _____

registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under

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by Revisor _____

Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

Approved by Revisor _____

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

Approved by Revisor _____

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title if witness is an official)

Approved
by Revisor _____

possession of ~~said~~ the mining unit to the state. During ~~said~~ the period of 180 days, the lessee shall not be relieved of any obligation or liability resulting from the occupancy of ~~said~~ the mining unit unless the lessee has wholly vacated ~~said~~ the mining unit prior to the expiration of ~~said~~ that period and has notified the commissioner thereof in writing.

32. Recovery of expenses. If it is necessary for the state to incur expenses by court action or otherwise for the ejectment of the lessee, or removal from the leased premises of the lessee's property, or recovery of rent or royalties, or for any other remedy of the state under this lease, and the state prevails in the court action or otherwise, then the lessee shall pay to the state all expenses, including attorney's fees, thus incurred by the state.

~~31.~~ 33. Mining of minerals other than ~~copper, nickel, and associated~~ metallic minerals. If any ~~minerals not covered by this lease are~~ ore found on or in ~~said~~ the mining unit is primarily valuable for other than its metallic minerals content, the terms and conditions upon which ~~such minerals~~ the ore may be mined or products recovered ~~therefrom~~ from it shall be as may be agreed upon by the lessee and the commissioner and approved by the state executive council. This provision does not apply to iron ~~ore and~~ ores, taconite ~~ore that are a part of the Biwabik iron formation~~ ores, coal, oil, gas, and other liquid or gaseous hydrocarbon substances.

~~32.~~ 34. Agreements, assignments, or contracts. All assignments, agreements, or contracts affecting this lease ~~shall~~ must be made in writing and signed by all parties thereto, witnessed by two witnesses, properly acknowledged and ~~shall~~ must contain the post office addresses of all parties thereto, and when so executed ~~shall~~ must be presented in quadruplicate to the commissioner for record. No such instrument ~~shall be~~ is valid until approved in writing by the commissioner and approved as to form and execution by the attorney general. No assignment or other agreement ~~shall relieve~~ relieves the lessee of any obligation or liability imposed by this lease, and all assignees, sublessees, and subcontractors ~~shall~~ are also ~~be~~ liable for all obligations or liabilities imposed by this lease.

~~33.~~ 35. Lease binding on assignees and successors. The covenants, terms, and conditions of this lease ~~shall~~ run with the land and ~~shall~~ extend to and bind all assignees and other successors in interest of the lessee.

~~34.~~ 36. Notices. For the purposes of this lease, the addresses of the parties ~~shall be~~ are as follows, unless changed by written notice to all parties: For the state — Commissioner of Natural Resources, State of Minnesota, ~~Centennial Office Building~~ 500 Lafayette Road, Saint Paul, Minnesota ~~55101~~ 55155-4037; for the lessee — _____ .

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 204B.45.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Jeff Sigurdson
Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-6011

The proposed rule may be modified if the modifications are supported by data and view submitted to the agency and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Election Division upon request.

You are advised, pursuant to *Minnesota Statutes*, section 14.115 "Small Business Consideration in Rulemaking", that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to *Minnesota Statutes*, section 14.11 "Special Notice of Rulemaking", the adoption of this rule will not have any impact upon agricultural land nor will the adoption of this rule result in additional spending by local public bodies in excess of $100,000 per year for the first two years following the adoption of this rule within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to the Election Division.

Dated: 4 January 1988

Joan Anderson Growe
Secretary of State

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included.

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.

The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

. . . . . .

(print or type legal name of voter)

. . . . . .

(print or type legal address)

I certify that I am a resident and eligible voter in

. . . . . .

(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....

(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....

(print or type legal name of voter)

.....

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;

(name of township or territory)

that I am not under guardianship of the person, have not been found by a court of law to be legally incom-

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.

petent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title if witness is an official)

Board of Veterinary Medicine

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Veterinary Medicine (hereinafter "Board") proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature pursuant to *Minnesota Statutes* § 16A.128 and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.21-14.28.

Interested persons shall have 30 days to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed. 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.

PLEASE NOTE THAT NO PUBLIC HEARING WILL BE HELD ON THESE RULES unless 20 percent of the persons required to pay these fees submit to the agency during the 30-day comment period, a written request for a public hearing on the proposed rule, *Minnesota Statutes* § 16A.128, subd. 2.a.

Persons who wish to submit comments should submit such comments or requests to:

Dr. Roland C. Olson
Minnesota Board of Veterinary Medicine
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0597

The statutory authority of the Board to make the proposed rule changes is contained in *Minnesota Statutes* §§ 16A.128, 156.01, subd. 1, and 214.06.

If adopted, the proposed rules would set the fees for persons applying for a license to practice veterinary medicine in Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed changes and identifies the data and information relied upon to support the proposed changes has been prepared and is also available from the Department free upon request.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies. In accordance with *Minnesota Statutes* § 14.115, the Department's consideration of any such effect on small business will be addressed in the Statement of Need and Reasonableness. Persons representing small businesses are invited to participate in the rulemaking process.

Upon adoption of the final rules without a public hearing, the proposed changes, 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

erning the following areas: residency, net and taxable net income, taxation of part year residents and nonresidents, assignability of income, net operating losses, tuition and transportation deduction, basis, fiduciary, partnership and Subchapter S corporation tax computations, returns, audit and review, estimated tax payments and withholding of personal service compensation of nonresidents. The adoption of rules is authorized by *Minnesota Statutes*, section 290.52, which permits the agency to make rules enforcing the provisions of *Minnesota Statutes* chapter 290.

The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Amy Eisenstadt
Legal and Legislative Affairs Division
Minnesota Department of Revenue
P.O. Box 64446
St. Paul, Minnesota 55164

Oral statements will be received during regular business hours over the telephone at (612) 296-1022 and in person at:

Centennial Office Building
2nd Floor
658 Cedar Street
St. Paul, Minnesota

All statements of information and opinions shall be accepted until August 31, 1987. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rules are adopted.

Dated: 20 July 1987

Amy Eisenstadt, Attorney
Legal and Legislative
Affairs Division
Department of Revenue

Secretary of State

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Mail Balloting, Statewide Voter Registration System, Uniform Commercial Code Financing Statements, Agricultural Production In-Put Lien Notification Statements, and Statewide Uniform Commercial Code Network

Notice is hereby given that the Secretary of State is seeking information or opinions from sources outside of the agency in preparing to propose the adoption of rules regarding mail balloting, statewide voter registration system, uniform commercial code financing statements, agricultural product in-put lien notification statements, and statewide uniform commercial code network.

The Secretary of State requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally to the appropriate address and telephone number listed below.

All statements of information and opinions shall be accepted until further notice. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

The adoption of rules related to mail balloting is authorized by *Laws of 1987*, chapter 212 which permits mail balloting in certain townships and unorganized territories and requires the Secretary of State to adopt rules for the conduct of mail balloting.

Written statements related to mail balloting should be addressed to: Joe Mansky, Election Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is (612) 296-2805.

The adoption of rules related to a statewide voter registration system is authorized by *Laws of 1987*, chapter 361 which requires the Secretary of State to develop, implement, and maintain a statewide computerized voter registration system accessible by each county auditor and to adopt rules to administer the system.

Written statements related to the computerized statewide voter registration system should be addressed to: Tom Durand, Secretary of State, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-9219.

The adoption of rules related to uniform commercial code financing statements is authorized by *Laws of 1985*, chapter 233, Sec. 9 and *Laws of 1985*, chapter 306, Sec. 25 directing the Secretary of State to adopt rules for filing, amending, continuation, termination, removal and destruction of financing statements.

Written statements related to uniform commercial code financing statements should be addressed to: Cheri Mattson, UCC Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-2434.

The adoption of rules related to agricultural production in-put lien notification statements is authorized by *Laws of 1985*, chapter 246, Sec. 7 which requires the Secretary of State to adopt rules for filing, amendment, termination, and removal of lien notification statements.

Written statements related to agricultural production in-put lien notification statements should be addressed to: Cheri Mattson, UCC Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-2434.

The adoption of rules related to a statewide uniform commercial code network is authorized by *Laws of 1987* chapter 356 which requires the Secretary of State to develop, implement and maintain a central data base for uniform commercial code information accessible by each county recorder and to adopt rules for coding collateral and for providing an identification procedure for debtors and secured parties to enhance searching capabilities.

Written statements related to statewide uniform commercial code network should be addressed to: Tom Durand, Secretary of State, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-9219.

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Telephone Assistance Plan, Docket No. P-999/R-87-358

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing a telephone assistance plan. The adoption of the rule is authorized by *Laws of Minnesota 1987*, ch. 340 §§ 13-17 which requires the Commission to develop a telephone assistance plan.

The Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Karin Sonneman
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone: (612) 296-8994

Oral statements will be received during regular business hours, 8:00 a.m. to 12:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until August 28, 1987. Any written materials received by the Commission shall become part of the rulemaking record in the event that the rule is adopted.

Mary Ellen Hennen
Executive Secretary

STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Relating to Mail Ballots

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Secretary's intent to adopt the above-entitled rule was published in the State Register on January 18, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, on January 11th, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

Notice of submission to the attorney general was sent to all who maintain their name on our list for that purpose, pursuant to Minnesota Statutes, section 14.22. No new requests for notice of submission to the attorney general were received.

No submissions or comments on the rule were received during the 30 day period following publication of the proposed rules in the January 18th, 1988 State Register. However, pursuant to comments received from the Kittson County Auditor two changes were incorporated into the proposed rule prior to publication. The first additional language is in 8210.3000, subpart 2, which sets a time frame for revocation of a mail balloting resolution. This is reasonable because it provides adequate time for the county auditor to arrange for the preparation of ballots and be advised of changes in the method of balloting. The second added phrase is in 8210.3000 subpart 5, which provides an 8 p.m. deadline for applying for, receiving and returning absentee ballots. This is reasonable because it assures that persons who move into a precinct on the day of the election will not be disenfranchised as they would be if the provisions of section 203B applying to absentee ballots were applicable to mail balloting. The 8 p.m. deadline is consistent with the provisions of 204B.45, subd. 2. No changes were made between the rule as proposed and the rule as adopted.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as 8210.3000, 8210.3010, and 8210.3015 is adopted this 17th day of February 1988, pursuant to authority vested in me by Minnesota Statutes, section 204B.45.

Joan Anderson Growe

Secretary of State

C8712.123

STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of The Proposed
Adoption of the Rule of the
Secretary of State Governing
Mail Balloting

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26;

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, February 25th, 1988 for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, party 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
(612)296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Jeff Sigurdson
Election Division
Secretary of State
180 State Office Building
St. Paul, MN 55155
(612)296-6011

C8802.47

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Governing Mail Balloting.

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

SANDRA OLSON, being first duly sworn deposes and says:

That on the 25th day of February, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to Attorney General by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have registered their names with the Secretary of State for that purpose.

Sandra Olson

C8802.47.2

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Secretary of State Governing Mail Balloting.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained for the purpose of receiving notice of the submission of rules by the Secretary of State to the Attorney General is accurate and complete as of 9:00 A.M., this 25th day of February, 1988.

Election Procedures Assistant

C8802.47.1

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

In the Matter of the
Adoption of the Rules
of the Secretary of State
Relating to Mail Ballots

DECLARATION OF COUNSEL

I, Peter M. Ackerberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0747.

Peter M. Ackerberg

PETER M. ACKERBERG
Special Assistant
Attorney General

Dated: 2-25-88.

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Secretary of State Governing Mail Balloting.

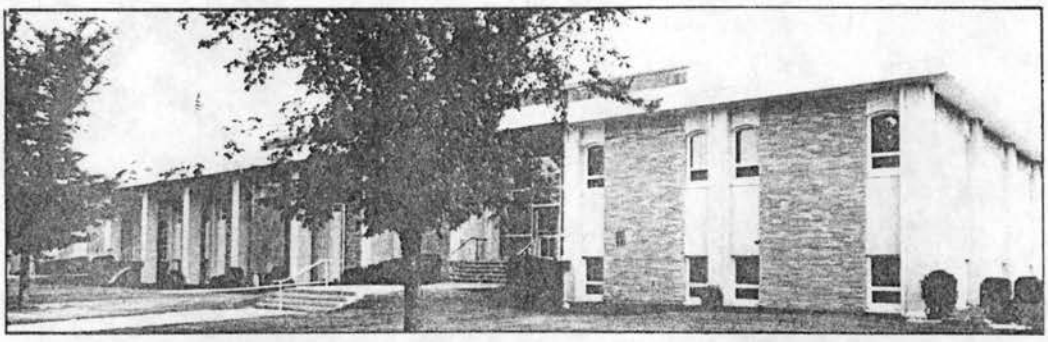
I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained for the purpose of receiving notice of the submission of rules by the Secretary of State to the Attorney General is accurate and complete as of 9:00 A.M., this 25th day of February, 1988.

Election Procedures Assistant

C8802.47.1

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

KITTSON COUNTY



Hallock, Minnesota 56728

Marilyn Gustafson, Deputy I
Kris Nowacki, Deputy II

OFFICE OF
E. W. Johnson
COUNTY AUDITOR
Phone 218 843-2655

Peggy Gjovik, Clerk Typist
Jeanette Seng, Motor Vehicle Clerk

October 22, 1987

RECEIVED
OCT 26 1987
SECRETARY OF STATE
ELECTION DIVISION

The Office of the Secretary of State
Grace Haukoos, Election Division
180 State Office Building
St. Paul, MN 55155

Dear Grace:

I have reviewed the proposed rules relating to mail ballots that I received from you a few days ago and it appears that the proposed rules are quite complete. However, I still do not see anything that provides for an individual moving into a precinct the day before an election and wanting to vote on Election Day. Possibly the provisions for this are something that cannot be written into the rules but require legislation at the next session. Anyway, I think we should make provisions for such cases even though they may be few. Thank you.

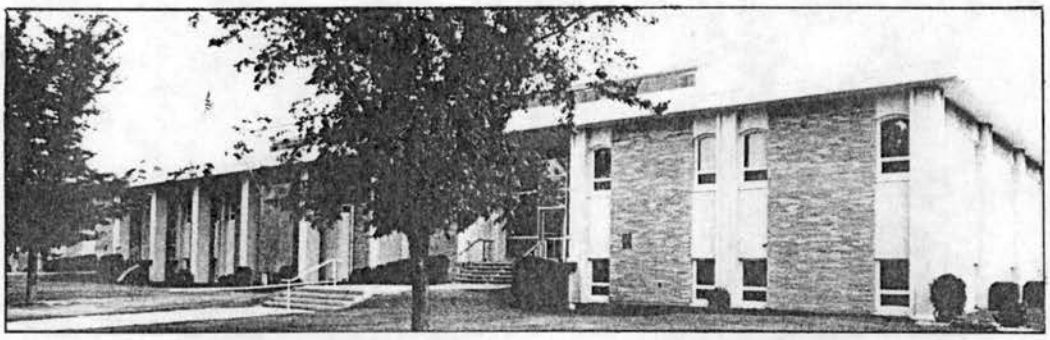
Yours very truly,

E. W. Johnson
Kittson County Auditor

EWJ/pg

cc: Norma Schumacher
MN Association of County Officers
1900 Lamplight Drive
Woodbury, MN 55125

KITTSON COUNTY



Hallock, Minnesota 56728

Marilyn Gustafson, Deputy I
Kris Nowacki, Deputy II

OFFICE OF
E. W. Johnson
COUNTY AUDITOR
Phone 218 843-2655

Peggy Gjovik, Clerk Typist
Jeanette Seng, Motor Vehicle Clerk

November 5, 1987

RECEIVED
NOV - 9 1987
SECRETARY OF STATE
ELECTION DIVISION

MN Secretary of State
Grace Haukoos, Elections Division
180 State Office Building
St. Paul, MN 55155

Dear Grace:

I received your 1988 State Election Calendar, blue sheets, and I believe one important date is missing and that is the date of June 16, which would be the last day, 90 days prior to the Primary Election, for a County Board for unorganized territory or Town Board for organized townships to adopt a resolution that would provide for mail balloting for the Primary Election. And I believe that August 11th would be the 90th day before the General Election, the last day for a resolution for mail balloting at that time if it had not been adopted for the Primary Election.

Regarding the proposed rules for mail balloting, you do include the provision that the decision to go the mail ballot route must be adopted no later than 90 days prior to the 1st election, etc.. You also state that the resolution remains in effect for all subsequent State and County elections until revoked. I believe we should maybe also have a provision that the resolution cannot be revoked fewer than 90 days prior to an election also, as well as a requirement that the County Auditor be notified of the revocation no later than 2 weeks after the adoption of the resolution. As I see it now, a Town Board could revoke the resolution at any time before an election which definately would not give us ample time to provide the necessary supplies for their polling place.

If you have any questions on my thoughts, I would appreciate hearing them from you. Thank you.

Yours very truly,

E. W. Johnson
Kittson County Auditor

cc: Ms. Norma Schumacher
MN Assn. of County Officers

"An Equal Opportunity Employer"

EWJ/pg

JOAN ANDERSON GROWE
Secretary of State
ELAINE VOSS
Deputy Secretary of State

State of Minnesota

OFFICE OF THE SECRETARY OF STATE

St. Paul 55155

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

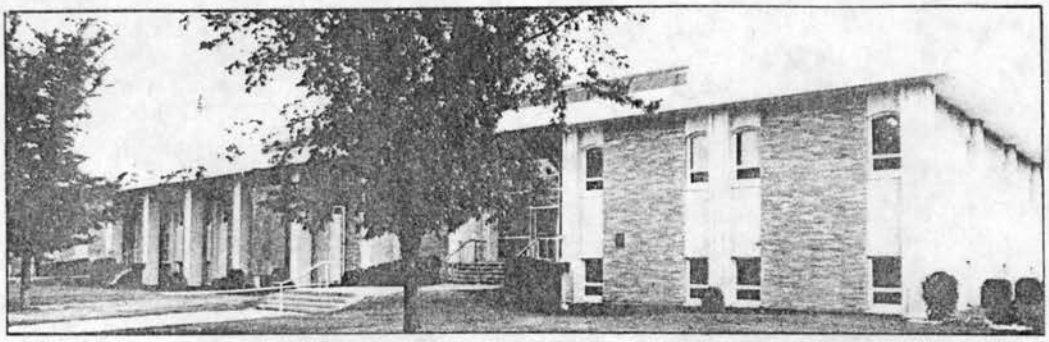
TO: Christie Eller
Office of the Attorney General
515 Transportation Building
St. Paul, MN 55155

FROM: Jeff Sigurdson
Election Division
Secretary of State
296-6011

SUBJECT: MAIL BALLOT RULES, FILE 1430

Enclosed is resubmitted rules on Mail Balloting. The file name given to these rules by your office is 1430. Please note that the Revisors Office has given these rules a new number. Originally refered to as AR1190, they are now labeled AR1265. If you have any questions, please do not hesitate to contact me.

KITTSON COUNTY



Hallock, Minnesota 56728

Marilyn Gustafson, Deputy I
Kris Nowacki, Deputy II

OFFICE OF
E. W. Johnson
COUNTY AUDITOR
Phone 218 843-2655

Peggy Gjovik, Clerk Typist
Jeanette Seng, Motor Vehicle Clerk

September 15, 1987

MN Secretary of State
Grace Haukoos, Election Division
180 State Office Building
St. Paul, MN 55155

Dear Grace:

In my first review of the proposed rule for mail balloting, it appears to me that you have covered everything quite well. However, I do not see anything that address what an individual is to do that was not registered prior to the 21st day before an election and did not apply for absentee ballots but on Election Day decides that he or she wishes to vote, or someone that moves into a precinct the day before the election and wants to vote on Election Day. This, along with the fact that ballots may be returned in person until 8:00 P.M. on the day of election, should maybe be reason enough to put in the rules, under receiving and counting ballots, that "at 8:00 P.M. on Election Day the election judges shall receive from the County Auditor, etc.". At least something should be there that would provide that at 8:00 P.M. the judges would receive any additional ballots that maybe have been returned after they picked up other ballots earlier, if that had been the case.

If you have any comments on this, I would appreciate hearing from you. Thank you.

yours very truly,

E. W. Johnson
Kittson County Auditor

EWJ/pg

cc: Norma Schumacher
MN Association of County Officers
Woodbury, MN 55125

RECEIVED
SEP 17 1987
SECRETARY OF STATE
ELECTION DIVISION

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Secretary of State

Proposed Rules Governing Mail Balloting

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained for the purpose of receiving notice of of the proposed adoption of rules by the Secretary of State is accurate and complete as of 8:00 A.M., this 11th day of January, 1988

Jeff Bryndson

Election Procedures Assistant

C8810.11

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

RULE REVIEW CHECKLIST

File No. 1430
DATE RECEIVED 12/18/87
REVIEW DATE 12/27/87
DUE DATE 1/4/88

APPROVED
DISAPPROVED 12/30
WITHDRAWN

Docket No. 6.0009.0747
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~

7-13-87 Date published in State Register

Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule

✓ Revisor's Certificate not original order for notice of intent signed only State Reg

Notice of Intent to Adopt Rule

2043.45 CONAC Statutory Authority

✓ Small Business Statement

✓ Expenditure of public money statement

no Signature

Statement of Need and Reasonableness

✓ Small Business Statement

n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10-20-87 Date 30/25 days before adoption

✓ Publication in State Register

11-2-87 Date 30/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting

12-9-87 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Peter Ackerberg Name of SAAG representing agency

✓ Notice of Submission to Attorney General

✓ Affidavit of Mailing Notice to Attorney General

Need 1-4-88

notice 206.57 missing copy to Revisor ✓

Not correct form doesn't say comments can be consid must address specific portion

old form aff & cert used

really do not explain the change suggested order doesn't reflect the hearing

One comment received prior to sending out rule & notice of

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : January 4, 1988

TO : JOAN A. GROWE
Secretary of State
Attention: Grace Haukoos
Election Division Director

FROM : CHRISTIE B. ELLER CBE
Assistant Attorney General

PHONE : 6-6555

SUBJECT : Secretary of State Rules Relating to Mail Ballots

The above-captioned rule has not been approved by the Attorney General for the following reasons:

1. The Notice of Intent to Adopt Rule contains the incorrect citation for statutory authority for the rules. The Notice states that the authority for adoption of the rules is Minn. Stat. § 206.57. However, that is the authority to adopt rules for different programs of the Secretary of State. The correct statutory authority appears to be that cited in the Statement of Need and Reasonableness for the rules which is Minn. Stat. § 204B.45. Additionally, I note that we were not furnished with a copy of Notice of Intent to Adopt Rules sent out to individuals. Both the Notice as published in the State Register and the Notice sent out to individuals on the Agency mailing list should be provided to this office for review. See Minn. Rule pt. 2010.0300(A) and (E). I also note that the form of the notice used does not conform to the sample form set forth in Minn. Rule pt. 2010.9915. Accordingly, it does not contain certain required language such as the requirement in Minn. Stat. § 14.22(1) that comment is required. Additionally, while we do not have a copy of the notice mailed to individuals on the mailing list, it is possible that the notice was not signed as required by Minn. Rule pt. 2010.0300E.

For the rule to be approved by the Attorney General, a Notice of Intent to Adopt Rules with the correct citation of statutory authority and in the proper form must be published in the State Register.

2. The Findings of Fact, Conclusions and Order adopting the rules originally submitted did not conform with the format suggested in Minn. Rule pt. 2010.9930 in that they do not contain the required statement that the Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule was mailed and published. Additionally, the Findings do not explain the changes in the rules nor do they explain the reason why the changes are consistent with the standard permitting substantive changes. The Findings submitted on January 4, 1988 is in the proper format.

3. No Notice to Solicit Outside Information was submitted along with the rule. We note that one comment submitted to the Attorney General was dated on September 14, 1987 which was prior to the October 20, 1987 date of mailing Notice of Intent to Adopt Rules and prior to the November 2, 1987 date of publication of the rules in the State Register. The comment indicates that the commentor had reviewed the proposed rule for mail balloting. Minn. Stat. § 14.10 (1986) expressly provides that an agency must publish Notice of Intent to Solicit Outside Information if an agency obtains information or opinions in preparing to propose rules from sources outside the agency. As the commentor in question is the Kittson County Auditor, it would appear that the commentor is indeed outside the agency. A copy of the Notice of Intent to Solicit Outside Opinion was furnished on January 4, 1988.

After agency action, the rule may be resubmitted to the Attorney General for review. To resubmit the rule to the Attorney General, the documents listed in the Attorney General Rule part 2010.0300 must be resubmitted including the following: Opinion. (1) The second Notice of Intent to Adopt the Rule and corresponding affidavits. (2) All comments, requests, or submissions received in response to the Notice of Intent to Adopt the Rule. (3) Revised Findings of Fact, Conclusions and Order Adopting the Rule. Also, please enclose a memorandum specifying that the rule is being resubmitted and refer to our file 1430 so that we may obtain our initial file in this matter. If you have any questions, please do not hesitate to contact me.

CBE:nah
cc: Duane Harves
Maryann Hruby
Craig Lindeke
Sr. Assistant Revisor
Peter Ackerberg

Secretary of State

Adopted Permanent Rules Relating to Mail Ballots

Rules as Adopted

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st

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day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return

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envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot~~, as provided in Minnesota Statutes, sections 203B.04 and 203B.06~~. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the

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voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

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Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the

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following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil

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rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for
filing with the Secretary of State

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State

Adopted Permanent Rules Relating to Mail Ballots

Rules as Adopted

8210.3000 MAIL BALLOTING.

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C. a statement that each voter registered by the 21st

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day before the election will be mailed a ballot;

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E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

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Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

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envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

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voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

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Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

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Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the

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by Revisor _____

following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil

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rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for
filing with the Secretary of State

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State

Adopted Permanent Rules Relating to Mail Ballots

Rules as Adopted

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

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E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

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8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

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a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil

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rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

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by Revisor _____

Secretary of State

Adopted Permanent Rules Relating to Mail Ballots

Rules as Adopted

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st

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day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return

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envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot~~, as provided in Minnesota Statutes, sections 203B.04 and 203B.06~~. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the

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voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

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Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the

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following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil

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rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

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erning the following areas: residency, net and taxable net income, taxation of part year residents and nonresidents, assignability of income, net operating losses, tuition and transportation deduction, basis, fiduciary, partnership and Subchapter S corporation tax computations, returns, audit and review, estimated tax payments and withholding of personal service compensation of nonresidents. The adoption of rules is authorized by *Minnesota Statutes*, section 290.52, which permits the agency to make rules enforcing the provisions of *Minnesota Statutes* chapter 290.

The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Amy Eisenstadt
Legal and Legislative Affairs Division
Minnesota Department of Revenue
P.O. Box 64446
St. Paul, Minnesota 55164

Oral statements will be received during regular business hours over the telephone at (612) 296-1022 and in person at:

Centennial Office Building
2nd Floor
658 Cedar Street
St. Paul, Minnesota

All statements of information and opinions shall be accepted until August 31, 1987. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rules are adopted.

Dated: 20 July 1987

Amy Eisenstadt, Attorney
Legal and Legislative
Affairs Division
Department of Revenue

Secretary of State

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Mail Balloting, Statewide Voter Registration System, Uniform Commercial Code Financing Statements, Agricultural Production In-Put Lien Notification Statements, and Statewide Uniform Commercial Code Network

Notice is hereby given that the Secretary of State is seeking information or opinions from sources outside of the agency in preparing to propose the adoption of rules regarding mail balloting, statewide voter registration system, uniform commercial code financing statements, agricultural product in-put lien notification statements, and statewide uniform commercial code network.

The Secretary of State requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally to the appropriate address and telephone number listed below.

All statements of information and opinions shall be accepted until further notice. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

The adoption of rules related to mail balloting is authorized by *Laws of 1987*, chapter 212 which permits mail balloting in certain townships and unorganized territories and requires the Secretary of State to adopt rules for the conduct of mail balloting.

Written statements related to mail balloting should be addressed to: Joe Mansky, Election Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is (612) 296-2805.

The adoption of rules related to a statewide voter registration system is authorized by *Laws of 1987*, chapter 361 which requires the Secretary of State to develop, implement, and maintain a statewide computerized voter registration system accessible by each county auditor and to adopt rules to administer the system.

Written statements related to the computerized statewide voter registration system should be addressed to: Tom Durand, Secretary of State, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-9219.

The adoption of rules related to uniform commercial code financing statements is authorized by *Laws of 1985*, chapter 233, Sec. 9 and *Laws of 1985*, chapter 306, Sec. 25 directing the Secretary of State to adopt rules for filing, amending, continuation, termination, removal and destruction of financing statements.

Written statements related to uniform commercial code financing statements should be addressed to: Cheri Mattson, UCC Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-2434.

The adoption of rules related to agricultural production in-put lien notification statements is authorized by *Laws of 1985*, chapter 246, Sec. 7 which requires the Secretary of State to adopt rules for filing, amendment, termination, and removal of lien notification statements.

Written statements related to agricultural production in-put lien notification statements should be addressed to: Cheri Mattson, UCC Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-2434.

The adoption of rules related to a statewide uniform commercial code network is authorized by *Laws of 1987* chapter 356 which requires the Secretary of State to develop, implement and maintain a central data base for uniform commercial code information accessible by each county recorder and to adopt rules for coding collateral and for providing an identification procedure for debtors and secured parties to enhance searching capabilities.

Written statements related to statewide uniform commercial code network should be addressed to: Tom Durand, Secretary of State, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-9219.

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Telephone Assistance Plan, Docket No. P-999/R-87-358

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing a telephone assistance plan. The adoption of the rule is authorized by *Laws of Minnesota 1987*, ch. 340 §§ 13-17 which requires the Commission to develop a telephone assistance plan.

The Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Karin Sonneman
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone: (612) 296-8994

Oral statements will be received during regular business hours, 8:00 a.m. to 12:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until August 28, 1987. Any written materials received by the Commission shall become part of the rulemaking record in the event that the rule is adopted.

Mary Ellen Hennen
Executive Secretary

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted

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ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage

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must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot, as provided in Minnesota Statutes, sections 203B.04 and 203B.06. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

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Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of

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the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

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by Revisor _____

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....

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(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for publication
in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted

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ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

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Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage

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by Revisor _____

must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot, as provided in Minnesota Statutes, sections 203B.04 and 203B.06. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

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Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

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Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of

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the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

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Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....

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(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for publication
in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted

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ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

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Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage

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must be affixed to the return envelope.

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Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

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Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

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Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

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the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Approved by Revisor _____

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....

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(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for publication
in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Rules as Proposed (all new material)

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Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

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C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted

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ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

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A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage

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8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

.....
(print or type legal name of voter)

.....
(print or type legal address)

I certify that I am a resident and eligible voter in

.....
(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

....
(date) (legal signature of voter)

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Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

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a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

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Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of .....;
(name of township or territory)
that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....

Approved by Revisor _____

(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Mail Ballots

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for publication
in the State Register

Craig E. Lindeke
Senior Assistant Revisor

STATE OF MINNESOTA

Secretary of State

In the Matter of the Proposed Adoption of Rules of the Secretary of State Relating to Use of Mail Ballots.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 20th day of October, 1987 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all person who have registered their names with the Secretary of State for that purpose and be published in the State Register.

STATE OF MINNESOTA

Secretary of State

C8710.47

In the matter of the Proposed Rules
of the Secretary of State relating
to the use of Mail Ballots.

STATEMENT OF NEED AND REASONABLENESS

The need to adopt parts 8210.3000 to 8210.3015 arises from the requirements of M.S. §204B.45 as found in the Laws of 1987, Chapter 212 which enacted new statutory provisions specifically establishing the use and limits of mail balloting. In particular subd. 3 of M.S. §204B.45 provides for the Secretary of State to adopt rules for: (1) conduct of mail balloting; (2) instructions to voters; (3) challenges to voters; (4) public observation of ballot counting; and (5) safeguarding of ballots to insure the integrity of the election.

Part 8210.3000, subpart 1 integrates the rules of mail balloting with the applicable rules of existing parts 8210.0200 and 8210.2500 for absentee voting. It also specifies the role of county auditor in an unorganized territory using mail balloting.

Subpart 2 is necessary to establish a reasonable time in which to prepare for a mail ballot election and clarify the types of elections at which the statute allows mail balloting to be used.

Subpart 3 is necessary to specify the responsibility and timing for posting or giving notice of mail balloting procedures and the information such a posting or notice must contain. This is reasonable to insure that eligible voters will be aware of the mail balloting and the methods available to take part in the election.

Subpart 4 is necessary to provide ballots to all registered voters in the municipality or unorganized territory, and establish standards to protect the integrity of the mail balloting.

Subpart 5 is necessary to provide the means for nonregistered eligible voters to vote by absentee ballot as authorized by M.S. §203B.04 and M.S. §203B.06.

Subpart 6 is necessary to meet the contingency of eligible voters who receive damaged ballots or no ballot at all.

Subpart 7 is necessary to specify the procedures and responsibilities of the auditor or municipal clerk when ballots are returned by the postal service as undeliverable.

Subpart 8 is necessary to define the methods acceptable for ballot return.

Subpart 9 is necessary to ensure that adequate facilities, election judges and public observation facilities are available for the counting of mail ballots.

Subpart 10 is necessary to provide standards to insure the proper handling of the ballots as they are received and to specify the time and method for the counting of mail ballots.

Subpart 11 is necessary to provide for challengers as provided for in M.S. §204C.07 and for challenges as provided in M.S. §204C.13, subd. 6.

Subpart 12 is necessary to define the basis for determining the costs of mailing a list of items included under mail balloting costs that the statute requires the municipality to bear.

Parts 8210.3005, 8210.3010 and 8210.3015 are necessary to provide replacement ballot affidavits, instructions to mail voters, and mail voter's certificates

as required in part 8210.3000. These parts are reasonable to provide standard forms to ensure accurate instructions, and documentation of voter eligibility.

Pursuant to M.S. §14.11, subd. 1, the adoption of mail balloting by the governing body of the county or municipality is optional and, as a result, there are no obligatory costs to local governments for two years immediately following the adoption of these rules. The proposed rules have no impact on agricultural land in the state pursuant to M.S. §14.11, subd. 2. Further the adoption of these rules do not directly affect small businesses pursuant to M.S. §14.115, subd. 7.

C8709.97

In the Matter of the Proposed Adoption
of the Rules of the State Governing
Use of Mail Ballots.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Williamilia Behrends, being first duly sworn deposes and says:

That on the 20th day of October, 1987 at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Secretary of State for the purpose of receiving notice of the proposed adoption of rules by the Secretary of State.

C8710.45

JOSEPH [illegible]
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

Subp. 3. **Forfeiture of bond.** If the secretary of state determines that a vendor has offered for sale or use at an election a voting machine or system in a manner other than that required by parts 8220.0050 to 8230.4450 or any conditions under which the machine or system was certified, the bond required by subpart 1, item E, must be forfeited. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. No machine or system may be subsequently offered for sale or use at any election until the vendor has submitted an additional bond in the amount of $5,000. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

8220.0800 PROGRAM PREPARATION BONDS.

Subpart 1. **Amount of bonds.** Each vendor preparing programs for use with an electronic voting system shall deposit a bond with the secretary of state in the amount of $5,000. The form of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the machine, system, or program is discontinued in Minnesota.

Subp. 2. **Forfeiture of bonds.** If the secretary of state determines that a program used with an electronic voting system was not prepared in the manner required by parts 8220.0050 to 8230.4450 and the written instructions of the official responsible for preparation of the ballots, all or part of the bond required in subpart 1 may be forfeited. The secretary of state shall determine if all or part of the bond must be used to compensate the election jurisdiction for any actual costs incurred as a result of the improper program. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. At the discretion of the secretary of state, the bond posted by the vendor as required by part 8220.0650 may also be used for compensation to the election jurisdiction. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

Secretary of State

Proposed Permanent Rules Relating to Mail Ballots

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Secretary of State proposes to adopt the above-entitled rules without a public hearing. The Secretary has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.21 to 14.28.

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 Election Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the Secretary of State will proceed according to the provisions of *Minnesota Statutes*, section 14.13 to 14.18.

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

Grace Haukoos
Election Division Director
180 State Office Building
St. Paul, MN 55155-1299
(612) 296-9217

204B.45

Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 206.57. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Election Division upon request.

You are advised, pursuant to *Minnesota Statutes*, section 14.115 "Small business consideration in rulemaking", that the proposed

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rules will not have an impact on small business in Minnesota. Also, pursuant to *Minnesota Statutes*, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor will the adoption of these rules result in additional spending by local public bodies in excess of $100,000 per year, for the first two years following the adoption of these rules within the meaning of that law.

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 the Election Division.

The rules proposed for adoption are as follows:

Rules as Proposed (all new material)

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. **Notice.** The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot, as provided in Minnesota Statutes, sections 203B.04 and 203B.06. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot

may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. **Receiving and counting ballots.** On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

. . . . . .

(print or type legal name of voter)

. . . . . .

(print or type legal address)

I certify that I am a resident and eligible voter in

. . . . . .

(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

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I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both

....
(date) (legal signature of voter)

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

a. any eligible voter of the county where you reside;

b. a notary public;

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

d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

.....
(print or type legal name of voter)

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

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of

.....
(name of township or territory)

that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

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

....
(date) (legal signature of witness)

.....
(print or type name of witness)

.....
(legal address if witness is an eligible voter)

OR

.....
(official title is witness is an official)

Department of Commerce

Proposed Permanent Rules Relating to Petroleum Tank Release Compensation Board

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Petroleum Tank Release Compensation Board intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. The statutory authority to adopt the rule is *Minnesota Statutes* § 115C.07 subd. 3.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Heidi Almquist
Executive Director
Petroleum Tank Release Compensation Board
500 Metro Square Building
St. Paul, MN 55101
(612) 297-3238

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Heidi Almquist.

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of

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STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Relating to Mail Ballots

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Secretary's intent to adopt the above-entitled rule was published in the State Register on November 2, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on October 20th, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No requests for notice of submission to the attorney general were received by the agency.

Pursuant to the comments received from the Kittson County Auditor, two changes were made between the rule as proposed and the rule as adopted. The

first additional language is in 8210.3000, subpart 2, which sets a time frame for revocation of a mail balloting resolution. This is reasonable because it provides adequate time for the county auditor to arrange for the preparation of ballots and be advised of changes in the method of balloting. The second added phrase is in 8210.3000 subpart 5, which provides an 8 p.m. deadline for applying for, receiving and returning absentee ballots. This is reasonable because it assumes that persons who move into a precinct on the day of the election will not be disenfranchised as they would be if the provisions of section 203B applying to absentee ballots were applicable to mail balloting. The 8 p.m. deadline is consistent with the provisions of 204B.45, subd. 2 (Supp. 1987). As defined by attorney general rules, part 2010.1000, item D the changes are not substantial as they do not affect a new class of people, introduce significant new subject matter, or raise issues that would cause new reactions to the rules.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as 8210.3000, 8210.3010, and 8210.3015 is adopted this 9th day of December 1987, pursuant to authority vested in me Minnesota Statutes, section 204B.45.

Joan A. Growe

Secretary of State

C8712.123

erning the following areas: residency, net and taxable net income, taxation of part year residents and nonresidents, assignability of income, net operating losses, tuition and transportation deduction, basis, fiduciary, partnership and Subchapter S corporation tax computations, returns, audit and review, estimated tax payments and withholding of personal service compensation of nonresidents. The adoption of rules is authorized by *Minnesota Statutes*, section 290.52, which permits the agency to make rules enforcing the provisions of *Minnesota Statutes* chapter 290.

The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Amy Eisenstadt
Legal and Legislative Affairs Division
Minnesota Department of Revenue
P.O. Box 64446
St. Paul, Minnesota 55164

Oral statements will be received during regular business hours over the telephone at (612) 296-1022 and in person at:

Centennial Office Building
2nd Floor
658 Cedar Street
St. Paul, Minnesota

All statements of information and opinions shall be accepted until August 31, 1987. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rules are adopted.

Dated: 20 July 1987

Amy Eisenstadt, Attorney
Legal and Legislative
Affairs Division
Department of Revenue

Secretary of State

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Mail Balloting, Statewide Voter Registration System, Uniform Commercial Code Financing Statements, Agricultural Production In-Put Lien Notification Statements, and Statewide Uniform Commercial Code Network

Notice is hereby given that the Secretary of State is seeking information or opinions from sources outside of the agency in preparing to propose the adoption of rules regarding mail balloting, statewide voter registration system, uniform commercial code financing statements, agricultural product in-put lien notification statements, and statewide uniform commercial code network.

The Secretary of State requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally to the appropriate address and telephone number listed below.

All statements of information and opinions shall be accepted until further notice. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

The adoption of rules related to mail balloting is authorized by *Laws of 1987*, chapter 212 which permits mail balloting in certain townships and unorganized territories and requires the Secretary of State to adopt rules for the conduct of mail balloting.

Written statements related to mail balloting should be addressed to: Joe Mansky, Election Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is (612) 296-2805.

The adoption of rules related to a statewide voter registration system is authorized by *Laws of 1987*, chapter 361 which requires the Secretary of State to develop, implement, and maintain a statewide computerized voter registration system accessible by each county auditor and to adopt rules to administer the system.

Written statements related to the computerized statewide voter registration system should be addressed to: Tom Durand, Secretary of State, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-9219.

The adoption of rules related to uniform commercial code financing statements is authorized by *Laws of 1985*, chapter 233, Sec. 9 and *Laws of 1985*, chapter 306, Sec. 25 directing the Secretary of State to adopt rules for filing, amending, continuation, termination, removal and destruction of financing statements.

Written statements related to uniform commercial code financing statements should be addressed to: Cheri Mattson, UCC Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-2434.

The adoption of rules related to agricultural production in-put lien notification statements is authorized by *Laws of 1985*, chapter 246, Sec. 7 which requires the Secretary of State to adopt rules for filing, amendment, termination, and removal of lien notification statements.

Written statements related to agricultural production in-put lien notification statements should be addressed to: Cheri Mattson, UCC Division, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-2434.

The adoption of rules related to a statewide uniform commercial code network is authorized by *Laws of 1987* chapter 356 which requires the Secretary of State to develop, implement and maintain a central data base for uniform commercial code information accessible by each county recorder and to adopt rules for coding collateral and for providing an identification procedure for debtors and secured parties to enhance searching capabilities.

Written statements related to statewide uniform commercial code network should be addressed to: Tom Durand, Secretary of State, 180 State Office Bldg., St. Paul, MN 55155.

The telephone number for oral statements is 612: 296-9219.

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Telephone Assistance Plan, Docket No. P-999/R-87-358

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing a telephone assistance plan. The adoption of the rule is authorized by *Laws of Minnesota 1987*, ch. 340 §§ 13-17 which requires the Commission to develop a telephone assistance plan.

The Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Karin Sonneman
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone: (612) 296-8994

Oral statements will be received during regular business hours, 8:00 a.m. to 12:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until August 28, 1987. Any written materials received by the Commission shall become part of the rulemaking record in the event that the rule is adopted.

Mary Ellen Hennen
Executive Secretary

KITTSON COUNTY



Hallock, Minnesota 56728

Marilyn Gustafson, Deputy I
Kris Nowacki, Deputy II

OFFICE OF
E. W. Johnson
COUNTY AUDITOR
Phone 218 843-2655

Peggy Gjovik, Clerk Typist
Jeanette Seng, Motor Vehicle Clerk

September 15, 1987

MN Secretary of State
Grace Haukoos, Election Division
180 State Office Building
St. Paul, MN 55155

Dear Grace:

In my first review of the proposed rule for mail balloting, it appears to me that you have covered everything quite well. However, I do not see anything that address what an individual is to do that was not registered prior to the 21st day before an election and did not apply for absentee ballots but on Election Day decides that he or she wishes to vote, or someone that moves into a precinct the day before the election and wants to vote on Election Day. This, along with the fact that ballots may be returned in person until 8:00 P.M. on the day of election, should maybe be reason enough to put in the rules, under receiving and counting ballots, that "at 8:00 P.M. on Election Day the election judges shall receive from the County Auditor, etc.". At least something should be there that would provide that at 8:00 P.M. the judges would receive any additional ballots that maybe have been returned after they picked up other ballots earlier, if that had been the case.

If you have any comments on this, I would appreciate hearing from you. Thank you.

yours very truly,

E. W. Johnson
Kittson County Auditor

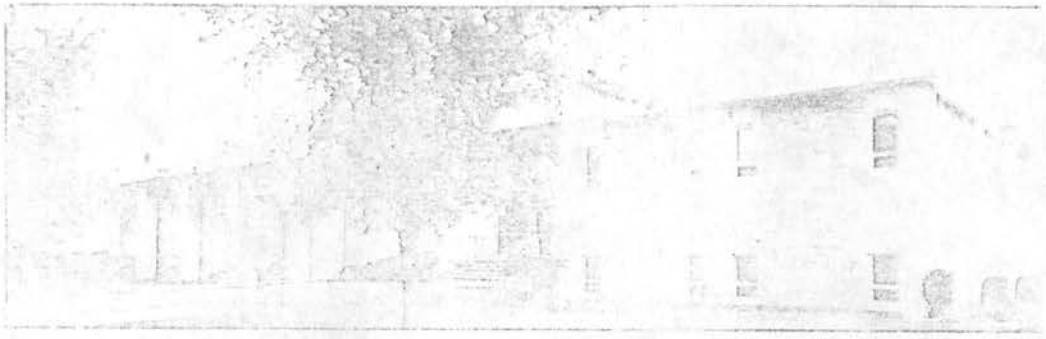
RECEIVED
SEP 17 1987
SECRETARY OF STATE
ELECTION DIVISION

EWJ/pg

cc: Norma Schumacher
MN Association of County Officers
Woodbury, MN 55125

"An Equal Opportunity Employer"

KITTSON COUNTY



Hallock, Minnesota 56728

Marilyn Gustafson, Deputy I
Kris Nowacki, Deputy II

OFFICE OF
E. W. Johnson
COUNTY AUDITOR
Phone 218 843-2655

Peggy Gjovik, Clerk Typist
Jeanette Seng, Motor Vehicle Clerk

October 22, 1987

RECEIVED
OCT 26 1987
SECRETARY OF STATE
ELECTION DIVISION

The Office of the Secretary of State
Grace Haukoos, Election Division
180 State Office Building
St. Paul, MN 55155

Dear Grace:

I have reviewed the proposed rules relating to mail ballots that I received from you a few days ago and it appears that the proposed rules are quite complete. However, I still do not see anything that provides for an individual moving into a precinct the day before an election and wanting to vote on Election Day. Possibly the provisions for this are something that cannot be written into the rules but require legislation at the next session. Anyway, I think we should make provisions for such cases even though they may be few. Thank you.

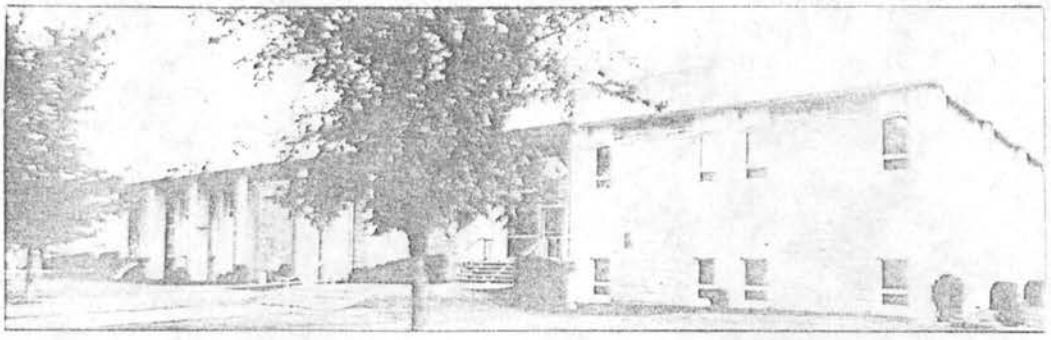
Yours very truly,

E. W. Johnson
Kittson County Auditor

EWJ/pg

cc: Norma Schumacher
MN Association of County Officers
1900 Lamplight Drive
Woodbury, MN 55125

KITTSON COUNTY



Hallock, Minnesota 56728

Marilyn Gustafson, Deputy I
Kris Nowacki, Deputy II

OFFICE OF
E. W. Johnson
COUNTY AUDITOR
Phone 218 843-2655

Peggy Gjovik, Clerk Typist
Jeanette Seng, Motor Vehicle Clerk

November 5, 1987

RECEIVED
NOV - 9 1987
SECRETARY OF STATE
ELECTION DIVISION

MN Secretary of State
Grace Haukoos, Elections Division
180 State Office Building
St. Paul, MN 55155

Dear Grace:

I received your 1988 State Election Calendar, blue sheets, and I believe one important date is missing and that is the date of June 16, which would be the last day, 90 days prior to the Primary Election, for a County Board for unorganized territory or Town Board for organized townships to adopt a resolution that would provide for mail balloting for the Primary Election. And I believe that August 11th would be the 90th day before the General Election, the last day for a resolution for mail balloting at that time if it had not been adopted for the Primary Election.

Regarding the proposed rules for mail balloting, you do include the provision that the decision to go the mail ballot route must be adopted no later than 90 days prior to the 1st election, etc.. You also state that the resolution remains in effect for all subsequent State and County elections until revoked. I believe we should maybe also have a provision that the resolution cannot be revoked fewer than 90 days prior to an election also, as well as a requirement that the County Auditor be notified of the revocation no later than 2 weeks after the adoption of the resolution. As I see it now, a Town Board could revoke the resolution at any time before an election which definately would not give us ample time to provide the necessary supplies for their polling place.

If you have any questions on my thoughts, I would appreciate hearing them from you. Thank you.

Yours very truly,

E. W. Johnson
Kittson County Auditor

cc: Ms. Norma Schumacher
MN Assn. of County Officers

STATE OF MINNESOTA

In the Matter of the Proposed Adoption
of Rules of the Secretary of State
Relating to Use of Mail Ballots.

FINDINGS OF FACT
CONCLUSIONS, AND ORDER ADOPTING
RULE WITHOUT PUBLIC HEARING

Notice of the Secretary's intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 2, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on October 20, 1987. All interested and affected persons were afforded an opportunity to submit comments for 30 days after notice. No requests for a public hearing were received within the 30-day comment period. After reviewing and considering the comments, two clarifications of procedure were incorporated into the adopted rule. As defined by attorney general rules, part 2010.1000, item D the changes are not substantial as they do not effect a new class of people, introduce significant new subject matter, or raise issues that would cause reaction.

The above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as parts 8210.3000, 8210.3010, and 8210.3015 are adopted this 9th day of December, 1987 pursuant to authority vested in me by Minnesota Statutes, section 206.57.

Joan Anderson Growe
Secretary of State

C8712.70

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Secretary of State

Proposed Rules Relating to Use of Mail Ballots

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained for the purpose of receiving notice of of the proposed adoption of rules by the Secretary of State is accurate and complete as of 1:00 A.M., this 20th day of October, 1987.

Jeffrey Sigurdson

Election Procedures Assistant

C8710.60

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

STATE OF MINNESOTA

In the Matter of the Proposed Adoption
of Rules of the Secretary of State
Relating to Use of Mail Ballots.

ORDER ADOPTING RULES

Notice of the Secretary's intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 2, 1987 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on October 20, 1987. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than twenty-five written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as parts 8210.3000, 8210.3010, and 8210.3015 are adopted this 9th day of December, 1987 pursuant to authority vested in me by Minnesota Statutes, section 206.57.

Joan A. Growe

Secretary of State

C8712.44

STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of the Proposed Adoption
of Rules of the Secretary of State
Relating to Use of Mail Ballots

NOTICE OF SUBMISSION TO THE
ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.05 to 14.36:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, December 10, 1987, for review as to form and legality. Pursuant to part 2000.0700, subpart 2, the Attorney General will not approve the rules for eight calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, 515 Transportation Bldg., St. Paul, MN 55155, telephone (612)296-8954. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

Based on comments received two clarifications of procedures were incorporated into the proposed rule after publication in the State Register. They are found in subparts 2 and 5. Pursuant to Minnesota Statute 14.24 this office does not consider the modifications substantial, and believe they will facilitate the Mail Ballot procedure.

C8712.41

In the Matter of the Adoption
of the Rule of the Secretary of State
Relating to Use of Mail Ballots

DECLARATION
OF COUNSEL

I, PETER M. ACKERBERG, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0747.

Dated: December 14, 1987.

Peter M. Ackerberg

PETER M. ACKERBERG
Special Assistant Attorney General

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the Secretary of State Relating to Use of Mail Ballots.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained for the purpose of receiving notice of the submission of rules by the Secretary of State to the Attorney General is accurate and complete as of 8:00 A.M., this 10th day of December, 1987.

Election Procedures Assistant

C8712.43

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Relating to Use of Mail Ballots.

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Williamina Behrends, being first duly sworn deposes and says:

That on the 10th day of December, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to Attorney General by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have registered their names with the Secretary of State for that purpose.

Williamina Behrends

C8712.42

JOSEPH MANSKY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES JUNE 12, 1991

Joseph Mansky