

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: August 30, 1990

TO: JOAN ANDERSON GROWE
Secretary of State

FROM: CHRISTIE ELLER CBE
Assistant Attorney General

PHONE: 296-9421

SUBJECT: In the Matter of the Adopted Rule Relating to
Format of Ballot Pages for Punch Card Systems

The above-referenced rule has been approved as to its legality by the Attorney General on August 30, 1990.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

CBE:sc

Enclosures

cc: Michael R. Gallagher
William Brown, Chief Judge
MaryAnn Hruby

CE

RULE REVIEW CHECKLIST

File No. 1726
DATE RECEIVED 8-16-90
REVIEW DATE 8/27/90
DUE DATE 8/30/90
(DIS)APPROVED 8/28/90
WITHDRAWN _____

Docket No. 05.0009.0747
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 8/17/90
REVISOR (DIS)APPROVED 8/28/90
FILED W/SEC. OF STATE 8/30/90
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

April 23, 1990 Notice to Solicit Outside Information/Opinion (if applicable)

April 23, 1990 Date published in State Register

_____ Comments

_____ Board's Authorizing Resolution

✓ Date adopted

_____ Proposed Rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule

20A0.11 subd 1 Statutory Authority

_____ ~~Small Business Statement~~

_____ ~~Expenditure of public money statement~~

6-22-90 Signature

_____ ✓ Statement of Need and Reasonableness (if applicable)

NA Small Business Statement

_____ ~~Fees - § 16A.128~~

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

June 25, 1990 Dated (30)/25 days before adoption

✓ Notice attached indicates it is attached

_____ Copy of rule or summary attached

✓ Publication in State Register

July 9, 1990 Date (30)/25 days before adoption

✓ 180-day deadline from:

✓ Effective date of law requiring rule

✓ (14.12) (both rules) NA Amendment

_____ 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

August 13, 1990 Date

✓ Declaration of Attorney

Mike Hallagher Name of SAAG representing agency

_____ ~~Notice of Submission to Attorney General~~ (if applicable)

_____ ~~Affidavit of Mailing Notice to Attorney General~~ (if applicable)

Secretary of State

Adopted Permanent Rules Relating to Format of Ballot Pages for Punch Card Systems

Rules as Adopted

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Instructions to voters.** On ballot pages containing two offices, a vertical arrow must be printed perpendicular to the office titles in the space separating the offices. The arrow must point from the first office on the page toward the second office on the page. At the midpoint of the length of the arrow, the arrow must be broken with a space three-eighths of an inch in length. In this space, the words "CONTINUE VOTING" must be printed horizontally in upper case and boldface in as large as practicable but no smaller than 14-point type.

APPROVED AS TO FORM AND LEGALITY

Aug 28 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charles D Ellis
ASSISTANT ATTORNEY GENERAL

Stat. Authority 204 D. 11 subd 1.

... The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for establishing a basis for distributing to the counties the money appropriated by the state for white ballot costs.

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : August 16, 1990

TO : **PATRICIA NOLTE**
Office of Attorney General
Rule Review Section

FROM : **MICHAEL R. GALLAGHER**
Special Assistant
Attorney General

MRG

PHONE : 297-1137

Rec 8-16-90

SUBJECT : In the Matter of the Adoption of the Rule of the Secretary of State Governing the Format of Ballot Pages for punch Card Systems

Enclosed for your review, pursuant to Minnesota Statute 14.26, are the following documents to support the above-referenced, non-controversial rule:

1. Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Punch Card Systems, as published in the State Register;

2. Rule as proposed with Certificate of Approval as to form by the Revisor of Statutes attached;

3. Notice of Intent to Adopt a Rule Without a Public Hearing as mailed;

4. Statement of Need and Reasonableness;

5. Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing;

6. Notice of Intent to Adopt the Rule Without a Public Hearing, as published in State Register;

7. Rule as adopted (4 copies);

8. Findings of Fact, Conclusions, and Order Adopting Rule Without a Public Hearing; and

9. Declaration of Counsel.

Please be advised that there were no submissions or comments on the rule received by the agency. There were no requests for the Notice of Submission to the Attorney General.

MRG:gpp

All comments and information will be accepted until 4:30 p.m. on May 24, 1990. Any written material received by the Department of Jobs and Training will become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event the rules are adopted.

Joe Samargia, Commissioner
Department of Jobs & Training

Secretary of State

Election Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Punch Card Voting Systems

NOTICE IS HEREBY GIVEN that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose an amendment of the rule governing the format of ballot pages used in punch card voting systems (Chapter 8250). The adoption of the rule is authorized by *Minnesota Statutes*, section 206.57, which requires the Secretary of State to adopt rules governing the use of electronic voting systems.

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2805 and in person at the above address.

All statements of information and opinions shall be accepted until May 31, 1990. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 13 April 1990

Joan Anderson Growe
Secretary of State

Minnesota Office of Waste Management

Solid Waste Grants and Market Development Unit

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Recycling Market Development Grant and Loan Programs

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources as it prepares to propose the adoption of rules governing the Office's issuance of grants and loans, to public, non-profit, and private organizations, for projects that develop markets or end uses for recyclable materials. The rules will establish criteria and procedures for awarding recycling market development grants and loans. Adoption of the rules is authorized by *Minnesota Statutes* § 115A.48, subd. 5.(d) (1989), which directs the Office to adopt rules for administering recycling market development grant and loan programs.

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

Cristine Leavitt
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
Telephone: (612) 649-5771 or
1-800-652-9747

STATE OF MINNESOTA

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Relating to Format of Ballot Pages for Punch Card Systems

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 22nd day of June, 1990 that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given all persons who have registered their names with the Secretary of State for that purpose and be published in the State Register.

Joan Anderson Growe
Secretary of State

Secretary of State

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Relating to Format of Ballot Pages for Punch Card Systems	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 204D.11 subd. 1.

(2) 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. (3) 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. (4) 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. (6) 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. (7) If a public hearing is required, the Secretary of State will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-6011

(8) 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.

(11) A copy of the proposed rule is attached to this notice.

(12) 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 Secretary of State upon request.

(9) 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 the 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 matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

6-22-90
Date

Joseph Mansky
Director, Election Division

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt Part 8250.1700 subp. 11 from the requirements of Minnesota Statutes 204D.11 subd. 1 which requires the Secretary of State to establish rules for the format of the white ballot. The rationale for the rule is as follows:

1. Part 8250.1700 is needed to reduce the rate of voter falloff apparently occurring under certain ballot configurations with punch card voting systems. At the 1988 general election counties exclusively or predominantly using punch card voting systems showed a marked increase in the number of voters failing to cast a vote for the office of U.S. Representative. The percentage of voters bypassing the office of U.S. Representative was 18.81% for counties using punch card systems compared to a 5.5% average statewide. This compares to an average among punch card counties of 4.15% in 1984 and 4.85% in 1986 for the office of U.S. Representative.

   The only apparent reason for this increase in voter falloff is ballot format. In 1988 the office of U.S. Representative was the second of two offices on the page, in 1984 and 1986 it was the first office on the page. It appears some voters did not notice that the page contained more than one office to be voted on.

   Given the limitations of punch card voting it is not feasible to give each office a separate ballot page. It is reasonable to provide a visual guide that clarifies to the voter when two offices are on a single ballot page. For that purpose this rule creates a more prominent visual separation of the offices and provides additional instruction to the voter.

Pursuant to Minnesota Statutes, section 14.11 the proposed rule will not have any impact on 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 the rule. Also pursuant to Minnesota Statutes, section 14.115, the proposed rule will not have an impact on small business in Minnesota.

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing the Format of Ballot Pages for Punch Card Systems

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Jeffrey Sigurdson, being sworn says:

I hearby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Secretary of States rulemaking mailing list is accurate, complete, and current as of this 25th day of June, 1990.

That on the 25th day of June, 1990 at the City of St.Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Jeffrey Sigurdson
Election Procedures Assistant

Subscribed and sworn to before me
this 25th day of June, 1990.

Paula Biever

PAULA BIEVER
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Apr. 10, 1994

the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness and a separate fiscal note. The increase fees proposed in part 4730.0600 which apply to local and county-funded facilities with x-ray machines, radium sources and linear accelerators will not cost local public bodies more than $100,000 in either of the two years following adoption of the rule. Based on Department calculations for facilities with registered sources of ionizing radiation, the net increase in costs for the two years following adoption of the proposed fee rule would be approximately $16,500 each year. In accordance with Minnesota 5063 after August 8, 1990, for oral confirmation about the scheduled hearing.

Dated: 25 June 1990

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4730.0600 REGISTRATION FEES.

Subpart 1. **Fee for initial or renewal registration.** The initial or renewal biennial registration of every source of ionizing radiation required to be registered by parts 4730.0400 to 4730.0800 ~~shall~~ must be accompanied by ~~a fee~~ fees as prescribed ~~herein~~ in this part. ~~The fee~~ Fees shall be based ~~upon~~ on a facility base fee for each facility and the number of X-ray tubes and ~~facilities using~~ radium specified in items A to D registered by each person, company, hospital, group, practice, or other organization or association ~~at one general site~~ as follows:

~~Type of Source~~	~~Charge per Tube First Five Tubes~~	~~Charge per Tube 6th Tube or More~~
~~Dental X-ray~~	~~$ 25~~	~~$10~~
~~Medical[1] industrial or educational[2] X-ray~~	~~40~~	~~10~~
~~Linear accelerator~~	~~50~~	
~~Radium/per facility~~	~~100~~	
~~Inspection surcharge for any X-ray or accelerator facility~~	~~40~~	
~~Maximum fee per facility~~	~~500~~	
Base fee per facility	$ ~~80~~	

Tube Type or Source

A. Dental X-ray, $40;

B. Medical[1], industrial, or educational[2] X-ray, $64;

C. Linear accelerator[3], $80; and

D. Radium per facility, $120.

[1]"Medical" ~~source~~ means radiographic and fluoroscopic X-ray equipment used by any licensed practitioner of the healing arts and facilities with which they are associated, but does not include ~~sources used by dentists~~ dental X-ray equipment.

[2]"Industrial" or "educational" ~~source~~ means industrial or educational X-ray equipment used in an industrial or educational facility.

[3]"Linear accelerator" means a medical particle accelerator or an industrial particle accelerator.

[For text of subps 2 and 3, see M.R.]

Secretary of State

Proposed Permanent Rules Relating to Format of Ballot Pages for Punch Card Systems

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 204D.11 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 Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Joseph Mansky
Director, 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 Secretary of State upon request.

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 the 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 matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

Dated: 22 June 1990

Joseph Mansky
Director, Election Division

Rules as Proposed

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Instructions to voters.** On ballot pages containing two offices, a vertical arrow must be printed perpendicular to the office titles in the space separating the offices. The arrow must point from the first office on the page toward the second office on the page. At the midpoint of the length of the arrow, the arrow must be broken with a space three-eighths of an inch in length. In this space, the words "CONTINUE VOTING" must be printed horizontally in upper case and boldface in as large as practicable but no smaller than 14-point type.

Department of Transportation

Proposed Permanent Rules Relating to Bridge Construction and Reconstruction

Notice of Extended Comment Period

NOTICE IS HEREBY GIVEN that the comment period for the captioned rules appearing at 14 S.R. 2625 has been extended for an additional thirty days in order that the Department of Transportation might give written notice to individuals who have registered with department to receive such notices and to give the public additional time to comment on the provisions. The department requests that all comments be submitted and received not later than August 10, 1990.

Dated: 20 June 1990

Leonard W. Levine
Commissioner

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.

STATE OF MINNESOTA
SECRETARY OF STATE

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Relating to the Format of Ballot Pages for Punch Card Systems

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Secretary's intent to adopt the above-entitled rule was published in the State Register on July 9, 1990 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 June 25, 1990. (2) 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 list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) 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.

(8) Based on the evidence in the record before the agency, I find the following:

The above captioned rule is needed and reasonable. (8)

Now, therefore, it is ordered that the rule identified as 8250.1700 is adopted this 13th day of August 1990, pursuant to authority vested in me by Minnesota Statutes, section 204D.11 subd. 1.

(9)

Joan Anderson Growe
Secretary of State

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Format of Ballot Pages for Punch Card Systems

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

Proposed Permanent Rules Relating to Format of Ballot Pages for Punch Card Systems

Rules as Proposed

8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Instructions to voters.** On ballot pages containing two offices, a vertical arrow must be printed perpendicular to the office titles in the space separating the offices. The arrow must point from the first office on the page toward the second office on the page. At the midpoint of the length of the arrow, the arrow must be broken with a space three-eighths of an inch in length. In this space, the words "CONTINUE VOTING" must be printed horizontally in upper case and boldface in as large as practicable but no smaller than 14-point type.

Approved by Revisor CEL

In the Matter of the Adoption
of the Rule of the Secretary
of State Governing the Format
of Ballot Pages for Punch
Card Systems

DECLARATION
OF COUNSEL

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

Dated: August 16, 1990.

Michael R. Gallagher
Special Assistant
Attorney General