

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: March 28, 1991

TO: JOSEPH MANSKY
Director, Election Division

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Presidential Primary

The above-referenced rule has been approved as to its legality by the Attorney General on March 28, 1991.

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.

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

Secretary of State

Adopted Permanent Rules Relating to Presidential Primary

Rules as Adopted

8200.6400 FORM OF PUBLIC INFORMATION LIST PROVIDED BY SECRETARY OF STATE.

The public information list provided by the secretary of state must contain the following items from the statewide registration system: voter's name, voter's address, voter's telephone number (if provided by the voter), voter's party choice in the preceding presidential primary election, and the voter's record of voting in elections during the previous five calendar years. The public information list may also include the precinct, ward, congressional district, legislative district, county commissioner district, judicial district, school district, or other identifiers for each election district in which the voter resides. The public information list may be requested on paper or on electronic media.

8200.9115 FORM OF POLLING PLACE ROSTERS.

Subpart 1. **General form of roster.** The polling place rosters must contain the following items from the statewide registration system: voter's name, voter's address, voter's date of birth, voter's school district number, and a line on which the voter's signature can be written. When a voter's registration has been challenged pursuant to Minnesota Statutes, section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any.

The following certification must be printed at the top of each page of the polling place roster: "I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20

days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both."

One or more pages in the polling place roster must be provided for use by voters who register to vote in the polling place on election day. An election day registrant shall fill in the registrant's name, address, and date of birth and shall sign the roster on the line provided.

Each page in the polling place roster must also contain the name of the precinct and a page number. In addition, each line provided for a voter's signature must be consecutively numbered on each page.

Subp. 2. **Presidential primary roster.** In addition to the information required in subpart 1, the polling place rosters for the presidential primary election must include a space next to the line provided for the voter's signature for the voter to indicate the major political party whose ballot the voter has requested.

The election judges shall instruct each voter who wishes to vote in the presidential primary to indicate on the polling place roster the major political party whose ballot the voter has requested. The election judges shall then issue the voter a presidential primary ballot for the party indicated by the voter on the roster. A voter who has not indicated a major political party choice on the polling place roster must not be issued a presidential primary ballot.

The county auditor must enter the voter's presidential primary party choice into the statewide registration system when voter history is posted pursuant to Minnesota Statutes, section 201.171.

CHAPTER 8205

SECRETARY OF STATE
PETITIONS

PRESIDENTIAL PRIMARY

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

Subpart 1. **Form of petition.** Petitions used on behalf of candidates for the nomination of a major political party for president of the United States must be prepared in accordance with items A to E.

A. The petition must be prepared on paper 8.5 inches wide and 14 inches long. Each petition page must include space for the names, addresses, and signatures of ten persons.

B. The words "PRESIDENTIAL NOMINATING PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information:

(1) the name and address of the person being nominated;

(2) the name of the major political party whose nomination for president is being sought;

(3) the number of the congressional district in which the petition is being circulated;

(4) a statement indicating that the persons signing the petition will be eligible to vote at the presidential primary, reside in the congressional district indicated on the petition, and have signed the petition of their own free will;

(5) a space for the signature of each person signing the petition;

(6) a space for the printed first, middle, and last name of each person signing the petition;

(7) a space for the residence address of each person signing the petition, including the municipality and county of residence;

(8) a space for the date of birth of each person signing the petition; and

(9) a space for the date on which each person signed the petition.

C. Each page of the petition must be consecutively numbered. In addition, the signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be circulated in each of the state's congressional districts.

E. The secretary of state shall make available sample nominating petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Subp. 2. **Completing the petition.** The information required in subpart 1, item B, subitems (5) to (9), must be completed by the person who signed the petition. A petition may only be signed once by any eligible voter.

Subp. 3. **Receipt of petition.** The secretary of state shall provide the person submitting the nominating petition a receipt for the petition. The receipt must include the name and address of the person on whose behalf the petition was submitted; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Subp. 4. **Method of verification.** The secretary of state shall verify each nominating petition submitted on behalf of a candidate for president pursuant to Minnesota Statutes, section 207A.02, by the following method:

The secretary of state shall inspect each petition to determine whether at least 1,000 persons eligible to vote in each congressional district have signed the petition. The secretary of state shall use the address information and date of birth provided by persons signing the petition to verify voter eligibility. A petition containing the signatures of fewer eligible voters than the number required by Minnesota Statutes, section 207A.02, must be rejected.

If the secretary of state determines that an insufficient number of eligible voters have signed a petition, the secretary of state shall immediately notify the person submitting the petition. The person submitting the petition may submit

additional petition pages within the time period provided by Minnesota Statutes, section 207A.02.

Subp. 5. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten days after the day on which the petition was submitted. If the petition is determined to be sufficient, the secretary of state shall immediately notify in writing the person submitting the petition.

Subp. 6. **Access to petitions.** The secretary of state shall securely store any nominating petitions submitted during the filing period. The secretary of state shall make a nominating petition available for public inspection after the verification process for that petition has been completed. Photocopies of petitions may be prepared at the expense of the person requesting the copies.

Subp. 7. **Petition in lieu of filing fee.** Candidates filing for office pursuant to Minnesota Statutes, section 207A.02, may submit a petition in lieu of payment of the filing fee. The petition must be submitted at the same time that the affidavit of candidacy is submitted.

The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE" must be printed at the top of each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

A nominating petition filed pursuant to Minnesota Statutes, section 207A.02, may also be used as a petition in lieu of filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND PETITION IN LIEU OF FILING FEE" are printed at the top of each page of the petition and a statement indicating that the petition will be used for both purposes is printed on each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

The procedures in subparts 2 to 6 apply to petitions in lieu of filing fee and combined nominating and filing fee petitions.

The secretary of state shall make available sample filing fee and combined nominating and filing fee petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

Subpart 1. **General form.** The presidential primary ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot pages and ballot cards for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "PRESIDENTIAL PRIMARY BALLOT" must be printed at the top of the ballot. Directly underneath this heading, the words " ..... PARTY" must be printed, giving the appropriate party name.

Subp. 3. **Instruction to voters.** The following instruction must be printed directly below the paper ballot heading: "Put an (X) in the square opposite the name of the candidate you wish to vote for or next to the words 'UNCOMMITTED DELEGATES'." A small arrow pointing downward must be printed to the left of this instruction, directly above the column in which a voter's marks are to be made.

Subp. 4. **Office title.** The title "PRESIDENT OF THE UNITED STATES" must be printed in upper case and bold face directly above the names of the candidates. The instruction "VOTE FOR ONE" must be printed below the office title.

Subp. 5. **Order of candidates.** The county auditor shall prepare a separate ballot for each major political party containing the names of the candidates of each party certified by the secretary of state. The names of the candidates must be rotated in the manner provided in Minnesota Statutes, section 204D.08, subdivision 3. In the first position under the last candidate name, the words "UNCOMMITTED DELEGATES" must be printed. In the second position under the last candidate name, a blank line must be printed to allow a voter to write in the name of an individual whose name is not listed on the ballot.

8250.1400 EXAMPLE BALLOT.

At least 42 days before the presidential primary, state primary, and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the presidential primary, state primary, and state general election ballots. The presidential primary, state primary, and state general election ballots must conform in all respects to the example ballot.

8250.1550 REIMBURSEMENT OF PRESIDENTIAL PRIMARY BALLOT COSTS.

The secretary of state shall reimburse each county using lever voting machines or electronic voting systems for the preparation of ballot cards, ballot labels, and ballot pages for the presidential primary election, as provided in Minnesota Statutes, section 207A.07, from the money appropriated by the legislature for this purpose. The county auditor shall submit a request for payment of ballot costs to the secretary of state no later than 30 days after the presidential primary. The request for payment must be accompanied by an itemized description of actual county expenditures, including copies of invoices. In addition, the county auditor must certify that the request for reimbursement is based on actual ballot costs incurred by the county in the presidential primary and that the ballots were prepared in the manner provided by law. The secretary of state shall complete issuance of reimbursements to the counties no later than 60 days after the presidential primary.

If the total amount of requests for reimbursement of ballot costs from all counties exceeds the total amount appropriated by the legislature for this purpose, the secretary of state shall apportion the reimbursements to the counties on the basis of the number of persons in each county registered to vote at 7:00 a.m. on the day of the presidential primary as a fraction of the total number of persons registered to vote in the state at that time.

APPROVED AS TO FORM AND LEGALITY

March 28 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 28 1991

Joan Anderson Growe
Secretary of State

1:03 P.M.

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3-25

MJM

RULE REVIEW CHECKLIST

File No. 1812
DATE RECEIVED 3-19-91
REVIEW DATE 3-28-91
DUE DATE 4-2-91
~~(DIS)~~APPROVED 3/28/91
WITHDRAWN _____

Docket No. 05.0009.0747
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3/25/91
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE 3-28-91
RETURNED TO AGENCY 3-28-91

✓ 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 201.091 subd 1 and 3 and 207A.09
201.091 subd 4 Statutory Authority
none Small Business Statement
no statement Expenditure of public money statement
January 15, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)
made a statement Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
January 28, 1991 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
January 28, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ 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
March 11, 1991 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Peter Eckley Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

Stat Authority

201.091

Each county auditor shall prepare and maintain a current list of registered voters. . .

201.221 subd 1 and 3

(1) To implement the provisions of this chapter the secretary of state shall adopt rules consistant with federal and state elections.

(3) The secretary of state shall prescribe the form of polling place rosters. . .

207A.09

The secretary of state shall adopt rules to implement the provisions of this chapter as follows:

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SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : March 18, 1991

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

FROM : **PETER M. ACKERBERG**
Special Assistant
Attorney General

PHONE : 297-1083

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

MAR 19 1991

RECEIVED

SUBJECT : **In the Matter of the Adoption of the Rules of the Secretary of State Relating to Public Information Lists and Presidential Primary Election Procedures**

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

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

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

3. Statement of Need and Reasonableness;

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

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

6. Rule as adopted (4 copies);

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

8. 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.

PMA:lar:au2

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Presidential Primary

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8200, 8205, 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 Presidential Primary

Rules as Proposed

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Approved by Revisor

days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both."

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The election judges shall instruct each voter who wishes to vote in the presidential primary to indicate on the polling place roster the major political party whose ballot the voter has requested. The election judges shall then issue the voter a presidential primary ballot for the party indicated by the voter on the roster. A voter who has not indicated a major political party choice on the polling place roster must not be issued a presidential primary ballot.

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CHAPTER 8205

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PETITIONS

PRESIDENTIAL PRIMARY

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B. The words "PRESIDENTIAL NOMINATING PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information:

(1) the name and address of the person being nominated;

(2) the name of the major political party whose nomination for president is being sought;

(3) the number of the congressional district in which the petition is being circulated;

(4) a statement indicating that the persons signing the petition will be eligible to vote at the presidential primary, reside in the congressional district indicated on the petition, and have signed the petition of their own free will;

(5) a space for the signature of each person signing the petition;

(6) a space for the printed first, middle, and last name of each person signing the petition;

(7) a space for the residence address of each person signing the petition, including the municipality and county of residence;

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C. Each page of the petition must be consecutively numbered. In addition, the signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be circulated in each of the state's congressional districts.

E. The secretary of state shall make available sample nominating petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Subp. 2. **Completing the petition.** The information required in subpart 1, item B, subitems (5) to (9), must be completed by the person who signed the petition. A petition may only be signed once by any eligible voter.

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If the secretary of state determines that an insufficient number of eligible voters have signed a petition, the secretary of state shall immediately notify the person submitting the petition. The person submitting the petition may submit

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Secretary of State

Proposed Permanent Rules Relating to Presidential Primary

Rules as Proposed

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PETITIONS

PRESIDENTIAL PRIMARY

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

Subpart 1. **Form of petition.** Petitions used on behalf of candidates for the nomination of a major political party for president of the United States must be prepared in accordance with items A to E.

A. The petition must be prepared on paper 8.5 inches wide and 14 inches long. Each petition page must include space for the names, addresses, and signatures of ten persons.

B. The words "PRESIDENTIAL NOMINATING PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information:

(1) the name and address of the person being nominated;

(2) the name of the major political party whose nomination for president is being sought;

(3) the number of the congressional district in which the petition is being circulated;

(4) a statement indicating that the persons signing the petition will be eligible to vote at the presidential primary, reside in the congressional district indicated on the petition, and have signed the petition of their own free will;

(5) a space for the signature of each person signing the petition;

(6) a space for the printed first, middle, and last name of each person signing the petition;

(7) a space for the residence address of each person signing the petition, including the municipality and county of residence;

(8) a space for the date of birth of each person signing the petition; and

(9) a space for the date on which each person signed the petition.

Approved
by Revisor _____

C. Each page of the petition must be consecutively numbered. In addition, the signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be circulated in each of the state's congressional districts.

E. The secretary of state shall make available sample nominating petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Subp. 2. **Completing the petition.** The information required in subpart 1, item B, subitems (5) to (9), must be completed by the person who signed the petition. A petition may only be signed once by any eligible voter.

Subp. 3. **Receipt of petition.** The secretary of state shall provide the person submitting the nominating petition a receipt for the petition. The receipt must include the name and address of the person on whose behalf the petition was submitted; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Subp. 4. **Method of verification.** The secretary of state shall verify each nominating petition submitted on behalf of a candidate for president pursuant to Minnesota Statutes, section 207A.02, by the following method:

The secretary of state shall inspect each petition to determine whether at least 1,000 persons eligible to vote in each congressional district have signed the petition. The secretary of state shall use the address information and date of birth provided by persons signing the petition to verify voter eligibility. A petition containing the signatures of fewer eligible voters than the number required by Minnesota Statutes, section 207A.02, must be rejected.

If the secretary of state determines that an insufficient number of eligible voters have signed a petition, the secretary of state shall immediately notify the person submitting the petition. The person submitting the petition may submit

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by Revisor _____

additional petition pages within the time period provided by Minnesota Statutes, section 207A.02.

Subp. 5. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten days after the day on which the petition was submitted. If the petition is determined to be sufficient, the secretary of state shall immediately notify in writing the person submitting the petition.

Subp. 6. **Access to petitions.** The secretary of state shall securely store any nominating petitions submitted during the filing period. The secretary of state shall make a nominating petition available for public inspection after the verification process for that petition has been completed. Photocopies of petitions may be prepared at the expense of the person requesting the copies.

Subp. 7. **Petition in lieu of filing fee.** Candidates filing for office pursuant to Minnesota Statutes, section 207A.02, may submit a petition in lieu of payment of the filing fee. The petition must be submitted at the same time that the affidavit of candidacy is submitted.

The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE" must be printed at the top of each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

A nominating petition filed pursuant to Minnesota Statutes, section 207A.02, may also be used as a petition in lieu of filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND PETITION IN LIEU OF FILING FEE" are printed at the top of each page of the petition and a statement indicating that the petition will be used for both purposes is printed on each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

The procedures in subparts 2 to 6 apply to petitions in lieu of filing fee and combined nominating and filing fee petitions.

Approved
by Revisor _____

The secretary of state shall make available sample filing fee and combined nominating and filing fee petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

Subpart 1. **General form.** The presidential primary ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot pages and ballot cards for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "PRESIDENTIAL PRIMARY BALLOT" must be printed at the top of the ballot. Directly underneath this heading, the words " ..... PARTY" must be printed, giving the appropriate party name.

Subp. 3. **Instruction to voters.** The following instruction must be printed directly below the paper ballot heading: "Put an (X) in the square opposite the name of the candidate you wish to vote for or next to the words 'UNCOMMITTED DELEGATES'." A small arrow pointing downward must be printed to the left of this instruction, directly above the column in which a voter's marks are to be made.

Subp. 4. **Office title.** The title "PRESIDENT OF THE UNITED STATES" must be printed in upper case and bold face directly above the names of the candidates. The instruction "VOTE FOR ONE" must be printed below the office title.

Subp. 5. **Order of candidates.** The county auditor shall prepare a separate ballot for each major political party containing the names of the candidates of each party certified by the secretary of state. The names of the candidates must be rotated in the manner provided in Minnesota Statutes, section 204D.08, subdivision 3. In the first position under the last candidate name, the words "UNCOMMITTED DELEGATES" must be printed. In the second position under the last candidate name, a blank line must be printed to allow a voter to write in the name of an individual whose name is not listed on the ballot.

Approved
by Revisor _____

8250.1400 EXAMPLE BALLOT.

At least 42 days before the presidential primary, state primary, and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the presidential primary, state primary, and state general election ballots. The presidential primary, state primary, and state general election ballots must conform in all respects to the example ballot.

8250.1550 REIMBURSEMENT OF PRESIDENTIAL PRIMARY BALLOT COSTS.

The secretary of state shall reimburse each county using lever voting machines or electronic voting systems for the preparation of ballot cards, ballot labels, and ballot pages for the presidential primary election, as provided in Minnesota Statutes, section 207A.07, from the money appropriated by the legislature for this purpose. The county auditor shall submit a request for payment of ballot costs to the secretary of state no later than 30 days after the presidential primary. The request for payment must be accompanied by an itemized description of actual county expenditures, including copies of invoices. In addition, the county auditor must certify that the request for reimbursement is based on actual ballot costs incurred by the county in the presidential primary and that the ballots were prepared in the manner provided by law. The secretary of state shall complete issuance of reimbursements to the counties no later than 60 days after the presidential primary.

If the total amount of requests for reimbursement of ballot costs from all counties exceeds the total amount appropriated by the legislature for this purpose, the secretary of state shall apportion the reimbursements to the counties on the basis of the number of persons in each county registered to vote at 7:00 a.m. on the day of the presidential primary as a fraction of the total number of persons registered to vote in the state at that time.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Presidential Primary

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8200, 8205, 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 the Content and Form of Public Information Lists and Presidential Primary Election Procedures.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) 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 authorities to adopt the rules is Minnesota Statutes 201.091, subdivision 4; 201.221, subdivisions 1 and 3; and 207A.09.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) 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 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 rules 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) 296-2805

(8) The proposed rules 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 rules as noticed.

(11) A copy of the proposed rules are attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Secretary of State upon request.

(9) If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit the written request to the Secretary of State.

1-15-91

Date

Joseph Mansky

Director, Election Division

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt Parts 8200.6400, 8200.9115, 8205.1000, 8250.0360, 8250.1400, and 8250.1550 from the requirements of Minnesota Statutes 201.221, and 207A.09 which require the Secretary of State to establish rules for use in the administration of voter registration and the presidential primary. The rationale for each individual rule is as follows:

1. Part 8200.6400 is needed to specify and standardize the information provided on public information lists. The information that must be provided on the list is specified by M.S. 201.091 subd. 4, and M.S. 207A.08. The optional information on election districts is offered to make the lists more useful to persons requesting copies of the list.

2. Part 8200.9115 is needed to specify and standardize the form of, and information contained in, polling place rosters.

   Subpart 1 is needed to provide all necessary information to election judges on election day to insure identification of registered voters. The identification of each page of the roster by page number and precinct is to insure the delivery of complete and correct precinct rosters on election day.

   Subpart 2 is needed to specify the form of rosters used at presidential primaries. In addition to the requirements identified in subpart 1, rosters for a presidential primary must contain information on party choice as required by M.S. 207A.03.

3. Part 8205.1000 is needed to standardize presidential primary petitions so that they may be verified quickly and accurately by the Secretary of State, and to insure that the petition requirements of 207A.02 subd. 1 and 207A.09 are met.

   Subparts 1 and 2 are needed to insure that the purpose of the petition is clear to those signing it. The information required from those signing the petition is needed by the Secretary of State to verify that persons signing the petition meet the requirements of M.S. 207A.02.

   Subpart 3 is needed to eliminate any potential confusion over the number of pages in a petition submitted to the Secretary of State for verification.

Subpart 4 is needed to provide the manner in which the Secretary of State will verify presidential petitions, and to provide a means by which candidates may add additional names to a petition found inadequate by the Secretary of State.

Subpart 5 is needed to provide a standardized time frame in which petition verification occurs, and to insure candidates are informed of their ballot status.

Subpart 6 is needed to insure that the petitions are stored in a secure manner in case they are needed in a legal action regarding ballot access. Subpart 6 is also needed to provide a means of public inspection of the petitions as provided by the general provisions of the Government Data Practices Act.

Subpart 7 is needed to provide a petition in place of a filing fee as provided in 207A.02. Requiring the Secretary of State to provide sample petitions and petitions in place of filing fees is reasonable to assist candidates in the preparation and circulation of petitions.

4. Part 8250.0360 is needed to provide for a presidential ballot that can be used by the electorate to cast votes in a clear and unambiguous manner.

   Subpart 1 is needed to provide a presidential ballot that will resemble the state election white ballot as much as possible. This will reduce voter confusion on how to cast a vote.

   Subpart 2 is needed to identify the election the ballot is to be used at, and to insure identification of a ballot for each major political party as required by M.S. 207A.02.

   Subpart 3 and 4 is needed to insure voters are aware of how to cast their ballot at a presidential primary.

   Subpart 5 is needed to insure that the preparation of presidential ballots gives no advantage to any candidate. The option of voting for an uncommitted delegate, or to write in a candidate, is required by M.S. 207A.02.

5. Part 8250.1400 is needed to expand the requirement for example ballots to include the presidential primary. This is reasonable to provide information on the ballot to the general public and to election administrators responsible for preparing the ballot.

6. Part 8250.1550 is needed to provide the process by which the state will reimburse counties for production of ballot cards, ballot labels, and ballot pages used at a presidential primary. Reimbursement is required by M.S. 207A.07.

It is reasonable to include provisions for reimbursement of costs on a per registered voter basis so that there is an equitable disbursement of funds if the legislative appropriation is insufficient to cover all ballot preparation costs.

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.

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing the Content and Form of Public Information Lists and Presidential Primary Election Procedures.

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 28th day of January, 1991.

That on the 28th day of January, 1991 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 28th day of January, 1991.

Paula Biever

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

A. the disqualification period has been served and expired;

B. the person has paid the reinstatement fee as required by *Minnesota Statutes;*

C. the requirements imposed during this or any previous disqualification period have been satisfied; and

D. if issued, the class C license card has been returned to the department.

Subp. 2. **Notice of reinstatement.** After the person fulfills the reinstatement requirements, the department will mail notification of reinstatement to the person. The commercial motor vehicle driving privilege is reinstated when the notice is sent to the address shown on department records.

Secretary of State

Proposed Permanent Rules Relating to Presidential Primary

Notice of Intent to Adopt Rules 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 authorities to adopt the rules is *Minnesota Statutes* 201.091, subdivision 4; 201.221, subdivisions 1 and 3; and 207A.09.

All persons have 30 days in which to submit comment 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 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 rules 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) 296-2805

The proposed rules 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 rules as noticed.

A copy of the proposed rules are attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Secretary of State upon request.

If no hearing is required, upon adoption of the rules, the rules 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 rules, must submit the written request to the Secretary of State.

Dated: 15 January 1991

Joseph Mansky
Director, Election Division

Rules as Proposed

8200.6400 FORM OF PUBLIC INFORMATION LIST PROVIDED BY SECRETARY OF STATE.

The public information list provided by the secretary of state must contain the following items from the statewide registration system: voter's name, voter's address, voter's telephone number (if provided by the voter), voter's party choice in the preceding presidential primary election, and the voter's record of voting in elections during the previous five calendar years. The public

information list may also include the precinct, ward, congressional district, legislative district, county commissioner district, judicial district, school district, or other identifiers for each election district in which the voter resides. The public information list may be requested on paper or on electronic media.

8200.9115 FORM OF POLLING PLACE ROSTERS.

Subpart 1. **General form of roster.** The polling place rosters must contain the following items from the statewide registration system: voter's name, voter's address, voter's date of birth, voter's school district number, and a line on which the voter's signature can be written. When a voter's registration has been challenged pursuant to *Minnesota Statutes*, section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any.

The following certification must be printed at the top of each page of the polling place roster: "I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both."

One or more pages in the polling place roster must be provided for use by voters who register to vote in the polling place on election day. An election day registrant shall fill in the registrant's name, address, and date of birth and shall sign the roster on the line provided.

Each page in the polling place roster must also contain the name of the precinct and a page number. In addition, each line provided for a voter's signature must be consecutively numbered on each page.

Subp. 2. **Presidential primary roster.** In addition to the information required in subpart 1, the polling place rosters for the presidential primary election must include a space next to the line provided for the voter's signature for the voter to indicate the major political party whose ballot the voter has requested.

The election judges shall instruct each voter who wishes to vote in the presidential primary to indicate on the polling place roster the major political party whose ballot the voter has requested. The election judges shall then issue the voter a presidential primary ballot for the party indicated by the voter on the roster. A voter who has not indicated a major political party choice on the polling place roster must not be issued a presidential primary ballot.

The county auditor must enter the voter's presidential primary party choice into the statewide registration system when voter history is posted pursuant to *Minnesota Statutes*, section 201.171.

CHAPTER 8205
SECRETARY OF STATE
PETITIONS

PRESIDENTIAL PRIMARY

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

Subpart 1. **Form of petition.** Petitions used on behalf of candidates for the nomination of a major political party for president of the United States must be prepared in accordance with items A to E.

A. The petition must be prepared on paper 8.5 inches wide and 14 inches long. Each petition page must include space for the names, addresses, and signatures of ten persons.

B. The words "PRESIDENTIAL NOMINATING PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information:

(1) the name and address of the person being nominated;

(2) the name of the major political party whose nomination for president is being sought;

(3) the number of the congressional district in which the petition is being circulated;

(4) a statement indicating that the persons signing the petition will be eligible to vote at the presidential primary, reside in the congressional district indicated on the petition, and have signed the petition of their own free will;

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.

(5) a space for the signature of each person signing the petition;

(6) a space for the printed first, middle, and last name of each person signing the petition;

(7) a space for the residence address of each person signing the petition, including the municipality and county of residence;

(8) a space for the date of birth of each person signing the petition; and

(9) a space for the date on which each person signed the petition.

C. Each page of the petition must be consecutively numbered. In addition, the signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be circulated in each of the state's congressional districts.

E. The secretary of state shall make available sample nominating petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Subp. 2. **Completing the petition.** The information required in subpart 1, item B, subitems (5) to (9), must be completed by the person who signed the petition. A petition may only be signed once by any eligible voter.

Subp. 3. **Receipt of petition.** The secretary of state shall provide the person submitting the nominating petition a receipt for the petition. The receipt must include the name and address of the person on whose behalf the petition was submitted; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Subp. 4. **Method of verification.** The secretary of state shall verify each nominating petition submitted on behalf of a candidate for president pursuant to *Minnesota Statutes*, section 207A.02, by the following method:

The secretary of state shall inspect each petition to determine whether at least 1,000 persons eligible to vote in each congressional district have signed the petition. The secretary of state shall use the address information and date of birth provided by persons signing the petition to verify voter eligibility. A petition containing the signatures of fewer eligible voters than the number required by *Minnesota Statutes*, section 207A.02, must be rejected.

If the secretary of state determines that an insufficient number of eligible voters have signed a petition, the secretary of state shall immediately notify the person submitting the petition. The person submitting the petition may submit additional petition pages within the time period provided by *Minnesota Statutes*, section 207A.02.

Subp. 5. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten days after the day on which the petition was submitted. If the petition is determined to be sufficient, the secretary of state shall immediately notify in writing the person submitting the petition.

Subp. 6. **Access to petitions.** The secretary of state shall securely store any nominating petitions submitted during the filing period. The secretary of state shall make a nominating petition available for public inspection after the verification process for that petition has been completed. Photocopies of petitions may be prepared at the expense of the person requesting the copies.

Subp. 7. **Petition in lieu of filing fee.** Candidates filing for office pursuant to *Minnesota Statutes*, section 207A.02, may submit a petition in lieu of payment of the filing fee. The petition must be submitted at the same time that the affidavit of candidacy is submitted.

The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE" must be printed at the top of each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

A nominating petition filed pursuant to *Minnesota Statutes*, section 207A.02, may also be used as a petition in lieu of filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND PETITION IN LIEU OF FILING FEE" are printed at the top of each page of the petition and a statement indicating that the petition will be used for both purposes is printed on each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

The procedures in subparts 2 to 6 apply to petitions in lieu of filing fee and combined nominating and filing fee petitions.

The secretary of state shall make available sample filing fee and combined nominating and filing fee petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

Subpart 1. **General form.** The presidential primary ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot pages and ballot cards for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "PRESIDENTIAL PRIMARY BALLOT" must be printed at the top of the ballot. Directly underneath this heading, the words "..... PARTY" must be printed, giving the appropriate party name.

Subp. 3. **Instruction to voters.** The following instruction must be printed directly below the paper ballot heading: "Put an (X) in

the square opposite the name of the candidate you wish to vote for or next to the words 'UNCOMMITTED DELEGATES'." A small arrow pointing downward must be printed to the left of this instruction, directly above the column in which a voter's marks are to be made.

Subp. 4. **Office title.** The title "PRESIDENT OF THE UNITED STATES" must be printed in upper case and bold face directly above the names of the candidates. The instruction "VOTE FOR ONE" must be printed below the office title.

Subp. 5. **Order of candidates.** The county auditor shall prepare a separate ballot for each major political party containing the names of the candidates of each party certified by the secretary of state. The names of the candidates must be rotated in the manner provided in *Minnesota Statutes*, section 204D.08, subdivision 3. In the first position under the last candidate name, the words "UNCOMMITTED DELEGATES" must be printed. In the second position under the last candidate name, a blank line must be printed to allow a voter to write in the name of an individual whose name is not listed on the ballot.

8250.1400 EXAMPLE BALLOT.

At least 42 days before the presidential primary, state primary, and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the presidential primary, state primary, and state general election ballots. The presidential primary, state primary, and state general election ballots must conform in all respects to the example ballot.

8250.1550 REIMBURSEMENT OF PRESIDENTIAL PRIMARY BALLOT COSTS.

The secretary of state shall reimburse each county using lever voting machines or electronic voting systems for the preparation of ballot cards, ballot labels, and ballot pages for the presidential primary election, as provided in *Minnesota Statutes*, section 207A.07, from the money appropriated by the legislature for this purpose. The county auditor shall submit a request for payment of ballot costs to the secretary of state no later than 30 days after the presidential primary. The request for payment must be accompanied by an itemized description of actual county expenditures, including copies of invoices. In addition, the county auditor must certify that the request for reimbursement is based on actual ballot costs incurred by the county in the presidential primary and that the ballots were prepared in the manner provided by law. The secretary of state shall complete issuance of reimbursements to the counties no later than 60 days after the presidential primary.

If the total amount of requests for reimbursement of ballot costs from all counties exceeds the total amount appropriated by the legislature for this purpose, the secretary of state shall apportion the reimbursements to the counties on the basis of the number of persons in each county registered to vote at 7:00 a.m. on the day of the presidential primary as a fraction of the total number of persons registered to vote in the state at that time.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Human Services

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 15, Number 19, pages 1046-1050, November 5, 1990 (15 SR 1046) are adopted with the following modifications:

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 Public Information Lists and
Presidential Primary Election Procedures.

FINDINGS OF FACT,

CONCLUSIONS, AND ORDER

ADOPTING RULES WITHOUT

A PUBLIC HEARING

(1) Notice of the Secretary's intent to adopt the above-entitled rules was published in the State Register on January 28, 1991 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, on January 28, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt rules 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 rules for 30 days after notice of the proposed rulemaking.
(5) No submissions or comments on the rules were received by the agency. (7) 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:

The above captioned rules are needed and reasonable. (8)

(9) **Now, therefore, it is ordered** that the rules identified as 8200.6400, 8200.9115, 8205.1000, 8250.0360, 8250.1400 and 8250.1550 are adopted this 11th day of March 1991, pursuant to authority vested in me by 201.221 and 207A.09.

Joan Anderson Growe
Secretary of State

In the Matter of the Adoption of
the Rules of the Secretary of State
Governing the Content and Form of
Public Information Lists and Presidential
Primary Election Procedures.

DECLARATION OF COUNSEL

I, Peter M. Ackerberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking 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: March 18, 1991.

Peter M. Ackerberg
Special Assistant
Attorney General