

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: December 18, 1990

TO: PETER ACKERBERG
Special Assistant
Attorney General

FROM: CHARLENE W. HATCHER
Special Assistant
Attorney General

PHONE: 296-9422

SUBJECT: Rules Relating to Absentee Ballot Applications

The above-entitled rules have been approved as to their legality by the Attorney General on December 17, 1990. However, I would like to take this opportunity to raise two concerns I have with the rules. I am raising these issues for your information and action if you or your client desire.

1. First, Minn. Stat. § 14.22 requires the Notice of Intent to Adopt the rule to contain a "citation to the most specific statutory authority for the proposed rule." Your client's notice cited its statutory authority as "Act of May 3rd, 1990, section 19, 1990, Minnesota Laws 2218". The form of this citation is incorrect and may have made it difficult for persons interested in the rules to find your client's statutory authority for promulgation. In the future your client may want to seek your assistance for proper citation of Session Laws.

2. Secondly, I raise the issue of the incompleteness of the Statement of Need and Reasonableness. Specifically, the paragraph numbered 2 states that Part 8210.9915 of the rule is reasonable because it contains the information required by Minn. Stat. 203B.04, subd. 5. However, that statute does not state what specific items of information (e.g., date of birth, telephone number, etc.) are required to be in the form. Minn. Stat. 203B.04, subd. 5 merely states that "[t]he secretary of state shall adopt rules governing procedures under this subdivision". For the next set of rules your client should be careful to discuss the rules: Why the language is being proposed and an explanation of the rule, which includes a discussion and justification of the rule. In doing so, your client need not go into great length. For example, your client could have justified the need for the information on the form by stating it was needed for identification purposes.

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.

CH:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby

CH

RULE REVIEW CHECKLIST

File No. 1768 — Docket No. 05.0059.0747
DATE RECEIVED 12-5-90 — ADOPTED W/O HEARING ____
REVIEW DATE 12-14-90 — EMERGENCY RULE ____
DUE DATE 12-19-90 — TO REVISOR ON ∴ 12-6-90
(DIS)APPROVED 12-17-90 — REVISOR (DIS)APPROVED ____
WITHDRAWN ____ — FILED W/SEC. OF STATE 12-18-90
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

____ Board's Authorizing Resolution
____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
Section 19, 1990 Laws Statutory Authority 2218
____ Small Business Statement
____ Expenditure of public money statement
October 11, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
N/A not good Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
October 29, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
____ Copy of rule or summary attached

✓ Publication in State Register
October 29, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ 178 days Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ 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
November 30, 1990 Date

____ Written Requests, Submissions or Comments

____ Declaration of Attorney
Peter Ackerberg Name of SAAG representing agency

____ Notice of Submission to Attorney General (if applicable)

____ Affidavit of Mailing Notice to Attorney General (if applicable)

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: December 18, 1990

TO: JOSEPH MANSKY
Director, Election Division
180 State Office Building

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Absentee Ballot Applications

The above-referenced rule has been approved as to its legality by the Attorney General on December 17, 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.

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

CH:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Peter Ackerberg

Office of the Secretary of State

Adopted Permanent Rules Relating to Absentee Ballot Applications

Rules as Adopted

8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Permanent application.** An eligible voter who meets the requirements in Minnesota Statutes, section 203B.04, subdivision 5, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in part 8210.9915 for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The completed form must be attached to the voter's registration card.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

An application submitted by a voter under this subpart must be retained permanently with the voter's registration record. The form must be transferred with the voter's registration record whenever a change in the voter's name, address, or status occurs.

8210.9915 APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS, SPECIFIED BY PART 8210.0200.

APPLICATION TO AUTOMATICALLY RECEIVE
ABSENTEE BALLOT APPLICATIONS

Name _____
Last First Middle

Township or City

of Legal Residence _____
Township or City County

Address of
Legal Residence _____
Street Address or Route and Box Number

Mailing Address
for Application
(if different) _____
Street Address or Route and Box Number

_____
Mailing City State Zip

Date of Birth _____ Telephone Number _____

I certify that I reasonably expect to be permanently unable to vote in person at the polling place for my precinct due to illness or disability and hereby request that an application for absentee ballots be sent to me before each election in which I am eligible to vote.

_____ _____
Signature Date

APPROVED AS TO LEGALITY

December 17, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 18 1990

Joan Anderson Growe
Secretary of State

1:08 pm

congressional district, or state convention may notify the executive committee of the major political party unit that the delegate or alternate requires convention materials in audio tape, Braille, or large print format. Upon receiving the request, the executive committee shall provide all official written convention materials as soon as they are available, so that the visually impaired individual may have them converted to audio tape, Braille, or large print format, prior to the convention.

Sec. 19. Minnesota Statutes 1988, section 203B.04, is amended by adding a subdivision to read:

Subd. 5. **PERMANENT ILLNESS OR DISABILITY.** An eligible voter who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability may apply to a county auditor or municipal clerk under this section to automatically receive an absentee ballot application before each election and to have the status as a permanent absentee voter indicated on the voter's registration record. The secretary of state shall adopt rules governing procedures under this subdivision.

Sec. 20. Minnesota Statutes 1988, section 203B.09, is amended to read:

203B.09 **FORM AND CONTENT OF REQUIRED MATERIALS; RULES OF SECRETARY OF STATE.**

The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.

Sec. 21. Minnesota Statutes 1988, section 203B.12, subdivision 2, is amended to read:

Subd. 2. **EXAMINATION OF RETURN ENVELOPES.** Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

(a) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(b) the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope; and

(c) the voter has not already voted at that election, either in person or by absentee ballot.

OR SIGN A ~~VOTER~~
d individual who refuses
ce roster as required by
allenged individual who
wer questions or sign a
e allowed to vote. ~~In~~
~~individual shall not be~~

', is amended to read:

Y AUDITORS.

shall deliver two sets of
ık, canary, and gray bal-
anary, and gray ballots
to the county auditor's
as possible after the vote
the end of the hours for
emaining set of summary
cipal and school district
l district ballots, and all
ct clerk, to the municipal
the end of the hours for
return all polling place
county auditor within 48

S EXEMPTION.

ates the size of noncom-
rdinance, all noncommer-
n a state general election

subdivision 1, is amended

wns operating under option
risors as provided in this
ized and supervisors have
eeting prior to the annual
ntil the next annual town
lected, one for three years,
rm of one shall expire each
l shall be indicated on the
ee-year terms under option
ndidacy which of the two

ons by ~~strikeout~~.

offices the candidate is filing for. At all other annual town elections one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, there shall be elected at the annual town election held in even-numbered years one town clerk, and at the annual town election held in odd-numbered years one town treasurer. The clerk and treasurer each shall serve for a term of two years and until their successors are elected and qualified.

Sec. 32. Minnesota Statutes 1988, section 367.33, subdivision 4, is amended to read:

Subd. 4. **TERMS.** If the additional supervisors are elected at a special election, they shall serve only until the next annual town election, at which the additional members shall stand for election, one for a term of two years and one for a term of three years. ~~The candidate receiving the highest number of votes shall be elected for the longer term. If the additional supervisors are elected at an annual election, one shall serve for a term of two years and the other for a term of three years with the candidate receiving the highest number of votes being elected for the longer term.~~ A candidate for one of the additional supervisor positions shall specify in the affidavit of candidacy that the candidate is filing for either the two-year or the three-year term.

Sec. 33. **REPORT TO LEGISLATURE.**

The secretary of state shall evaluate the operation of section 19 and shall report to the chairs of the general legislation committee in the house of representatives and the elections committee in the senate by February 1, 1992.

Sec. 34. **REPEALER.**

Minnesota Statutes 1988, sections 201.061, subdivision 2; 201.071, subdivisions 5 and 6; and 201.091, subdivision 3, are repealed.

Sec. 35. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:40 p.m.

CHAPTER 586—S.F.No. 2609

An act relating to the environment; providing for the management and cleanup of tax-forfeited lands; requiring a report by the pollution control agency; authorizing a levy by Lake county; authorizing a purchase of tax-forfeited land and lease of restricted land in St.

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt Parts 8210.0200 and 8210.9915 from the requirements of the Act of May 3rd 1990, section 19, 1990, Minn. Laws 2218 which requires the Secretary of State to establish rules for use in the administration of a permanent application for absentee ballots. The rationale for each individual rule is as follows:

1. Part 8210.0200 is needed to provide the procedures to be used in establishing and maintaining a list of eligible voters who are to automatically receive an absentee ballot application. The procedures are reasonable to insure uniformity throughout the state, to insure adequate time for the voter to complete and return the application, and to allow adequate time for election officials to process the applications.

2. Part 8210.9915 is needed to provide a uniform manner in which to apply for the permanent absentee ballot application. The part is reasonable in that it contains the information required by Minnesota Statutes 203B.04.

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

shall alternately strike names from the list until one name remains. If parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. After selection, the parties shall immediately notify the board in writing of the name of the arbitrator.

7320.0220 ARBITRATION PROCEDURES.

The arbitration proceedings shall be conducted and the award must be rendered according to *Minnesota Statutes*, chapter 179A, and part 7320.0090. The procedures and authority of the Uniform Arbitration Act in *Minnesota Statutes*, sections 572.08 to 572.30, apply to arbitration proceedings except as they are inconsistent with the Public Employment Labor Relations Act.

REPEALER. *Minnesota Rules*, parts 7300.0400; 7300.1800; 7300.2050; 7305.0100; 7305.0200; 7305.0300; 7305.0500; 7305.0610; 7305.0700; 7305.0800; 7305.0910; 7305.1100; 7305.1200; 7310.0100; 7310.0200; 7310.0300; 7310.0400; 7310.0500; 7310.0550; 7310.0600; 7315.2000; 7320.0030, subpart 9; and 7320.0120, subparts 2, 3 and 4, are repealed.

Office of the Secretary of State

Proposed Permanent Rules Relating to Absentee Ballot Applications

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 Act of May 3rd 1990, section 19, *1990, Minnesota Laws* 2218.

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: 11 October 1990

Joseph Mansky
Director, Election Division

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Rules as Proposed

8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Permanent application.** An eligible voter who meets the requirements in *Minnesota Statutes*, section 203B.04, subdivision 5, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in part 8210.9915 for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The completed form must be attached to the voter's registration card.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

An application submitted by a voter under this subpart must be retained permanently with the voter's registration record. The form must be transferred with the voter's registration record whenever a change in the voter's name, address, or status occurs.

Rules as Proposed (all new material)

8210.9915 APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS, SPECIFIED BY PART 8210.0200.

APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS

Name _____
Last First Middle

Township or City of Legal Residence _____
Township or City County

Address of Legal Residence _____
Street Address or Route and Box Number

Mailing Address for Application (if different) _____
Street Address or Route and Box Number

_____
Mailing City State Zip

Date of Birth _____ Telephone Number _____

I certify that I reasonably expect to be permanently unable to vote in person at the polling place for my precinct due to illness or disability and hereby request that an application for absentee ballots be sent to me before each election in which I am eligible to vote.

_____ _____
Signature Date

Stat Authority

Act of May 3, 1990 section 19, 1990 MN Laws 2218 - I think this is not cited correctly ~~I can't find~~ it - I tried to ~~find it in the index~~ I found it - its chapter 585 section 19 page 2218 in 1990 Laws of MN

Stat Authority

An eligible voter who reasonably expects to be permanently unable to go to the polling place on election day . . . The secretary of state shall adopt rules governing procedures under this subdivision.

There should have been the chapter cited in the Notice of Intent since they have the page number maybe people would have found it but it took me awhile - I thought the 2218 was the House or Senate file number

Signed by the gov. May 3, 1990

SOLAR

There is no explanation of why the information requested on the application ie why do you need date of birth. We rejected the Electrical Boards rules where they didn't explain why the information was necessary

SOLAR not great but item 2 indicates that 203B.04 requires the information so it is not necessary to explain the reasonableness as much - however 203B.04 doesn't explain which information is necessary.

Findings of Fact

no indication of number of people that requested a hearing K (5)

and reasonable, however this ~~one~~ is requiring less

180 day requirement

14.12 ~~14.26~~

effective date May 3, 1990 – October 29

178 days

Secretary of State

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing Absentee Ballot Applications	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 Act of May 3rd 1990, section 19, 1990, Minn. Laws 2218.

(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

(9) 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.

10-11-90

Date

Joseph Mansky

Joseph Mansky

Director, Election Division

STATE OF MINNESOTA
SECRETARY OF STATE

In the Matter of the Proposed Adoption
of the Rules of the Secretary of State
Relating to Absentee Ballot Applications

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 October 29, 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 October 29, 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 the proposed emergency rulemaking.

(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.

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

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

Now, therefore, it is ordered that the rules identified as 8210.0200 (9) and 8210.9915 are adopted this 30th day of November 1990, pursuant to authority vested in me by the Act of May 3rd 1990, section 19, 1990, Minnesota Laws 2218.

Joan A. Growe
Secretary of State

In the Matter of the Adoption
of the Rule of the Secretary
of State Governing Absentee
Ballot Applications

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 records, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0747.

Dated: December 3, 1990.

Peter M. Ackerberg
Special Assistant
Attorney General

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing Absentee Ballot Applications

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 29th day of October, 1990.

That on the 29th day of October, 1990 at the City of St.Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Emergency 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 29th day of October, 1990.

Paula Biever

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

Secretary of State

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing Absentee Ballot Applications	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 Act of May 3rd 1990, section 19, 1990, Minn. Laws 2218.

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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.

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10-11-90

Date

Joseph Mansky

Joseph Mansky

Director, Election Division

Office of the Secretary of State

Proposed Permanent Rules Relating to Absentee Ballot Applications

Rules as Proposed

8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Permanent application.** An eligible voter who meets the requirements in Minnesota Statutes, section 203B.04, subdivision 5, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in part 8210.9915 for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The completed form must be attached to the voter's registration card.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

An application submitted by a voter under this subpart must be retained permanently with the voter's registration record. The form must be transferred with the voter's registration record whenever a change in the voter's name, address, or status occurs.

Rules as Proposed (all new material)

8210.9915 APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS, SPECIFIED BY PART 8210.0200.

APPLICATION TO AUTOMATICALLY RECEIVE

Approved by Revisor CEL

ABSENTEE BALLOT APPLICATIONS

Name _____
Last First Middle

Township or City of Legal Residence _____
Township or City County

Address of Legal Residence _____
Street Address or Route and Box Number

Mailing Address for Application (if different) _____
Street Address or Route and Box Number

_____
Mailing City State Zip

Date of Birth _____ Telephone Number _____

I certify that I reasonably expect to be permanently unable to vote in person at the polling place for my precinct due to illness or disability and hereby request that an application for absentee ballots be sent to me before each election in which I am eligible to vote.

_____ _____
Signature Date

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Absentee Ballot

AGENCY: Office of the Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for
publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Office of the Secretary of State

Proposed Permanent Rules Relating to Absentee Ballot Applications

Rules as Proposed

8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subps 1 to 3, see M.R.]

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Rules as Proposed (all new material)

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APPLICATION TO AUTOMATICALLY RECEIVE

Approved by Revisor CEF

ABSENTEE BALLOT APPLICATIONS

Name _____
Last First Middle

Township or City
of Legal Residence _____
Township or City County

Address of
Legal Residence _____
Street Address or Route and Box Number

Mailing Address
for Application
(if different) _____
Street Address or Route and Box Number

_____
Mailing City State Zip

Date of Birth _____ Telephone Number _____

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_____ _____
Signature Date

Approved
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Office of the Revisor of Statutes

Administrative Rules

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Craig E. Lindeke
Senior Assistant Revisor

STATE OF MINNESOTA

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Relating to Absentee Ballot Applications.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 28th day of October, 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 publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto.

Joan A. Growe

Secretary of State

Office of the Secretary of State

Proposed Permanent Rules Relating to Absentee Ballot Applications

Rules as Proposed

8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subps 1 to 3, see M.R.]

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Rules as Proposed (all new material)

8210.9915 APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS, SPECIFIED BY PART 8210.0200.

APPLICATION TO AUTOMATICALLY RECEIVE

Approved by Revisor CEA

ABSENTEE BALLOT APPLICATIONS

Name _____
Last First Middle

Township or City
of Legal Residence _____
Township or City County

Address of
Legal Residence _____
Street Address or Route and Box Number

Mailing Address
for Application
(if different) _____
Street Address or Route and Box Number

_____
Mailing City State Zip

Date of Birth _____ Telephone Number _____

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_____ _____
Signature Date

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Absentee Ballot

AGENCY: Office of the Secretary of State

MINNESOTA RULES: Chapter 8210

The attached rules are approved for
publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor