

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1458
DATE RECEIVED 3/09/88
REVIEW DATE 3/18/88
DUE DATE 3/23/88

APPROVED X 3/21/88 gal
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0747
ADOPTED W/O HEARING ✓
EMERGENCY RULE

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

✓ Rule as adopted (4 copies)
— Notice to Solicit Outside Information/Opinion
Date published in State Register
Comments
— Petition for Adoption of a Rule
— Board's Authorizing Resolution
✓ Proposed rule
✓ Revisor's Certificate
✓ Notice of Intent to Adopt Rule
204C.36(1), 206.57, 201.022, 201.221, 204B.25, Statutory Authority
✓ Small Business Statement
✓ Expenditure of public money statement
✓ Signature
✓ Statement of Need and Reasonableness
Small Business Statement
Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
11/26/87 Date 30/25 days before adoption
✓ Publication in State Register
2/1/88 Date 30/25 days before adoption
— Resolution Adopting
✓ Findings of Fact, Conclusions & Order Adopting
3/3/88 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

gal

ATTORNEY GENERAL

March 28, 1988

PETER M. ACKERBERG
Special Assistant
Attorney General

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training

The above-referenced rule has been approved as to its legality by the Attorney General on March 21, 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 publish 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 Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training

Rules as Adopted

COUNTY AUDITOR'S DUTIES

8200.0300 DELEGATION OF DUTIES.

The county auditor may delegate to municipal officials all duties assigned to the county auditor by chapter 8200 and by Minnesota Statutes, chapter 201, except the preparation and distribution of lists of registered voters and the duties assigned to the county auditor by parts 8200.8100 to 8200.8300. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of the duty to accept voter registrations.

8200.0400 FILING RULES WITH SECRETARY OF STATE.

If a county auditor adopts rules for the delegation of assigned voter registration duties under part 8200.0300, the auditor shall file a copy of the rules with the secretary of state no later than five working days before the effective date of the rules.

8200.0700 MAINTENANCE OF VOTER REGISTRATION FILE.

Voter registration files must be maintained by street address or alphabetically by voter's last name. Whichever system of arrangement is used, it must be used consistently throughout the political subdivision.

8200.0800 DELIVERY OF VOTER REGISTRATION RECORDS FOR ELECTIONS.

The county auditor shall provide for the transportation of the necessary voter registration records to the precinct polling place on election day. The auditor shall prescribe procedures to ensure the safety of the voter registration records and their timely delivery at the precinct polling place on election day.

The auditor shall maintain the dignity and integrity of the voting system.

VOTER REGISTRATION CARDS

8200.1100 PRINTING SPECIFICATIONS.

Voter registration cards printed for the purpose of distribution and mailing must be printed pursuant to items A to E.

A. The size must be six inches by 8-3/4 inches, including a three-fourths inch stub.

B. The paper must be at least 100-pound white offset.

C. Red ink must be used on the card for printing the X's and the following words: "Name," "Township or City of Legal Residence," "Complete Address of Legal Residence," "Date of Birth," "Address of Your Last Registration or Check if NONE," and "Legal Signature of Voter." The certification must also be printed in red ink on the card. The remainder of the form must be printed in blue ink. The secretary of state may approve alternate forms of voter registration cards to be attached to or included in tax booklets and forms used by state agencies if the forms contain the information required in Minnesota Statutes, section 201.071.

D. The card must have two 1/16-inch perforations that result in the two equal-sized six-inch by four-inch cards.

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

8200.1200 REGISTRATION CARD; FORMAT.

Subpart 1. **Form.** The voter registration card must be in the form shown in part 8200.9910.

Subp. 2. **Box for office use only.** In the upper right-hand corner of the card there must be a box marked for "office use only" which contains "W __," "P __," and "S.D. No. __." These initials stand for "ward," "precinct," and "school district." Other information may also be included. Judges of election shall record the type of election day voter registration proof

and its number, if any, in the "office use only" box.

8200.1500 REVERSE SIDE.

Subpart 1. **Required format.** The reverse side of the registration card must be in the form in subpart 2.

Subp. 2. **Form of reverse side of registration card.**

Post office will not deliver without first class postage

RETURN TO:
(here the county auditor shall supply the address)

8200.1700 PRINTING AND DISTRIBUTING REGISTRATION CARDS.

Each county auditor shall have printed and shall maintain an adequate number of voter registration cards in compliance with chapter 8200 and Minnesota Statutes, chapter 201. An election official who causes voter registration cards to be printed shall print the cards in a form prescribed by chapter 8200 and Minnesota Statutes, chapter 201. The auditor shall provide voter registration cards to any person or group who requests a reasonable number of cards for the purpose of distribution. In those areas having preelection day registration, the auditor shall encourage preelection day registration by making registration cards available to persons and groups for distribution.

8200.2100 DUTIES OF AUDITOR.

Each county auditor shall designate a number of public buildings within the county where persons may obtain, complete, and deposit registration cards. The county auditor or a designee shall be on duty in the designated building and the person on duty shall transmit completed registration cards, or a record of them if the county auditor does not maintain the registration file, within two working days after receipt to the county auditor.

8200.2200 BUILDINGS FOR REGISTRATION.

Each political subdivision shall have at least one building where voter registration cards may be obtained and deposited, for every 30,000 residents of the political subdivision. The

auditor may designate more buildings than are required by law.

NOTIFICATIONS

8200.2600 PROPERLY COMPLETED REGISTRATIONS.

If a county auditor determines that a registration card is not faulty or defective, the auditor shall file the card and enter the registration on the state registration system. The county auditor shall maintain the file in an orderly manner. The county auditor shall have a card notice mailed to each newly registered voter indicating the voter's name, address, precinct, and polling place. The card must require that it be returned if not deliverable.

8200.2800 REGISTRATIONS RECEIVED FEWER THAN 20 DAYS BEFORE ELECTION.

When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that the applicant must register on election day to vote at the upcoming election. Included in this notification must be information to the voters concerning the manner in which they may register to vote on election day at the polls. In the notice to the applicant the auditor shall explain that the registration card received by the auditor makes the applicant an eligible voter at the next election following the upcoming election.

8200.3700 REMOVAL OF CARDS FROM REGISTRATION FILES.

If a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered in another county or state, the county auditor may notify the person whose card is to be removed of the removal and the reason for the removal in writing. The cards removed must be maintained in separate files for one year.

8200.3800 EMERGENCY VOTING CARD.

Subpart 1. **When required.** If a voter who has registered prior to an election day is challenged because the voter's name does not appear in the duplicate registration file of the

precinct in which he or she desires to vote, the voter may register on that election day by following the election day registration procedures in parts 8200.1100 to 8200.9300 and 8220.0300 to 8220.4800. Or, if it appears upon examination that the voter's name was erroneously omitted from the file, the voter must be permitted to vote in the precinct after completing the required name and address information and signing the oath on the precinct election list. The judges shall note on the list that the voter was permitted to vote pursuant to instructions from the county auditor and two judges shall initial the entry.

Subp. 2. [See Repealer.]

8200.5100 REGISTRATION AT PRECINCT ONLY.

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the polling place of the precinct in which the person resides in areas with voter registration. To register on election day a person must complete and sign the registration card and provide proof of residence. A person may prove residence on election day only (1) by presenting (i) a valid Minnesota driver's license, learner's permit, or a receipt for either that contains the voter's valid address in the precinct; (ii) a valid Minnesota identification card issued by the Minnesota Department of Public Safety or a receipt for the identification card that contains the voter's valid address in the precinct; or (iii) a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct; (2) by having a valid registration in the same precinct under a different address; (3) by presenting an "ineffective registration notice" mailed by the county auditor or municipal clerk; or (4) by having a person who is registered to vote in the precinct and knows the applicant is

a resident of the precinct sign the oath in part 8200.9939.

The oath in (4) must be attached to the voter registration card until the address of the applicant is verified by the county auditor. The oath must be printed on a four-inch by six-inch card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

Subp. 2. [Unchanged.]

8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION CARD.

When a voter uses a Minnesota driver's license, learner's permit, or Minnesota identification card to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of the registration card.

8200.9910 VOTER REGISTRATION CARD, SPECIFIED IN PART 8200.1200, SUBPART 1.

VOTER REGISTRATION CARD. Type or print in ink.

X Name_____ W_____P_____
Last First Middle S.D. No. _____
OFFICE USE ONLY
X Township or City of Legal Residence_____/_____/_____ Election Day Voter Registration Proof
Township or City County
___Driver's License
X Complete Address of Legal Residence (include street or rural mail route address) ___Minn. I.D. Card
___Witness
___Prior Registration
___Ineffective Notice
___Student I.D.
_____ _____
House No. and Street or Rural Rte. No. (Number if applicable)
_____
Apt. No. or Rural Box No. City Zip
X Date of Birth_____/_____/_____ Telephone No. _____
Month Day Year
X Address of Your Last Registration or _____ Check if NONE _____
House No./Street Name or Rte./Box No. Apt No.
_____
City or Township County State Zip
Previous Name (If changed since last registration)_____

CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

I certify that I will be at least 18 years old on election day and that I am a citizen of the United States, reside at the address shown above and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under

guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both.

____/____/____ _____
Date X Legal Signature of Voter
Also sign the blue card.

8200.9919 FORM FOR VOTER REGISTRATION INSTRUCTIONS, SPECIFIED BY PART 8200.1400.

Instructions for Voter Registration

Read Carefully Before Registering

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

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

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

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

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

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

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

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

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

9. Date and sign the card with your legal written signature.

10. Review the card to determine that it is correctly completed.

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

a. is 18 years of age or older;

b. is a citizen of the United States; and

c. has resided in Minnesota for 20 days.

The following persons are not eligible voters:

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

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

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

ASSISTANCE TO HANDICAPPED VOTERS

Call your county auditor or city clerk if you need information about registration or voting assistance for elderly and handicapped individuals or residents of health care facilities or hospitals. Registration and absentee instructions can be made available in large type, in Braille, or on cassette tape.

8220.1950 DUPLICATE PROGRAM TO SECRETARY OF STATE.

When state offices and questions are to be voted on, the person preparing the computer program shall deliver an exact duplicate or an exact electronic equivalent of the program to the secretary of state at least three days prior to the election. The program must be sealed so that it cannot be opened without breaking the seal. Attached to the exterior of the sealed program must be a certificate signed by the person who prepared the program naming the election jurisdiction for which the program was prepared and stating that the program is an exact duplicate of the program provided to the election jurisdiction and that the program was prepared in accordance with Minnesota statutes and parts 8220.0050 to 8230.4250 and the instructions of the election jurisdiction requesting the program.

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county

auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8240.2400 TRAINING PLAN.

Each training authority shall submit a training plan to the secretary of state by August 1 of each general election year.

The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the basic training course, review course, emergency training course, and any health care facility absentee voting course.

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

The training plan shall be subject to approval by the secretary of state, who shall approve the plan if it conforms to applicable state statutes and these rules.

If there is no change in the approved training plan on file with the secretary of state, the training authority need not submit a new training plan until a change occurs.

REPEALER. Minnesota Rules, parts 8200.1300; 8200.1600; 8200.3800, subpart 2; 8200.9916; 8200.9922; and 8200.9925, are

repealed.

APPROVED AS TO FORM AND LEGALITY

March 21 1988

HUBERT [illegible], III
ATTORNEY GENERAL

BY Julie A Joseph
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 21 1988

Joan Anderson Growe
Secretary of State

4:10 P.M.

Secretary of State

Proposed Permanent Rules Relating to Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training

Rules as Proposed

COUNTY AUDITOR'S DUTIES

8200.0300 DELEGATION OF DUTIES.

The county auditor may delegate to municipal officials all duties assigned to ~~him~~ the county auditor by ~~these rules~~ chapter 8200 and by Minnesota Statutes, chapter 201, except the preparation and distribution of lists of registered voters and the duties assigned to ~~him~~ the county auditor by parts 8200.8100 to 8200.8300. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of ~~his~~ the duty to accept voter registrations.

8200.0400 FILING RULES WITH SECRETARY OF STATE.

~~Whenever~~ If a county auditor adopts rules for the delegation of assigned voter registration duties ~~assigned to him~~ under part 8200.0300, the auditor shall file a copy of the rules with the secretary of state no later than five working days before the effective date of the rules.

8200.0700 MAINTENANCE OF ~~DUPLICATE~~ VOTER REGISTRATION FILE.

~~Duplicate~~ Voter registration files ~~shall~~ must be maintained by street address or alphabetically by voter's last name. Whichever system of arrangement is used, it ~~shall~~ must be used consistently throughout the political subdivision.

8200.0800 DELIVERY OF ~~DUPLICATE FILE~~ VOTER REGISTRATION RECORDS FOR ELECTIONS.

The county auditor shall provide for the transportation of the ~~duplicate~~ necessary voter registration ~~file~~ records to the precinct polling place on election day. The auditor shall

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prescribe procedures ~~which will~~ to ensure the safety of the voter registration records and their timely delivery at the precinct polling place on election day. ~~It shall be the duty of~~ The auditor ~~to~~ shall maintain the dignity and integrity of the voting system.

VOTER REGISTRATION CARDS

8200.1100 PRINTING SPECIFICATIONS.

Voter registration cards printed for the purpose of distribution and mailing must be printed pursuant to items A to ~~F~~ E.

A. The size must be six inches by ~~12-3/4~~ 8-3/4 inches, including a three-fourths inch stub.

B. The paper must be at least 100-pound white offset.

C. Red ink must be used on the ~~original~~ card for printing the X's and the following words: "Name," "Township or City of Legal Residence," "Complete Address of Legal Residence," "Date of Birth," "Address of Your Last Registration or Check if NONE," and "Legal Signature of Voter." The certification must also be printed in red ink on the ~~original~~ card. ~~The X and the words "Legal Signature of Voter" on the duplicate card must be printed in red ink.~~ The remainder of the form must be printed in blue ink. The secretary of state may approve alternate forms of voter registration cards to be attached to or included in tax booklets and forms used by state agencies if the forms contain the information required in Minnesota Statutes, section 201.071.

D. ~~The duplicate card must have a light blue screen.~~

~~E.~~ The card must have ~~three~~ two 1/16-inch perforations that result in the ~~three~~ two equal-sized six-inch by four-inch cards.

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

8200.1200 ~~ORIGINAL~~ REGISTRATION CARD; FORMAT.

Subpart 1. **Form.** The ~~original~~ voter registration card must be in the form shown in part 8200.9910.

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Subp. 2. **Box for office use only.** In the upper right-hand corner of the card there must be a box marked for "office use only" which contains "W __," "P __," and "S.D. No. __." These initials stand for "ward," "precinct," and "school district." Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the "office use only" box.

8200.1500 REVERSE SIDE.

Subpart 1. **Required format.** The reverse side of the ~~original (white)~~ registration card ~~shall~~ must be in the form in subpart 2.

Subp. 2. **Form of reverse side of registration card.**

Post office will not deliver without first class postage

RETURN TO:
(here the county auditor shall supply the address)

8200.1700 PRINTING AND DISTRIBUTING REGISTRATION CARDS.

Each county auditor ~~in each county with voter registration~~ shall ~~cause to be~~ have printed and shall maintain an adequate number of voter registration cards in compliance with chapter 8200 and Minnesota Statutes, chapter 201 ~~and these rules~~. ~~Any~~ An election official who causes voter registration cards to be printed shall print the cards in a form prescribed by chapter 8200 and Minnesota Statutes, chapter 201 ~~and these rules~~. The auditor shall provide voter registration cards to any person or group who requests a reasonable number of cards for the purpose of distribution. In those areas ~~which have~~ having preelection day registration, the auditor shall encourage preelection day registration by making registration cards available to persons and groups for distribution.

8200.2100 DUTIES OF AUDITOR.

Each county auditor ~~in every county with voter registration~~ shall designate a number of public buildings within the county where persons may obtain, complete, and deposit registration cards. The county auditor or ~~his~~ a designee shall be on duty in

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the designated building ~~so-designated~~ and ~~it-shall-be-the-duty~~ ~~of~~ the person on duty ~~to~~ shall transmit completed registration cards, or ~~copies-thereof~~ a record of them if the county auditor does not maintain the ~~original~~ registration file, within two working days after receipt to the county auditor.

8200.2200 BUILDINGS FOR REGISTRATION.

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

NOTIFICATIONS

8200.2600 PROPERLY COMPLETED REGISTRATIONS.

~~When~~ If a county auditor determines that a registration card is not faulty or defective, ~~he~~ the auditor shall ~~separate the-parts-of-the-card.--Using-the-information-on-the-original card,-the-auditor-shall-complete-the-duplicate-card.--The auditor-shall-then~~ file the ~~original~~ card ~~in-the-original-card file-and-the-duplicate-card-in-the-duplicate-card-file~~ and enter the registration on the state registration system. The county auditor shall maintain ~~both-files~~ the file in an orderly manner. The county auditor shall ~~cause~~ have a card notice ~~to-be~~ mailed to each newly registered voter indicating the voter's name, address, precinct, and polling place. The card ~~shall~~ must require that it be returned if not deliverable.

8200.2800 REGISTRATIONS RECEIVED FEWER THAN 20 DAYS BEFORE ELECTION.

When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that ~~he~~ the applicant must register on election day to vote at the upcoming election. Included in this notification ~~shall~~ must be information to the voters concerning the manner in which they may register to vote on election day at the polls. In the

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notice to the applicant the auditor shall explain that the registration card received by the auditor makes the applicant an eligible voter at the next election following the upcoming election.

8200.3700 REMOVAL OF CARDS FROM REGISTRATION FILES.

~~Whenever~~ If a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered in another county or state, the county auditor **~~shall~~** may notify the person whose card is to be removed of **~~such action~~** the removal and the reason for **~~such action~~** the removal in writing. The cards removed **~~shall~~** must be maintained in separate files for one year.

8200.3800 EMERGENCY VOTING CARD.

Subpart 1. **When required.** **~~When any~~** If a voter who has registered prior to an election day is challenged because **~~his~~** the voter's name does not appear in the duplicate registration file of the precinct in which he or she desires to vote, **~~he~~** the voter may register on that election day by following the election day registration procedures **~~provided by~~** in parts 8200.1100 to 8200.9300 and 8220.0300 to 8220.4800. Or, if it appears upon examination that **~~such~~** the voter's name was erroneously omitted from the file, **~~he shall~~** the voter must be permitted to vote in the precinct **~~and an emergency voting card shall be signed by the applicant and the judges, containing the information in subpart 2~~** after completing the required name and address information and signing the oath on the precinct election list. The judges shall note on the list that the voter was permitted to vote pursuant to instructions from the county auditor and two judges shall initial the entry.

Subp. 2. [See Repealer.]

8200.5100 REGISTRATION AT PRECINCT ONLY.

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the

Approved by Revisor _____

polling place of the precinct in which the person resides in areas with voter registration. To register on election day a person must complete and sign the ~~original~~ registration card~~,~~ ~~sign the duplicate card,~~ and provide proof of residence. A person may prove residence on election day only (1) by presenting (i) a valid Minnesota driver's license, learner's permit, or a receipt for either that contains the voter's valid address in the precinct; (ii) a valid Minnesota identification card issued by the Minnesota Department of Public Safety or a receipt for the identification card that contains the voter's valid address in the precinct; or (iii) a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct; (2) by having a valid registration in the same precinct under a different address; (3) by presenting an "ineffective registration notice" mailed by the county auditor or municipal clerk; or (4) by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the oath in part 8200.9939.

The oath in (4) must be attached to the voter registration card until the address of the applicant is verified by the county auditor. The oath must be printed on a four-inch by six-inch card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

Subp. 2. [Unchanged.]

8200.5400 NOTATION OF IDENTIFICATION ON ~~ORIGINAL~~ REGISTRATION CARD.

When a voter uses a Minnesota driver's license, learner's permit, or Minnesota identification card to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of the ~~original~~ registration card.

Approved by Revisor _____

8200.9910 VOTER REGISTRATION CARD, SPECIFIED IN PART 8200.1200, SUBPART 1.

VOTER REGISTRATION CARD. Type or print in ink.

X Name_____ W_____P_____
Last First Middle ~~Initial~~ S.D. No. _____
OFFICE USE ONLY
X Township or City of Legal Residence_____/_____/_____ Election Day Voter Registration Proof
Township or City County
___Driver's License
X Complete Address of Legal Residence (include street or rural mail route address) ___Minn. I.D. Card
___Witness
___Prior Registration
___Ineffective Notice
___Student I.D.
_____ _____
House No. and Street or Rural Rte. No. (Number if applicable)
_____
Apt. No. or Rural Box No. City Zip
X Date of Birth_____/_____/_____ Telephone No. _____
Month Day Year
X Address of Your Last Registration or _____ Check if NONE
_____
House No./Street Name or Rte./Box No. Apt No.
_____
City or Township County State Zip
Previous Name (If changed since last registration)_____

CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

I certify that I will be at least 18 years old on election day and that I am a citizen of the United States, reside at the address shown above and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than ~~$5,000~~ $10,000, or both.

____/____/____ _____
Date X Legal Signature of Voter
Also sign the blue card.

8200.9919 FORM FOR VOTER REGISTRATION INSTRUCTIONS, SPECIFIED BY PART 8200.1400.

Instructions for Voter Registration

Read Carefully Before Registering

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

Approved by Revisor _____

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

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

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

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

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

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

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

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

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

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

~~11.~~ Review the ~~cards~~ card to determine that ~~they are~~ it is correctly completed.

~~12.~~ 11. Fold the form, use the sealing tab, and mail or return to your county auditor at your county courthouse. An eligible voter is a person who at the time of any election:

a. is 18 years of age or older;

b. is a citizen of the United States; and

c. has resided in Minnesota for 20 days.

The following persons are not eligible voters:

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

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

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

ASSISTANCE TO HANDICAPPED VOTERS

Call your county auditor or city clerk if you need information about registration or voting assistance for elderly and handicapped individuals or residents

Approved by Revisor _____

of health care facilities or hospitals. Registration and absentee instructions can be made available in large type, in Braille, or on cassette tape.

8220.1950 DUPLICATE PROGRAM TO SECRETARY OF STATE.

When state offices and questions are to be voted on, the person preparing the computer program shall deliver an exact duplicate or an exact electronic equivalent of the program to the secretary of state at least three days prior to the election. The program must be sealed so that it cannot be opened without breaking the seal. Attached to the exterior of the sealed program must be a certificate signed by the person who prepared the program naming the election jurisdiction for which the program was prepared and stating that the program is an exact duplicate of the program provided to the election jurisdiction and that the program was prepared in accordance with Minnesota statutes and parts 8220.0050 to 8230.4250 and the instructions of the election jurisdiction requesting the program.

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount

Approved
by Revisor _____

of the ballots cast and the declaration of the person nominated or elected.

8240.2400 TRAINING PLAN.

Each training authority shall submit a training plan to the secretary of state by August 1 of each general election year.

The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the basic training course, review course, emergency training course, and any health care facility absentee voting course.

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

The training plan shall be subject to approval by the secretary of state, who shall approve the plan if it conforms to applicable state statutes and these rules.

If there is no change in the approved training plan on file with the secretary of state, the training authority ~~may file a notice to this effect with the secretary of state in lieu of the~~ need not submit a new training plan until a change occurs.

REPEALER. Minnesota Rules, parts 8200.1300; 8200.1600; 8200.3800, subpart 2; 8200.9916; 8200.9922; and 8200.9925, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8200, 8220, 8235, and 8240

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 Rules of
the Secretary of State
Governing Voter Registration;
Election Programs; Automatic and
Administrative Recounts; and
Election Judge Training.

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 rules is Minnesota Statutes, sections 201.022, 201.221, 204B.25, 204C.361, 206.57.

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:

C8801.02

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 views 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, that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to Minnesota Statutes, section 14.11, 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.

1-25-88

Joan Anderson Growe
Secretary of State

C8801.03

On the matter of the Proposed Rules
of the Secretary of State relating
to Voter Registration, Ballot
Counting Programs, Automatic and
Administrative Recounts, and Election
Judge Training Plans.

STATEMENT OF NEED AND REASONABLENESS

The need to adopt parts 8200.0700 to 8200.9925 arises from the requirements of M.S. §201.022 to M.S. §201.221 and M.S. §290.39 as found in Laws of 1987, Chapter 361 which enacted changes to the voter registration format and system. The need to change parts 8220.1950, 8235.0200 and 8240.2400 arise from the desire of the secretary of state to provide better service to local election officials and to address a situation brought to the attention of the secretary of state concerning the conduct of certain recounts for county and municipal offices.

Part 8200.0700 is necessary to clarify the maintenance requirements of voter registration files when duplicate files are no longer needed.

Part 8200.0800 is necessary to state the responsibility of the county auditor in providing voter registration records to the precinct polling places in lieu of duplicate voter registration records.

Part 8200.1100 is necessary to give the printing format of voter registration cards without reference to duplicate registration cards. Also it is reasonable to provide flexibility in developing printing specifications for cards other state agencies are now required to incorporate into previously existing forms.

Parts 8200.1300 to 8200.1600 are eliminated or altered to reflect the elimination of duplicate cards from the voter registration process.

The changes to parts 8200.1700, 8200.2100, and 8200.2200 are necessary to establish the duties of county auditors in relation to printing, distributing, and providing places to acquire voter registration cards.

Part 8200.2600 is necessary to remove the requirement of completing duplicate cards when processing properly completed voter registrations.

Part 8200.2800 is necessary to incorporate more modern language into the statutes.

Part 8200.3700 is necessary to allow a more efficient use of county auditor resources in maintaining accurate voter registration files.

Part 8200.3800 is necessary to improve and simplify the Emergency Voting Card procedure for both the election judges and the county auditor.

Part 8200.5100 is necessary to update the procedure for registration on election day to reflect the elimination of duplicate registration cards.

Part 8200.5400 is necessary to remove confusing references to "original" registration cards, now that only a single registration card is required.

Part 8200.9910 is necessary to improve the ability of election officials to differentiate voter registrations by providing middle names rather than middle initials. Also it is necessary to print the correct fine for false information in the oath.

Part 8200.9916 is eliminated because of the deletion of 8200.1300.

Parts 8200.9919, 8200.9922, and 8200.9925 are necessary to update voter registration card layouts to the specifications of part 8200.1400, and parts 8200.1100 to 8200.1600.

Part 8220.1950 is necessary and reasonable to add flexibility to the secretary of state's ability to verify the validity and integrity of computer programs used for ballot counting.

Part 8235.0200 is amended to address the potential conflict of interest which exists when the county auditor or municipal clerk is required to conduct a recount of an office for which the auditor or clerk is a candidate. This situation arose during the recount of a county auditor's race in 1986. The part would require the appropriate canvassing board to select an election official from another jurisdiction to conduct the recount on behalf of the canvassing board. It is reasonable that the recount be conducted by an official who is knowledgeable about election laws and procedures. It is also reasonable that the selection of the recount official be made by the appropriate canvassing board. This maintains the recount procedure as the administrative process authorized by the legislature.

Part 8240.2400 is necessary to simplify the documentation of election judge training plans filed with the secretary of states office.

Pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", 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.

In the Matter of the Proposed Adoption
of the Rules of the State Governing
Voter Registration; Election Programs;
Automatic and Administrative Recounts;
and Election Judge Training.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

PAULA BIEVER, being first duly sworn deposes and says:

That on the 26th 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.

C8801.95

Paula Biever

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 Rules of
the Secretary of State
Governing Voter Registration;
Election Programs; Automatic and
Administrative Recounts; and
Election Judge Training.

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 rules is Minnesota Statutes, sections 201.022, 201.221, 204B.25, 204C.361, 206.57.

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 views 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, that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to Minnesota Statutes, section 14.11, 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.

1-25-88

Joan Anderson Growe
Secretary of State

C8801.03

T was a part-year resident of Minnesota in 1987. Although T was physically present in Minnesota over 183 days, the physical presence test does not apply because T did not maintain an abode in Minnesota during the part of the year he was not domiciled in Minnesota.

B. Same facts as item A, but T decided not to sell his Minnesota abode.

T was a full-year resident of Minnesota in 1987. T was physically present in Minnesota over one-half of the year and maintained an abode in Minnesota.

C. Same facts as item A, but T did not sell his Minnesota dwelling although he listed it for sale with a real estate broker at fair market value from September 1 through December 31, 1987.

T was a part-year resident of Minnesota in 1987, assuming T removed personal belongings and furnishings from his Minnesota abode when he changed domicile. Although T was physically present over one-half of the year and continued to own a dwelling in Minnesota, T will not be considered to have maintained an abode in Minnesota because he moved belongings from the dwelling and made a good faith effort to sell the dwelling.

D. T moved from Minnesota to Florida on February 1, 1987. T maintained an abode in Minnesota and lived in that abode May 1, 1987 to September 1, 1987.

T was not a full-year resident of Minnesota under the physical presence test. Although T maintained a Minnesota abode, she was not physically present in Minnesota over one-half of the year.

However, the department could review the steps T took to change her domicile and could consider T a full-year resident if it were determined she remained domiciled in Minnesota.

E. T moved his domicile to Minnesota on June 1, 1987. T did not have an abode in Minnesota prior to June 1, 1987. T was physically present in Minnesota throughout the period of June 1, 1987 to December 31, 1987.

T was a part-year resident of Minnesota in 1987. Although T was physically present in Minnesota over one-half of the year, he did not have a Minnesota domicile during the part of the year T was domiciled outside the state. Therefore, the physical presence test does not apply.

Secretary of State

Proposed Permanent Rules Relating to Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training

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 procedure 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 rules is *Minnesota Statutes*, sections 201.022, 201.221, 204B.25, 204C.361, 206.57.

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.

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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.

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Jeff Sigurdson
Election Division
180 State Office Building
St. Paul, MN 55155
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The proposed rule may be modified if the modifications are supported by data and views 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, that the proposed rule will not have an impact on small business in Minnesota. Also pursuant to *Minnesota Statutes*, section 14.11, 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: 25 January 1988

Joan Anderson Growe
Secretary of State

Rules as Proposed

COUNTY AUDITOR'S DUTIES

8200.0300 DELEGATION OF DUTIES.

The county auditor may delegate to municipal officials all duties assigned to ~~him~~ the county auditor by ~~these rules~~ chapter 8200 and by Minnesota Statutes, chapter 201, except the preparation and distribution of lists of registered voters and the duties assigned to ~~him~~ the county auditor by parts 8200.8100 to 8200.8300. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of ~~his~~ the duty to accept voter registrations.

8200.0400 FILING RULES WITH SECRETARY OF STATE.

~~Whenever~~ If a county auditor adopts rules for the delegation of assigned voter registration duties ~~assigned to him~~ under part 8200.0300, the auditor shall file a copy of the rules with the secretary of state no later than five working days before the effective date of the rules.

8200.0700 MAINTENANCE OF ~~DUPLICATE~~ VOTER REGISTRATION FILE.

~~Duplicate~~ Voter registration files ~~shall~~ must be maintained by street address or alphabetically by voter's last name. Whichever system of arrangement is used, it ~~shall~~ must be used consistently throughout the political subdivision.

8200.0800 DELIVERY OF ~~DUPLICATE FILE~~ VOTER REGISTRATION RECORDS FOR ELECTIONS.

The county auditor shall provide for the transportation of the ~~duplicate~~ necessary voter registration ~~file~~ records to the precinct polling place on election day. The auditor shall prescribe procedures ~~which will~~ to ensure the safety of the voter registration records and their timely delivery at the precinct polling place on election day. ~~It shall be the duty of~~ The auditor ~~to~~ shall maintain the dignity and integrity of the voting system.

VOTER REGISTRATION CARDS

8200.1100 PRINTING SPECIFICATIONS.

Voter registration cards printed for the purpose of distribution and mailing must be printed pursuant to items A to ~~F~~ E.

A. The size must be six inches by ~~12-3/4~~ 8-3/4 inches, including a three-fourths inch stub.

B. The paper must be at least 100-pound white offset.

C. Red ink must be used on the ~~original~~ card for printing the X's and the following words: "Name," "Township or City of Legal Residence," "Complete Address of Legal Residence," "Date of Birth," "Address of Your Last Registration or Check if NONE,"

and "Legal Signature of Voter." The certification must also be printed in red ink on the ~~original~~ card. ~~The X and the words "Legal Signature of Voter" on the duplicate card must be printed in red ink.~~ The remainder of the form must be printed in blue ink. The secretary of state may approve alternate forms of voter registration cards to be attached to or included in tax booklets and forms used by state agencies if the forms contain the information required in Minnesota Statutes, section 201.071.

D. ~~The duplicate card must have a light blue screen.~~

~~E.~~ The card must have ~~three~~ two 1/16-inch perforations that result in the ~~three~~ two equal-sized six-inch by four-inch cards.

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

8200.1200 ~~ORIGINAL~~ REGISTRATION CARD; FORMAT.

Subpart 1. **Form.** The ~~original~~ voter registration card must be in the form shown in part 8200.9910.

Subp. 2. **Box for office use only.** In the upper right-hand corner of the card there must be a box marked for "office use only" which contains "W ____," "P ____," and "S.D. No. ____." These initials stand for "ward," "precinct," and "school district." Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the "office use only" box.

8200.1500 REVERSE SIDE.

Subpart 1. **Required format.** The reverse side of the ~~original (white)~~ registration card ~~shall~~ must be in the form in subpart 2.

Subp. 2. **Form of reverse side of registration card.**

Post office will not deliver without first class postage

RETURN TO:
(here the county auditor shall supply the address)

8200.1700 PRINTING AND DISTRIBUTING REGISTRATION CARDS.

Each county auditor ~~in each county with voter registration~~ shall ~~cause to be~~ have printed and shall maintain an adequate number of voter registration cards in compliance with chapter 8200 and Minnesota Statutes, chapter 201 ~~and these rules~~. ~~Any~~ An election official who causes voter registration cards to be printed shall print the cards in a form prescribed by chapter 8200 and Minnesota Statutes, chapter 201 ~~and these rules~~. The auditor shall provide voter registration cards to any person or group who requests a reasonable number of cards for the purpose of distribution. In those areas ~~which have~~ having preelection day registration, the auditor shall encourage preelection day registration by making registration cards available to persons and groups for distribution.

8200.2100 DUTIES OF AUDITOR.

Each county auditor ~~in every county with voter registration~~ shall designate a number of public buildings within the county where persons may obtain, complete, and deposit registration cards. The county auditor or ~~his~~ a designee shall be on duty in the designated building ~~so designated~~ and ~~it shall be the duty of~~ the person on duty ~~to~~ shall transmit completed registration cards, or ~~copies thereof~~ a record of them if the county auditor does not maintain the ~~original~~ registration file, within two working days after receipt to the county auditor.

8200.2200 BUILDINGS FOR REGISTRATION.

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

NOTIFICATIONS

8200.2600 PROPERLY COMPLETED REGISTRATIONS.

~~When~~ If a county auditor determines that a registration card is not faulty or defective, ~~he~~ the auditor shall ~~separate the parts of the card. Using the information on the original card, the auditor shall complete the duplicate card. The auditor shall then~~ file the ~~original~~ card ~~in the original card file and the duplicate card in the duplicate card file~~ and enter the registration on the state registration

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system. The county auditor shall maintain ~~both files~~ the file in an orderly manner. The county auditor shall ~~cause~~ have a card notice ~~to be~~ mailed to each newly registered voter indicating the voter's name, address, precinct, and polling place. The card ~~shall~~ must require that it be returned if not deliverable.

8200.2800 REGISTRATIONS RECEIVED FEWER THAN 20 DAYS BEFORE ELECTION.

When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that ~~he~~ the applicant must register on election day to vote at the upcoming election. Included in this notification ~~shall~~ must be information to the voters concerning the manner in which they may register to vote on election day at the polls. In the notice to the applicant the auditor shall explain that the registration card received by the auditor makes the applicant an eligible voter at the next election following the upcoming election.

8200.3700 REMOVAL OF CARDS FROM REGISTRATION FILES.

~~Whenever~~ If a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered in another county or state, the county auditor ~~shall~~ may notify the person whose card is to be removed of ~~such action~~ the removal and the reason for ~~such action~~ the removal in writing. The cards removed ~~shall~~ must be maintained in separate files for one year.

8200.3800 EMERGENCY VOTING CARD.

Subpart 1. **When required.** ~~When any~~ If a voter who has registered prior to an election day is challenged because ~~his~~ the voter's name does not appear in the duplicate registration file of the precinct in which he or she desires to vote, ~~he~~ the voter may register on that election day by following the election day registration procedures ~~provided by~~ in parts 8200.1100 to 8200.9300 and 8220.0300 to 8220.4800. Or, if it appears upon examination that ~~such~~ the voter's name was erroneously omitted from the file, ~~he shall~~ the voter must be permitted to vote in the precinct ~~and an emergency voting card shall be signed by the applicant and the judges, containing the information in subpart 2~~ after completing the required name and address information and signing the oath on the precinct election list. The judges shall note on the list that the voter was permitted to vote pursuant to instructions from the county auditor and two judges shall initial the entry.

Subp. 2. [See Repealer.]

8200.5100 REGISTRATION AT PRECINCT ONLY.

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the polling place of the precinct in which the person resides in areas with voter registration. To register on election day a person must complete and sign the ~~original~~ registration card~~, sign the duplicate card,~~ and provide proof of residence. A person may prove residence on election day only (1) by presenting (i) a valid Minnesota driver's license, learner's permit, or a receipt for either that contains the voter's valid address in the precinct; (ii) a valid Minnesota identification card issued by the Minnesota Department of Public Safety or a receipt for the identification card that contains the voter's valid address in the precinct; or (iii) a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct; (2) by having a valid registration in the same precinct under a different address; (3) by presenting an "ineffective registration notice" mailed by the county auditor or municipal clerk; or (4) by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the oath in part 8200.9939.

The oath in (4) must be attached to the voter registration card until the address of the applicant is verified by the county auditor. The oath must be printed on a four-inch by six-inch card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

Subp. 2. [Unchanged.]

8200.5400 NOTATION OF IDENTIFICATION ON ~~ORIGINAL~~ REGISTRATION CARD.

When a voter uses a Minnesota driver's license, learner's permit, or Minnesota identification card to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of the ~~original~~ registration card.

8200.9910 VOTER REGISTRATION CARD, SPECIFIED IN PART 8200.1200, SUBPART 1.

VOTER REGISTRATION CARD. Type or print in ink.

X Name _____
Last First Middle ~~Initial~~

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

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

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

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

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

W _____ P_____
S.D. No. _____
OFFICE USE ONLY
Election Day Voter Registration Proof
_____Driver's License
_____Minn. I.D. Card
_____Witness
_____Prior Registration
_____Ineffective Notice
_____Student I.D.

_____
(Number if applicable)

Telephone No. _____

X Address of Your Last Registration
or
_____Check if NONE

_____
House No. / Street Name or Rte. / Box No. Apt No.

_____
City or Township County State Zip

Previous Name (If changed since last registration) _____

CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

I certify that I will be at least 18 years old on election day and that I am a citizen of the United States, reside at the address shown above and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than ~~$5,000~~ $10,000, or both.

_____/_____/_____
Date

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

8200.9919 FORM FOR VOTER REGISTRATION INSTRUCTIONS, SPECIFIED BY PART 8200.1400.

Instructions for Voter Registration

Read Carefully Before Registering

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

1. Print in ink or type all information requested on the white card.
2. Print or type your legal name; nicknames are not acceptable.
3. Print or type the name of the township or city in which you live and are eligible to vote.
4. Print or type the house number and street name or the rural route and box number where you live.
5. Include your full birthdate; month, day, and year.
6. Give the address where you were last registered. If you have never been registered before, check the box for "none."
7. Give your previous name if it has been changed since you last registered.
8. Enter telephone number in appropriate space (optional).
9. Date and sign the ~~WHITE~~ card with your legal written signature.

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.

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

~~11.~~ Review the ~~cards~~ card to determine that ~~they are~~ it is correctly completed.

~~12.~~ 11. Fold the form, use the sealing tab, and mail or return to your county auditor at your county courthouse. An eligible voter is a person who at the time of any election:

a. is 18 years of age or older;

b. is a citizen of the United States; and

c. has resided in Minnesota for 20 days.

The following persons are not eligible voters:

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

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

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

ASSISTANCE TO HANDICAPPED VOTERS

Call your county auditor or city clerk if you need information about registration or voting assistance for elderly and handicapped individuals or residents of health care facilities or hospitals. Registration and absentee instructions can be made available in large type, in Braille, or on cassette tape.

8220.1950 DUPLICATE PROGRAM TO SECRETARY OF STATE.

When state offices and questions are to be voted on, the person preparing the computer program shall deliver an exact duplicate or an exact electronic equivalent of the program to the secretary of state at least three days prior to the election. The program must be sealed so that it cannot be opened without breaking the seal. Attached to the exterior of the sealed program must be a certificate signed by the person who prepared the program naming the election jurisdiction for which the program was prepared and stating that the program is an exact duplicate of the program provided to the election jurisdiction and that the program was prepared in accordance with Minnesota statutes and parts 8220.0050 to 8230.4250 and the instructions of the election jurisdiction requesting the program.

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8240.2400 TRAINING PLAN.

Each training authority shall submit a training plan to the secretary of state by August 1 of each general election year.

The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the basic training course, review course, emergency training course, and any health care facility absentee voting course.

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

The training plan shall be subject to approval by the secretary of state, who shall approve the plan if it conforms to applicable state statutes and these rules.

If there is no change in the approved training plan on file with the secretary of state, the training authority ~~may file a notice to this effect with the secretary of state in lieu of the~~ need not submit a new training plan until a change occurs.

REPEALER. Minnesota Rules, parts 8200.1300; 8200.1600; 8200.3800, subpart 2; 8200.9916; 8200.9922; and 8200.9925, are repealed.

STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Relating to Voter Registration; Election
Programs; Automatic and Administrative
Recount; and Election Judge Training.

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 February 1st, 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 26th, 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.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency. 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 rules identified as 8200.0300, 8200.0400, 8200.0700, 8200.0800, 8200.1100, 8200.1200, 8200.1500, 8200.1700, 8200.2100, 8200.2200, 8200.2600, 8200.2800, 8200.3700, 8200.3800, 8200.5100, 8200.5400, 8200.9910, 8200.9919, 8200.1950, 8235.0200, and 8240.2400 are adopted this 3rd day of March 1988, pursuant to authority vested in me by Minnesota Statutes, sections 201.022, 201.221, 204B.25, 204C.361, and 206.57.

Joan Anderson Growe

Secretary of State

C8803.07

In the Matter of the
Adoption of the Rules
of the Secretary of State
Governing Voter Registration,
Election Programs, Automatic
Recounts, and Election
Judge Training

DECLARATION OF COUNSEL

I, Peter M. Ackerberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, 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: March 8, 1988.

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 Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training.

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 26th day of January, 1988

Election Procedures Assistant

C8801.96

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