

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 12/90

Docket No 5.0009.0747

DATE RECEIVED 6/29/88

ADOPTED W/O HEARING X

REVIEW DATE 7/8/88

EMERGENCY RULE _____

DUE DATE 7/13/88

REVISOR APPROVED X

APPROVED 7/11/88 gaa

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE 7/11/88

WITHDRAWN _____

RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~

_____ ~~Date published in State Register~~
_____ Comments

_____ ~~Petition for Adoption of a Rule (if applicable)~~

_____ ~~Board's Authorizing Resolution~~

_____ ~~Date adopted~~

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

2040.11 + 206.57 Statutory Authority
yes Small Business Statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

Yes Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

5/8/88 Date (30)/25 days before adoption
yes Notice attached
no Copy of rule or summary attached

✓ Publication in State Register

5/23/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

6/7/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

6/23/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Peter Ackerberg Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

ATTORNEY GENERAL

July 12, 1988

PETER ACKERBERG
Special Assistant
Attorney General

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9421

In the Matter of the Adopted Rule Relating to
Electronic Voting System Ballot

The above-refernced rule has been approved as to its legality by the Attorney General on July 11, 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, submission 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 accoradance 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.

JAL:rer

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Secretary of State

Adopted Permanent Rules Relating to Electronic Voting System Ballot

Rules as Adopted

8250.0100 DEFINITION OF WHITE BALLOT.

The "white ballot" is the ballot used at general elections and is the ballot on which are printed the names of the candidates appearing on the presidential ballot and those candidates nominated for the offices of United States senator, United States representative, state senator, state representative, governor and lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

8250.0600 OFFICES.

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

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"STATE TREASURER"

"ATTORNEY GENERAL"

"United States" may be abbreviated as "U.S." If an office is not to be filled at a general election, the office must not appear on the ballot. Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in upper case letters or numbers the district (for example: "SIXTH DISTRICT," "DISTRICT SIX," or "DISTRICT 6") that the person elected will represent. A single

vote must be cast for president and vice-president and for governor and lieutenant governor.

BALLOTS FOR ELECTRONIC VOTING SYSTEMS

8250.1600 APPLICABILITY.

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8. To the extent possible, parts 8250.0100 to 8250.1500 apply to the use of electronic voting systems, unless otherwise provided.

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

Subpart 1. **Form.** Punch card ballot pages must be printed in the form illustrated in part 8250.9910.

Subp. 2. **Order of office groups.** For purposes of organization, the ballot pages must be divided into separate sections and headed by the following titles:

"FEDERAL OFFICES"

"STATE OFFICES"

"CONSTITUTIONAL AMENDMENTS"

The titles must be printed in upper case and bold face in as large as practicable but no smaller than 36-point type and must be carried on each ballot page that contains an office for a particular category.

Subp. 3. **Office titles.** The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type. The first legislative office appearing on the ballot must be printed at the top of the page, under the title "STATE OFFICES."

The instruction "VOTE FOR ONE" or "VOTE FOR ONE TEAM" must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type.

Subp. 4. **Candidate and party names.** The candidate names must be printed in upper case and bold face in as large as practicable but no smaller than 12-point type. The party name must be printed under the candidate name in as large as

practicable but no smaller than 8-point type.

Subp. 5. **Ballot position numbers.** The appropriate ballot position number must be printed on the same line as the candidate's name in as large as practicable but no smaller than 14-point type.

Subp. 6. **Precinct identifiers.** The name of the municipality and the ward and precinct number, if any, for which the ballot page has been prepared must be printed on the bottom of each page on which candidate names appear. The date of the election must be printed next to the precinct identifier. In addition, each ballot page for a precinct must be sequentially numbered. The page number must be printed in bold face in as large as practicable but no smaller than 10-point type.

Subp. 7. **Questions.** The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type. The question must be printed in bold face in as large as practicable but no smaller than 12-point type. The words "YES" and "NO" must be printed to the left of the appropriate ballot position number in upper case and bold face in as large as practicable but no smaller than 14-point type.

Subp. 8. **Party preference indicator.** In partisan primary elections, the ballot booklet must include a place to allow the voter to indicate the primary election in which the voter intends to vote. This party preference indicator must appear on the first ballot page preceding the pages containing the partisan offices. The page containing the party preference indicators must be printed in the form illustrated in part 8250.9920.

Subp. 9. **Designation of party colors.** The secretary of state shall notify the county auditor of each county of any colors used to designate a major political party at a state election. Notification must be made at the same time that the secretary of state certifies the names of the candidates to be nominated at the state primary election.

Subp. 10. **Color of ballot pages.** The names of candidates

to be nominated for each major political party at a partisan primary election must be printed on pages of the color required by statute for that party. No page may contain the candidates of more than one major political party. All pages containing nonpartisan candidates or questions and the page containing the party preference indicator must be white.

8250.1800 FORMAT OF BALLOT CARDS FOR OPTICAL SCAN SYSTEMS.

Subpart 1. **Type sizes.** The type sizes in items A to D must be used in the printing of ballot cards.

A. The titles "FEDERAL OFFICES," "STATE OFFICES," and "CONSTITUTIONAL AMENDMENTS" must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type.

B. The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. Immediately under each office title, the instruction "VOTE FOR ONE" or "VOTE FOR ONE TEAM" must be printed in upper case and bold face in as large as practicable but no smaller than 8-point type.

C. The candidate names must be printed in upper case in as large as practicable but no smaller than 10-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

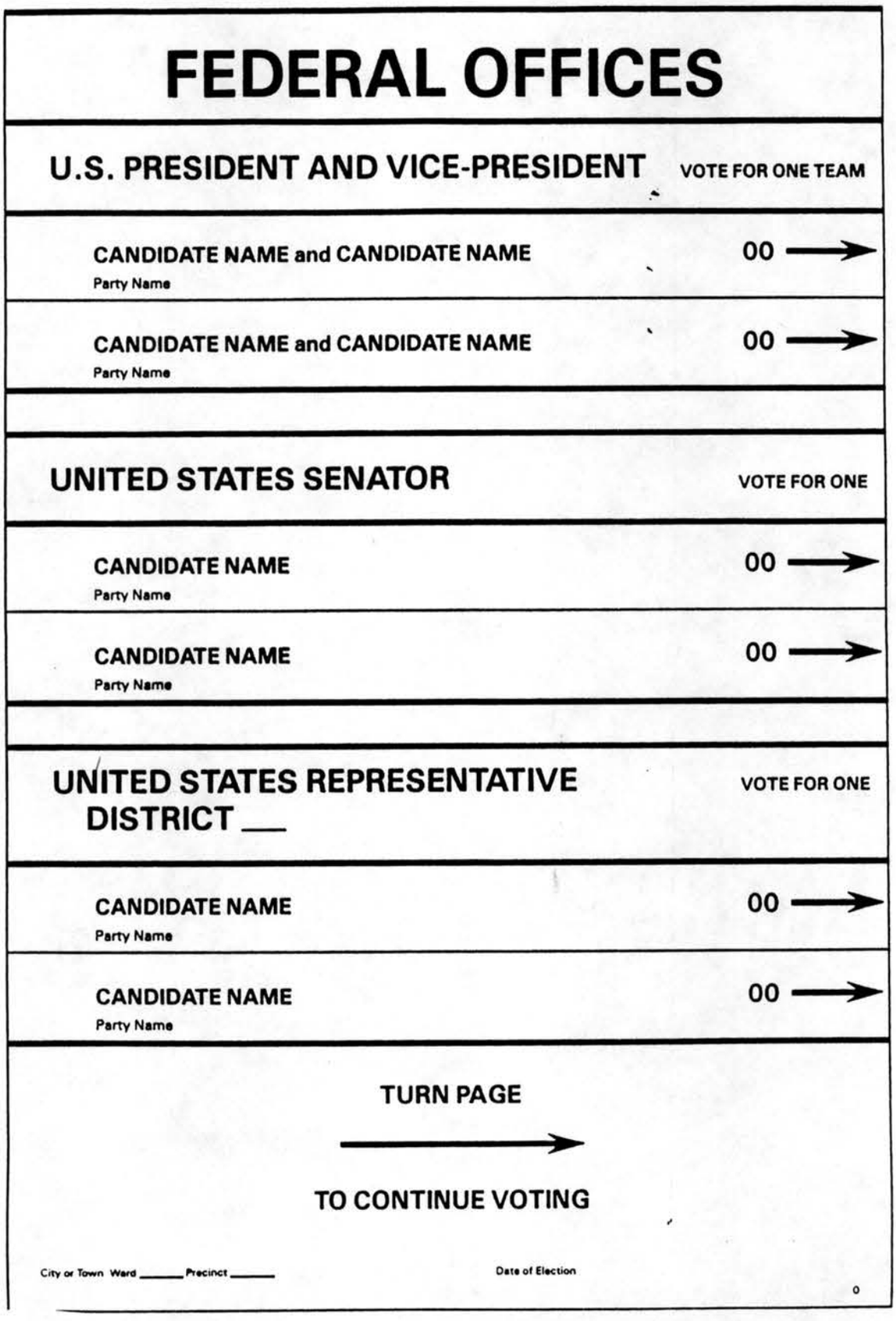
D. The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. The question must be printed in bold face in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be printed to the left of the vote targets in upper case and bold face in as large as practicable but no smaller than 10-point type.

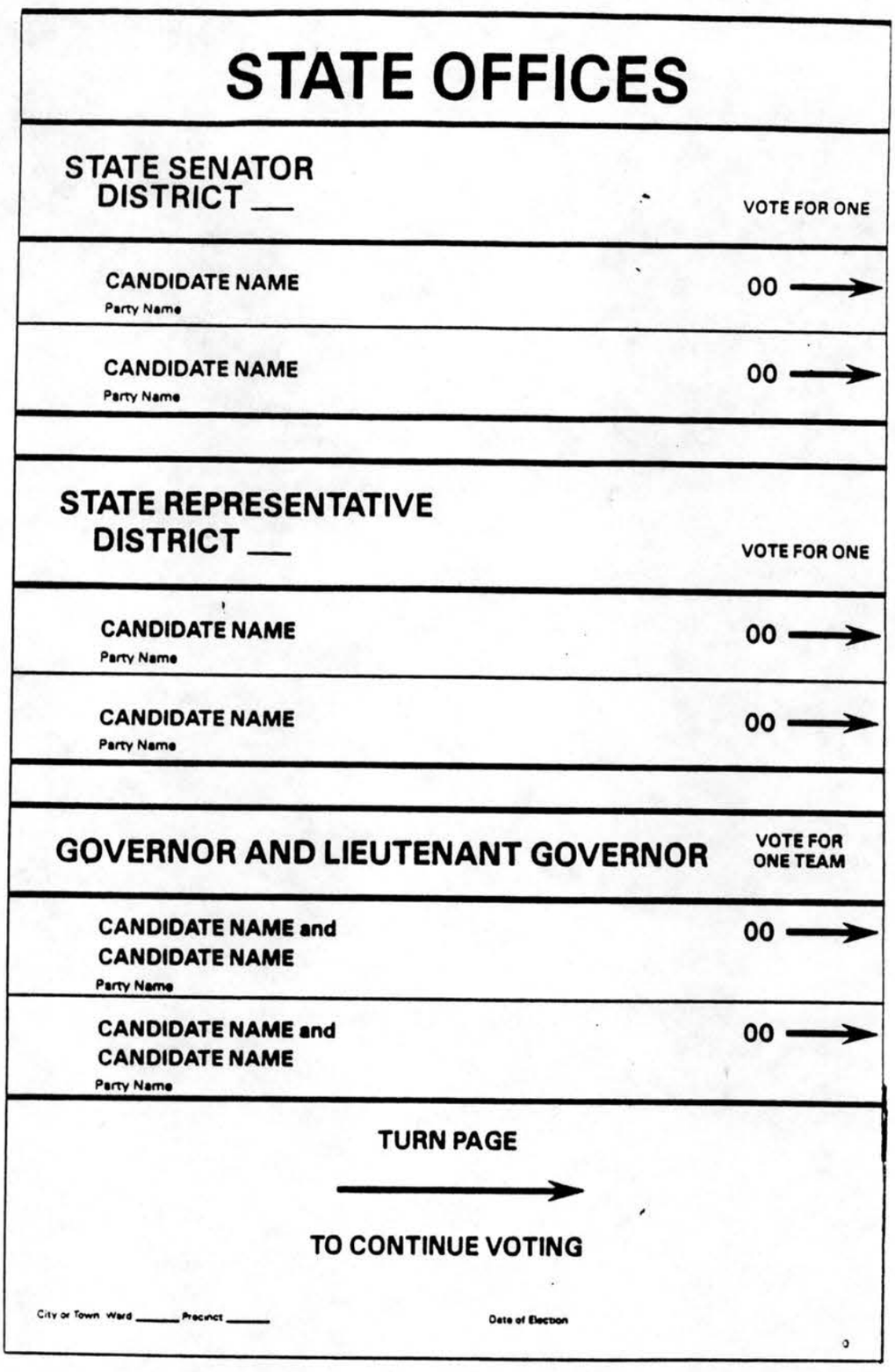
Subp. 2. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to

read the ballot.

Subp. 3. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1.

8250.9910 SAMPLE PUNCH CARD BALLOT PAGE FORM, SPECIFIED BY PART 8250.1700.





STATE OFFICES

STATE SENATOR
DISTRICT ___ VOTE FOR ONE

CANDIDATE NAME
Party Name 00 →

CANDIDATE NAME
Party Name 00 →

STATE REPRESENTATIVE
DISTRICT ___ VOTE FOR ONE

CANDIDATE NAME
Party Name 00 →

CANDIDATE NAME
Party Name 00 →

GOVERNOR AND LIEUTENANT GOVERNOR VOTE FOR ONE TEAM

CANDIDATE NAME and
CANDIDATE NAME
Party Name 00 →

CANDIDATE NAME and
CANDIDATE NAME
Party Name 00 →

TURN PAGE →

TO CONTINUE VOTING

City or Town Ward ____ Precinct ____ Date of Election

8250.9920 FORM OF PAGE CONTAINING PARTY PREFERENCE INDICATOR.

POLITICAL PARTY PREFERENCE INDICATOR

MINNESOTA ELECTION LAW PERMITS YOU TO VOTE FOR THE CANDIDATES OF ONLY ONE POLITICAL PARTY IN A STATE PARTISAN PRIMARY ELECTION. PLEASE INDICATE THE PRIMARY ELECTION IN WHICH YOU CHOOSE TO VOTE BY PUNCHING THE POSITION NEXT TO THE PARTY NAME, THEN BEGIN VOTING BY TURNING TO THE PAGES INDICATED BELOW.

.....

(name of political party) 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn

.....

.....

(name of political party) 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn

.....

YOU MAY VOTE FOR CANDIDATES FOR NONPARTISAN OFFICES ON THE WHITE PAGES EVEN IF YOU CHOOSE NOT TO VOTE IN ONE OF THE PARTISAN PRIMARY ELECTIONS.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 1 1 1988
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 11 1988

Joan Anderson Growe
Secretary of State

10:52 AM

APPROVED AS TO FORM AND LEGALITY

July 11, 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Secretary of State

Proposed Permanent Rules Relating to Electronic Voting System Ballot

Rules as Proposed

8250.0100 DEFINITION OF WHITE BALLOT.

The "white ballot" is the ballot used at general elections and is the ~~paper~~ ballot on which are printed the names of the candidates appearing on the presidential ballot and those candidates nominated for the offices of United States senator ~~and~~, United States representative ~~in congress~~, state senator ~~and~~, state representative ~~in the legislature~~, governor and lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

8250.0600 OFFICES.

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

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"STATE TREASURER"

"ATTORNEY GENERAL"

"United States" may be abbreviated as "U.S." If an office is not to be filled at a general election, the office must not appear on the ballot. Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in upper case letters or numbers the district (~~e.g.~~ for example: "SIXTH DISTRICT," "DISTRICT

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SIX," or "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

Rules as Proposed (all new material)

BALLOTS FOR ELECTRONIC VOTING SYSTEMS

8250.1600 APPLICABILITY.

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8. To the extent possible, parts 8250.0100 to 8250.1500 apply to the use of electronic voting systems, unless otherwise provided.

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

Subpart 1. **Form.** Punch card ballot pages must be printed in the form illustrated in part 8250.9910.

Subp. 2. **Order of office groups.** For purposes of organization, the ballot pages must be divided into separate sections and headed by the following titles:

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"STATE OFFICES"

"CONSTITUTIONAL AMENDMENTS"

The titles must be printed in upper case and bold face in as large as practicable but no smaller than 36-point type and must be carried on each ballot page that contains an office for a particular category.

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practicable but no smaller than 12-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

Subp. 5. **Ballot position numbers.** The appropriate ballot position number must be printed on the same line as the candidate's name in as large as practicable but no smaller than 14-point type.

Subp. 6. **Precinct identifiers.** The name of the municipality and the ward and precinct number, if any, for which the ballot page has been prepared must be printed on the bottom of each page on which candidate names appear. The date of the election must be printed next to the precinct identifier. In addition, each ballot page for a precinct must be sequentially numbered. The page number must be printed in bold face in as large as practicable but no smaller than 10-point type.

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Subp. 8. **Party preference indicator.** In partisan primary elections, the ballot booklet must include a place to allow the voter to indicate the primary election in which the voter intends to vote. This party preference indicator must appear on the first ballot page preceding the pages containing the partisan offices. The page containing the party preference indicators must be printed in the form illustrated in part 8250.9920.

Subp. 9. **Designation of party colors.** The secretary of state shall notify the county auditor of each county of any colors used to designate a major political party at a state election. Notification must be made at the same time that the secretary of state certifies the names of the candidates to be

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by Revisor _____

nominated at the state primary election.

Subp. 10. **Color of ballot pages.** The names of candidates to be nominated for each major political party at a partisan primary election must be printed on pages of the color required by statute for that party. No page may contain the candidates of more than one major political party. All pages containing nonpartisan candidates or questions and the page containing the party preference indicator must be white.

8250.1800 FORMAT OF BALLOT CARDS FOR OPTICAL SCAN SYSTEMS.

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B. The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. Immediately under each office title, the instruction "VOTE FOR ONE" or "VOTE FOR ONE TEAM" must be printed in upper case and bold face in as large as practicable but no smaller than 8-point type.

C. The candidate names must be printed in upper case in as large as practicable but no smaller than 10-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

D. The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. The question must be printed in bold face in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be printed to the left of the vote targets in upper case and bold face in as large as practicable but no smaller than 10-point type.

Subp. 2. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the

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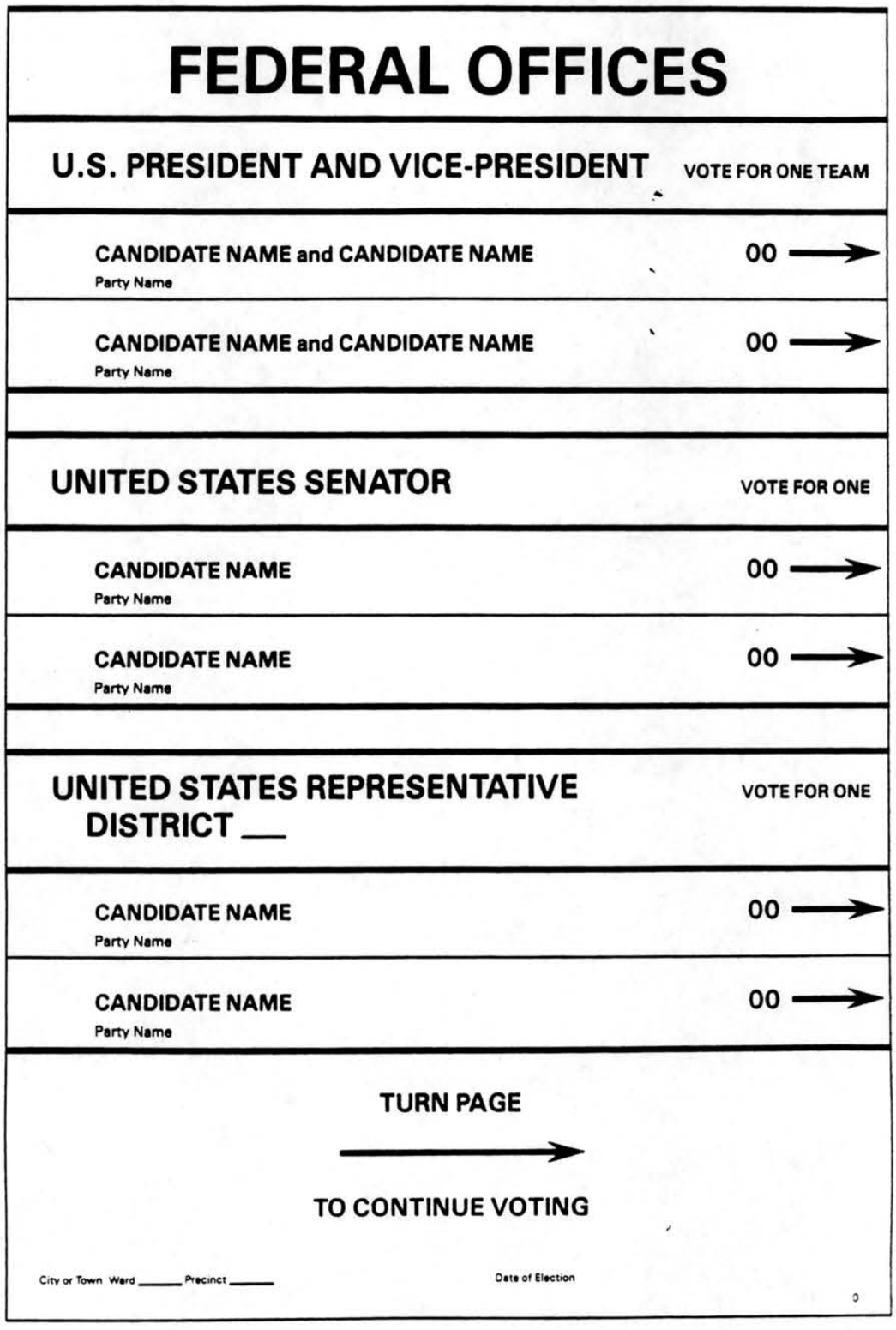
by Revisor _____

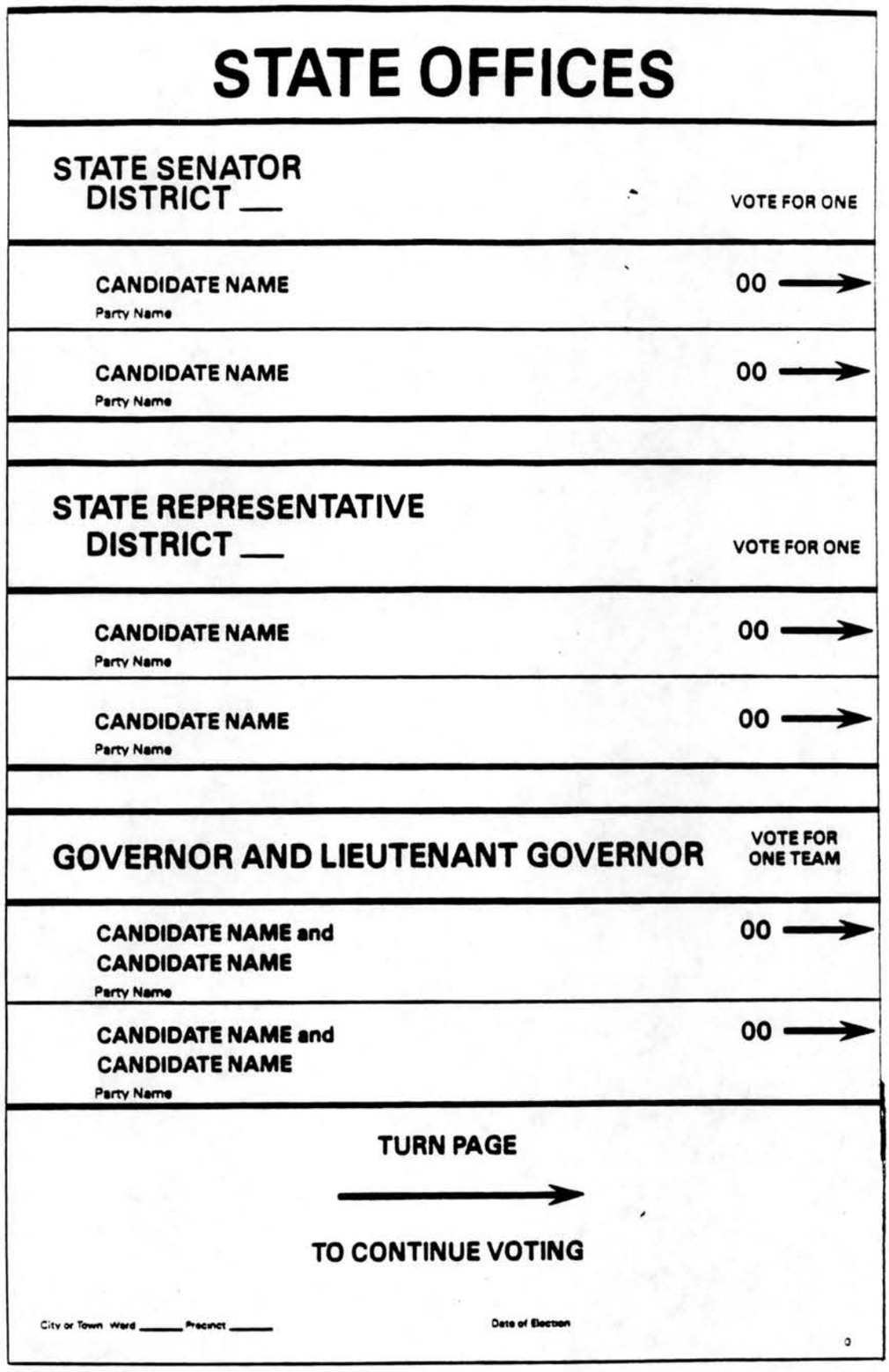
candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

Subp. 3. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1.

8250.9910 SAMPLE PUNCH CARD BALLOT PAGE FORM, SPECIFIED BY PART 8250.1700.



Approved
by Revisor _____



8250.9920 FORM OF PAGE CONTAINING PARTY PREFERENCE INDICATOR.

POLITICAL PARTY PREFERENCE INDICATOR

MINNESOTA ELECTION LAW PERMITS YOU TO VOTE FOR THE CANDIDATES OF ONLY ONE POLITICAL PARTY IN A STATE PARTISAN PRIMARY ELECTION. PLEASE INDICATE THE PRIMARY ELECTION IN WHICH YOU CHOOSE TO VOTE BY PUNCHING THE POSITION NEXT TO THE PARTY NAME, THEN BEGIN VOTING BY TURNING TO THE PAGES INDICATED BELOW.

.....

Approved by Revisor _____

(name of political party) 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn

.....

.....

(name of political party) 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn

.....

YOU MAY VOTE FOR CANDIDATES FOR NONPARTISAN OFFICES ON THE WHITE PAGES EVEN IF YOU CHOOSE NOT TO VOTE IN ONE OF THE PARTISAN PRIMARY ELECTIONS.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Electronic Voting System Ballot

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8250

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 Electronic Voting
System Ballot.

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 rules 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 are found in Minnesota Statutes, section 204D.11, subd. 1 and 206.57, subd. 1.

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 hereby advised, pursuant to Minnesota Statute 14.115, that the proposed rules will have a probable quantitative and qualitative impact on small businesses that provide ballots for special, primary and general elections in Minnesota. The probable qualitative effect will be to impose standardized printing instructions in regard to type size and ballot layout for all electronic voting system ballots.

The probable quantitative effect will be to increase the use of colored stock in the printing of election ballots for punch card voting systems.

Also, pursuant to Minnesota Statutes, section 14.11, 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, in either of the two years immediately following the adoption of these rules.

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.

5/9/88

Joan Anderson Growe
Secretary of State

C8805.19

STATEMENT OF NEED AND REASONABLENESS

The need to adopt Parts 8250.0100, 8250.0600, 8250.1600, 8250.1700, 8250.1800, 8250.9910 and 8250.9920 arise from the requirements of Minnesota Statutes 204D.11, subd. 1 and 206.57, subd. 1; which require the Secretary of State to establish rules on the preparation and form of white ballots and the use of electronic voting systems. The rationale for each individual rule is as follows:

1. Part 8250.0100 is needed to expand the definition of the white ballot to include voting systems other than paper ballot.

2. Part 8250.0600 is needed to conform all other rules on white ballot preparation to the definition established in 8250.0100. This is reasonable to provide consistent, easy to understand layout and printing instructions to election officials.

3. Part 8250.1600 is needed to define what voting systems are effected by the all new rules found in 8250.1600 - 8250.1800.

4. Part 8250.1700 is needed to establish the format ballot pages used in punch card voting systems. The need and reasonableness of each subpart is as follows:

   Subpart 1 is needed to set the applicability of Part 8250.9910 to the punch card systems.

   Subpart 2 is needed to establish the form of the punch card ballot pages. This is reasonable as it divides the ballot pages into sections that are easy for the voter to use to find a particular office. The type size established in this subpart is also reasonable to provide voters with easy to read section titles.

Subpart 3 is needed to provide voting instructions in a clear manner that will allow the voter to cast a valid vote with the punch card system. Type size is also set to make the ballot easy to read for the voter.

Subpart 4 is needed to provide type size for candidate and party name. This is reasonable for insuring a readable ballot for the voter.

Subpart 5 is needed to insure that the ballot position number is printed on the ballot pages so that a voter may check that a vote was correctly registered for a particular office.

Subpart 6 is needed to insure that the correct ballot pages are distributed to each precinct within an election jurisdiction and presented to the voter in the correct order.

Subpart 7 is needed to establish the manner in which questions are presented on the ballot. This is reasonable to insure that voters are aware of the subject of the question and that votes are cast in an accurate manner by the voter.

Subpart 8 is needed for partisan primary elections in which cross over voting, without a party indicator, voids the entire ballot. The subpart is a reasonable way to inform voters that they must limit their votes to the candidates of one political party, and to instruct the voter as to where the candidates of that party are located within the ballot pages.

Subpart 9 is needed to provide the method by which the Secretary of State notifies county auditors of designated party colors.

Subpart 10 is needed to provide for the use of party colors in the ballot pages of partisan primary elections. This is reasonable to reduce the number of invalid cross over votes by providing another means to differentiate between parties.

5. Part 8250.1800 is needed to establish the form and content of ballots used by optical scan voting systems. The need and reasonableness of each subpart is as follows:

   Subpart 1 is needed to provide easy to read office titles and candidate names on optical scan ballots. This subpart also provides for the type size and location of instructions and question subjects for use by the voter. This is reasonable to insure that the voter can cast their ballot accurately.

   Subpart 2 is needed to establish the type and location of voter targets. This is reasonable because optical scan systems can read votes only if they are cast in a target area. Therefore target areas must be placed on the ballot in a manner that makes their use obvious to the voter.

   Subpart 3 is needed to insure marks placed on the ballot by election officials do not conflict with the ability of the system to count the ballot.

6. Part 8250.9910 is needed to illustrate the ballot format established by 8250.1700.

7. Part 8250.9920 is needed to illustrate the party preference indicator page specified by 8250.1700.

As required by Minnesota Statutes 14.115, the Election Division has considered the effect of this rule on small businesses. Following the format of 14.115, subp. 2, the following five methods for reducing impact on small businesses were considered:

A. Establishing less stringent ballot content and form requirements would allow the printing of ballots that are not easy to read or understand by the voters.

B. These rules do not establish reporting deadlines or schedules.

C. The proposed rules provide a consolidation of printing standards for use through out the state. This will make it easier for small businesses to bid for printing contracts as the requirements will be standardized.

D. The rules do not establish operational standards. The establishment of less stringent design requirements would jeopardize the ability of the voter to use the ballot, and of the voting system to count the ballot.

E. The exemption of small businesses from the requirements of the rules would undermine their effectiveness as most printers of ballots are small businesses as defined by 14.115 sub. 1. This would eliminate all benefits the voters will derive from standardization.

Also pursuant to Minnesota Statutes, section 14.11, there is no impact on agricultural land nor will the adoption of these rules result in additional spending by local bodies in excess of $100,000 per year for the first two years following the adoption of these rules.

In the Matter of the Proposed Adoption
of the Rules of the State Governing
Electronic Voting System Ballots

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Sandra Olson, being first duly sworn deposes and says:

That on the 9th day of May, 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 to 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.

C8805.20

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 Electronic Voting
System Ballot.

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 rules 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 are found in Minnesota Statutes, section 204D.11, subd. 1 and 206.57, subd. 1.

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 hereby advised, pursuant to Minnesota Statute 14.115, that the proposed rules will have a probable quantitative and qualitative impact on small businesses that provide ballots for special, primary and general elections in Minnesota. The probable qualitative effect will be to impose standardized printing instructions in regard to type size and ballot layout for all electronic voting system ballots.

The probable quantitative effect will be to increase the use of colored stock in the printing of election ballots for punch card voting systems.

Also, pursuant to Minnesota Statutes, section 14.11, 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, in either of the two years immediately following the adoption of these rules.

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.

5/9/88

Joan Anderson Growe
Secretary of State

C8805.19

Subp. 5. **Granting course approval.**

A. Provisional Minnesota approval shall be granted for an initial or refresher training course if the required information and documentation is submitted and is found to meet the requirements prescribed under this part. A letter shall be issued to the applicant stating that the course has provisional Minnesota approval, the date of issuance, and the date of expiration.

B. Full Minnesota training course approval shall be granted for a period of two years, after the commissioner grants provisional approval, conducts an on-site observation and evaluation of the training course, and determines that the applicant's asbestos training course meets the requirements of this part. A letter shall be issued to the applicant stating that the course is Minnesota-approved, the date of issuance, and the date of expiration.

C. For out-of-state training programs presented on or after January 1, 1989, on-site observation and evaluation by the commissioner's designee may be waived for Minnesota approval if the course is approved by a state accreditation program that is comparable to the Minnesota program, and all other conditions prescribed under this part are met.

Subp. 6. **Cancellation of course approval.** The commissioner shall cancel training course approval if the commissioner finds that any of the criteria under this part are not met. The commissioner shall inform course sponsors in writing of the cancellation, the reasons for this action, and the conditions that must be met before reinstatement of course approval.

Subp. 7. **Renewal of course approval.** To renew full approval of a Minnesota-approved training course, the applicant shall resubmit the information required in subpart 3. On-site observation is not required to renew a Minnesota-approved course.

If a properly completed application for renewal is received at least 30 days but not more than 60 days before expiration of training course approval, the sponsor's course approval shall not expire until final action on the application has been taken by the commissioner.

Secretary of State

Proposed Permanent Rules Relating to Electronic Voting System Ballot

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 rules 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 are found in *Minnesota Statutes,* section 204D.11, subd. 1 and 206.57, subd. 1.

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.

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.

You are hereby advised, pursuant to *Minnesota Statute* 14.115, that the proposed rules will have a probable quantitative and qualitative impact on small businesses that provide ballots for special, primary and general elections in Minnesota. The probable qualitative effect will be to impose standardized printing instructions in regard to type size and ballot layout for all electronic voting system ballots.

The probable quantitative effect will be to increase the use of colored stock in the printing of election ballots for punch card voting systems.

Also, pursuant to *Minnesota Statutes*, section 14.11, 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, in either of the two years immediately following the adoption of these rules.

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: 9 May 1988

Joan Anderson Growe
Secretary of State

Rules as Proposed

8250.0100 DEFINITION OF WHITE BALLOT.

The "white ballot" is the ballot used at general elections and is the ~~paper~~ ballot on which are printed the names of the candidates appearing on the presidential ballot and those candidates nominated for the offices of United States senator ~~and~~, United States representative ~~in congress~~, state senator ~~and~~, state representative ~~in the legislature~~, governor and lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

8250.0600 OFFICES.

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

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"STATE TREASURER"

"ATTORNEY GENERAL"

"United States" may be abbreviated as "U.S." If an office is not to be filled at a general election, the office must not appear on the ballot. Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in upper case letters or numbers the district (~~e.g.~~ for example: "SIXTH DISTRICT," "DISTRICT SIX," or "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

Rules as Proposed (all new material)

BALLOTS FOR ELECTRONIC VOTING SYSTEMS

8250.1600 APPLICABILITY.

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8. To the extent possible, parts 8250.0100 to 8250.1500 apply to the use of electronic voting systems, unless otherwise provided.

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

Subpart 1. **Form.** Punch card ballot pages must be printed in the form illustrated in part 8250.9910.

Subp. 2. **Order of office groups.** For purposes of organization, the ballot pages must be divided into separate sections and headed by the following titles:

"FEDERAL OFFICES"

"STATE OFFICES"

"CONSTITUTIONAL AMENDMENTS"

The titles must be printed in upper case and bold face in as large as practicable but no smaller than 36-point type and must be carried on each ballot page that contains an office for a particular category.

Subp. 3. **Office titles.** The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type. The first legislative office appearing on the ballot must be printed at the top of the page, under the title "STATE OFFICES."

The instruction "VOTE FOR ONE" or "VOTE FOR ONE TEAM" must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type.

Subp. 4. **Candidate and party names.** The candidate names must be printed in upper case and bold face in as large as practicable but no smaller than 12-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

Subp. 5. **Ballot position numbers.** The appropriate ballot position number must be printed on the same line as the candidate's name in as large as practicable but no smaller than 14-point type.

Subp. 6. **Precinct identifiers.** The name of the municipality and the ward and precinct number, if any, for which the ballot page has been prepared must be printed on the bottom of each page on which candidate names appear. The date of the election must be printed next to the precinct identifier. In addition, each ballot page for a precinct must be sequentially numbered. The page number must be printed in bold face in as large as practicable but no smaller than 10-point type.

Subp. 7. **Questions.** The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type. The question must be printed in bold face in as large as practicable but no smaller than 12-point type. The words "YES" and "NO" must be printed to the left of the appropriate ballot position number in upper case and bold face in as large as practicable but no smaller than 14-point type.

Subp. 8. **Party preference indicator.** In partisan primary elections, the ballot booklet must include a place to allow the voter to indicate the primary election in which the voter intends to vote. This party preference indicator must appear on the first ballot page preceding the pages containing the partisan offices. The page containing the party preference indicators must be printed in the form illustrated in part 8250.9920.

Subp. 9. **Designation of party colors.** The secretary of state shall notify the county auditor of each county of any colors used to designate a major political party at a state election. Notification must be made at the same time that the secretary of state certifies the names of the candidates to be nominated at the state primary election.

Subp. 10. **Color of ballot pages.** The names of candidates to be nominated for each major political party at a partisan primary election must be printed on pages of the color required by statute for that party. No page may contain the candidates of more than one major political party. All pages containing nonpartisan candidates or questions and the page containing the party preference indicator must be white.

8250.1800 FORMAT OF BALLOT CARDS FOR OPTICAL SCAN SYSTEMS.

Subpart 1. **Type sizes.** The type sizes in items A to D must be used in the printing of ballot cards.

A. The titles "FEDERAL OFFICES," "STATE OFFICES," and "CONSTITUTIONAL AMENDMENTS" must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type.

B. The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. Immediately under each office title, the instruction "VOTE FOR ONE" or "VOTE FOR ONE TEAM" must be printed in upper case and bold face in as large as practicable but no smaller than 8-point type.

C. The candidate names must be printed in upper case in as large as practicable but no smaller than 10-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

D. The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. The question must be printed in bold face in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be printed to the left of the vote targets in upper case and bold face in as large as practicable but no smaller than 10-point type.

Subp. 2. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

Subp. 3. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1.

8250.9910 SAMPLE PUNCH CARD BALLOT PAGE FORM, SPECIFIED BY PART 8250.1700.

FEDERAL OFFICES

U.S. PRESIDENT AND VICE-PRESIDENT VOTE FOR ONE TEAM

CANDIDATE NAME and CANDIDATE NAME 00 →
Party Name

CANDIDATE NAME and CANDIDATE NAME 00 →
Party Name

UNITED STATES SENATOR VOTE FOR ONE

CANDIDATE NAME 00 →
Party Name

CANDIDATE NAME 00 →
Party Name

UNITED STATES REPRESENTATIVE DISTRICT ___ VOTE FOR ONE

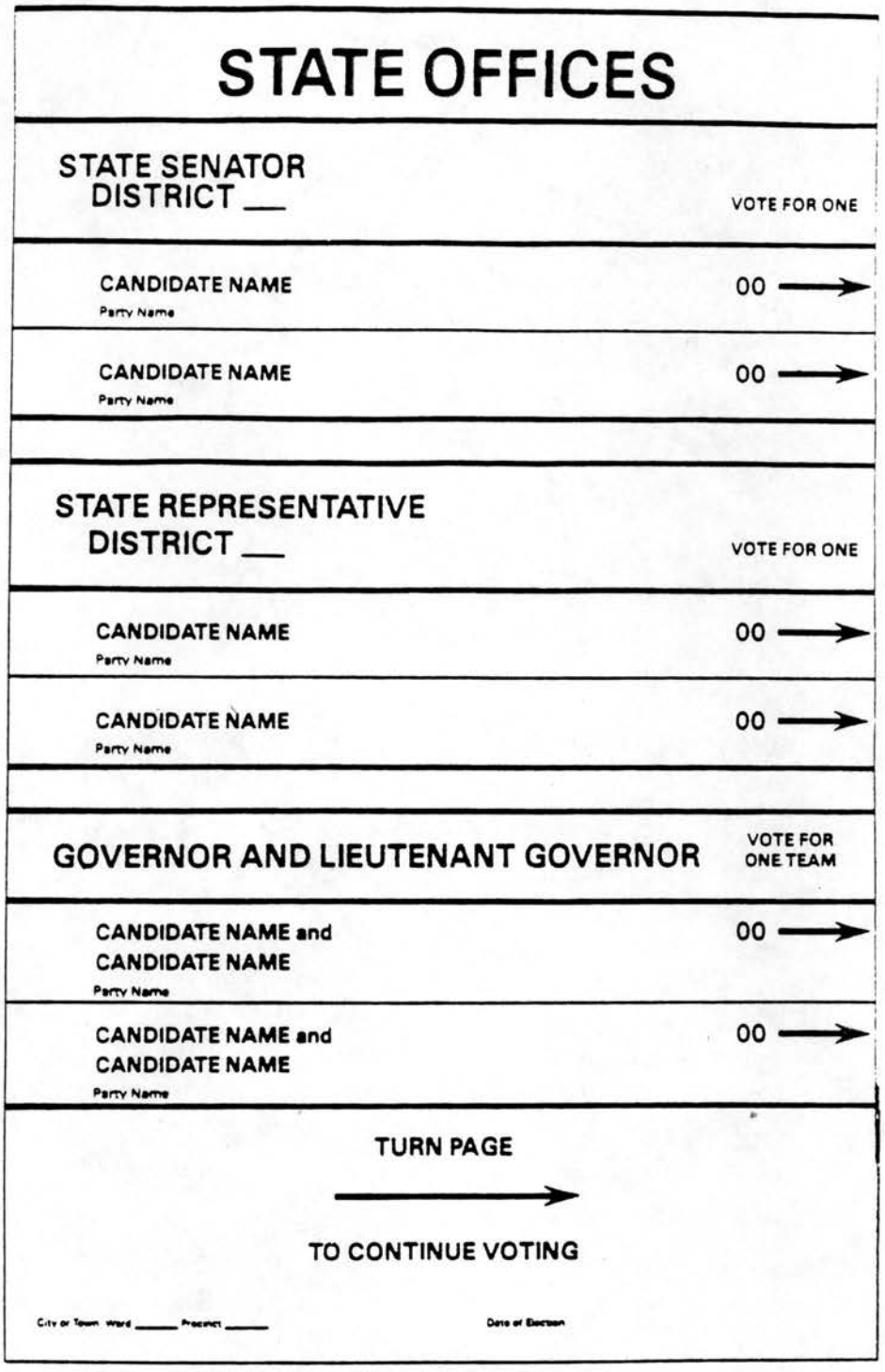
CANDIDATE NAME 00 →
Party Name

CANDIDATE NAME 00 →
Party Name

TURN PAGE →

TO CONTINUE VOTING

City or Town Ward ____ Precinct ____ Date of Election



STATE OFFICES

STATE SENATOR
DISTRICT ___ — VOTE FOR ONE

CANDIDATE NAME — 00 →
Party Name

CANDIDATE NAME — 00 →
Party Name

STATE REPRESENTATIVE
DISTRICT ___ — VOTE FOR ONE

CANDIDATE NAME — 00 →
Party Name

CANDIDATE NAME — 00 →
Party Name

GOVERNOR AND LIEUTENANT GOVERNOR — VOTE FOR ONE TEAM

CANDIDATE NAME and CANDIDATE NAME — 00 →
Party Name

CANDIDATE NAME and CANDIDATE NAME — 00 →
Party Name

TURN PAGE

→

TO CONTINUE VOTING

City or Town Ward ____ Precinct ____ Date of Election

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.

8250.9920 FORM OF PAGE CONTAINING PARTY PREFERENCE INDICATOR.

POLITICAL PARTY PREFERENCE INDICATOR

MINNESOTA ELECTION LAW PERMITS YOU TO VOTE FOR THE CANDIDATES OF ONLY ONE POLITICAL PARTY IN A STATE PARTISAN PRIMARY ELECTION. PLEASE INDICATE THE PRIMARY ELECTION IN WHICH YOU CHOOSE TO VOTE BY PUNCHING THE POSITION NEXT TO THE PARTY NAME, THEN BEGIN VOTING BY TURNING TO THE PAGES INDICATED BELOW.

. . . . . .

. . . . . .

(name of political party) 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn

. . . . . .

. . . . . .

(name of political party) 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn

. . . . . .

YOU MAY VOTE FOR CANDIDATES FOR NONPARTISAN OFFICES ON THE WHITE PAGES EVEN IF YOU CHOOSE NOT TO VOTE IN ONE OF THE PARTISAN PRIMARY ELECTIONS.

Waste Management Board

Proposed Permanent Rules Relating to Used Oil Processing Equipment Loan Program

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board (Board) 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* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in *Minnesota Laws* 1988, ch. 685, section 18, to be codified as *Minnesota Statutes* § 115A.9162.

All persons have until 4:30 p.m. on Tuesday, June 21, 1988, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests 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 rules addressed, the reason for the request, and any changes proposed.

If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Mr. Kevin F. O'Donnell
Minnesota Waste Management Board
1350 Energy Lane
St. Paul, MN 55108
(612) 649-5785

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed.

The proposed rules, if adopted, will govern the Used Oil Processing Equipment Loan Program established in *Minnesota Statutes* § 115A.9162 by establishing the substantive criteria and procedural conditions under which the Board will award loans for used oil processing equipment. The proposed rules are published below. One free copy of the rules is available upon request from Mr. Kevin F. O'Donnell at the address and telephone number stated above.

STATE OF MINNESOTA

SECRETARY OF STATE

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Governing Electronic Voting System Ballot.

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 May 23, 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 May 9, 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 rule identified as 8250.1600, 8250.1700, 8250.1800, 8250.9910 and 8250.9920 is adopted this 23rd day of June 1988, pursuant to authority vested in me by Minnesota Statutes, sections 204D.11, subd. 1 and 206.57,subd. 1.

Joan A. Growe

Secretary of State

RULES.8806

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Electronic Voting System Ballot

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: June 28, 1988.

In the Matter of the Proposed
Adoption of the Rules of the
Secretary of State Governing
Electronic Voting System Ballots

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Jeffrey Sigurdson, being first duly sworn says: I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Secretary of State rulemaking mailing list is accurate, complete, and current as of this 9th day of May, 1988.

Jeffrey Sigurdson
Election Procedures Assistant

Subscribed and sworn to before me
this 9th day of
May, 19 88.

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

C8805.21 Joseph Mansky

Speed Letter® 44-90 GrayLine SNAP-A-WAY® FORM

Speed Letter®

To Rita Desmond
515 Transportation

From Peter Ackerberg
525 Park

Subject Secretary of State Rules Governing Electronic Voting System Ballot

—No. 9 & 10 FOLD

MESSAGE

Enclosed for AG approval is the above-referenced rule & supporting material. Pls contact me if you have any questions

Date 6/28/88 Signed PMA

REPLY

RECEIVED

JUN 29 88

ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

—No. 9 FOLD
—No. 10 FOLD

Date Signed

WilsonJones
GRAYLINE FORM 44-902 3-PART
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RECIPIENT—RETAIN WHITE COPY, RETURN PINK COPY