

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM
5/27/92

RULE REVIEW CHECKLIST

File No. 1918
DATE RECEIVED 5-26-92
REVIEW DATE 6-4-92
DUE DATE 6-9-92
(DIS)APPROVED jm 5/92
WITHDRAWN

Docket No. 05.0009,0747
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 5/27/92
REVISOR (DIS)APPROVED 5-28-92
FILED W/SEC. OF STATE 6-10-92
RETURNED TO AGENCY 6-10-92

✓ 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
- 201.022 suld 2 Statutory Authority 201.221 suld 1, 203 B.08 suld 2
- NA Small Business Statement
- Expenditure of public money statement
- 1-22-92 Signature

✓ Statement of Need and Reasonableness (if applicable)
- ✓ Small Business Statement Good
- NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 2-10-92 Dated 30/25 days before adoption
- Notice attached indicates it is attached
- Copy of rule or summary attached

✓ Publication in State Register
- 2-10-92 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
- May 13, 1992 Date

Written Requests, Submissions or Comments — no statement of how many people requested a hearing

✓ Declaration of Attorney
- Peter Eckhoun Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Rules rel

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

OFFICE MEMORANDUM

DATE: June 10, 1992

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

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

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Elections; Housekeeping Rules

The above-referenced rule has been approved as to its legality by the Attorney General on June 8, 1992.

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:jj
Enclosures
cc: Peter M. Ackerberg
William Brown, Chief Judge
MaryAnn Hruby

Secretary of State

Adopted Permanent Rules Relating to Elections; Housekeeping Rules

Rules as Adopted

8200.6300 COST DETERMINATION.

When the secretary of state or a county auditor determines the cost of producing lists of registered voters, the secretary of state or auditor shall take into account only the costs actually incurred to fill the specific request. The secretary of state or auditor shall not take into account the general office expenses or other expenses which would have been incurred by the secretary of state or auditor's office even without the preparation of the request.

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

[For text of subps 1 to 6, see M.R.]

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 with the exception that the number of signatures, residency requirement, and oath requirements of persons signing the petition is as provided in Minnesota Statutes, section 204B.11, subdivision 2.

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 to the extent practicable.

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.

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minnesota Statutes, section 203B.06, subdivision 1, shall be in the form in part 8210.9910. An absentee ballot application for the presidential primary must be in the form in part 8210.9917 or 8210.9918.

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Presidential primary.** In addition to the information required by subpart 2, the absentee ballot application for the presidential primary must include the following instruction to the absent voter: "A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party."

8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

Subpart 1. **Receipt of applications.** Upon receipt of an absentee ballot application for the presidential primary, the county auditor or municipal clerk shall immediately verify that the absent voter has indicated the major political party whose ballot the voter is requesting. If the absent voter has not indicated a party choice, the application must be returned to the voter. An absentee ballot for the presidential primary must not be sent to any voter who has not indicated which political party's ballot the voter wishes to receive.

Subp. 2. **Notation on polling place roster.** The election judges in the polling place shall indicate in the space provided on the polling place roster the party choice specified on the absentee ballot application for each absent voter whose return envelope has been marked "Accepted." The election judges shall record the party choice at the same time that the letters "A.B." are placed on the roster for the voters whose return envelopes have been marked "Accepted."

If absentee ballots are not counted at the polling place, the election judges of the absentee ballot board shall indicate on the absentee voter list the party choice of the absent voters whose return envelopes have been marked "Accepted." When the judges at the absentee ballot board have completed examining the return envelopes, the absentee voter list must be forwarded to the election judges for each precinct. Upon receipt of the list, the election judges in the polling place shall record the voter's party choice on the roster from the information provided on the list.

8210.3000 MAIL BALLOTING.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected."

When the election judges open the secrecy envelopes, they

shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

[For text of subps 5 to 12, see M.R.]

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

_____

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots, or if the voter was physically unable to mark the ballots, the ballots were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope.

_____ _____

(date) (legal signature of witness)

_____

(print or type name of witness)

_____

(legal address if witness is an eligible voter)

OR

_____
(official title if witness is an official)

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)
( ) primary election
( ) general election
( ) primary and general election

I will need an absentee ballot for the following reason:

(Check one)
( ) absence from precinct
( ) illness or disability
( ) religious discipline or observance of religious holiday
( ) service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip
Date _____ _____
Legal Signature

8210.9916 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)
( ) primary election
( ) general election
( ) primary and general election

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date_____ _____
Legal Signature

8210.9917 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ .....Party
____ .....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

I will need an absentee ballot for the following reason:

(Check one)
() absence from precinct
() illness or disability
() religious discipline or observance of religious holiday
() service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
() City () Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date _____ _____
Legal Signature

8210.9918 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION,

SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ .....Party
____ .....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
() City () Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date _____ _____
Legal Signature

8210.9920 INSTRUCTIONS TO ABSENT VOTER, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENT VOTER

Follow these instructions carefully. AN IMPROPERLY COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your witness:

a. an eligible voter of the same county in which you are registered or registering to vote;

b. a notary public;

c. a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

d. any officer having authority to administer an oath.

(2) If no voter registration card is enclosed with your

ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

a. valid Minnesota Driver's License or Learner's Permit or a receipt for either that contains your valid address in the precinct in which you are registering;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

c. a current student identification card, a current student fee statement, or copy of a current student registration card that contains your valid address in the precinct in which you are registering;

d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor or municipal clerk;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness. Your witness must indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

(12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before 7:00 p.m. on the day

before election day.

8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 1.

ABSENT VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal name of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, the voter marked the ballots, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then proof of residence was provided as indicated below.

_____ (date)

_____
(legal signature of witness)

_____
(print or type name of witness)

_____
(official title if witness is an official)

_____
(legal address if witness is an eligible voter)

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

Method used by voter to prove residence:

Driver's License or Permit or Receipt _____ (number)

Minn. ID Card or Receipt _____ (number)

same precinct _____

Notice of Ineffective Registration _____

Student ID _____ (number)

_____
(legal signature of registered voter in the precinct who

attested to residence in the precinct)

_____

(legal address of registered voter in the precinct who attested to residence in the precinct)

8210.9935 ALTERNATIVE ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 4.

ABSENTEE VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

_____ (date)

_____

(legal signature of witness)

_____

(print or type name of witness)

_____

(official title if witness is an official)

_____

(legal address if witness is an eligible voter.)

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district and also must include votes in positions which are assigned to that office for which no

candidate's name appears in those positions for that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

Test ballots must be prepared in which votes appear in positions other than those used for candidates or proposals. In preparing the test deck or ballot image a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot.

Blank ballots in which no positions have been voted must be included in the test deck or ballot image.

At least one test ballot must be prepared with votes in all positions where there is a candidate or measure on the ballot.

A duplicate of the test deck must be prepared to be used with the duplicate or backup computer program.

8220.1650 ADDITIONAL TEST DECKS.

Upon request the secretary of state must be provided a test deck for any state, county, municipal, or school district election computer program, in which case a test deck of at least 50 blank ballots must be delivered to the secretary of state with directions for its use. The state chair of a major political party or designee may obtain a test deck for use at the public accuracy test. The secretary of state may request a test deck from a jurisdiction no later than 15 days prior to the election. The use of test decks provided by the secretary of state or a major political party does not substitute for the requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

8230.0250 ARRANGEMENT OF VOTING DEVICES.

Voting devices may be used in voting booths or self-contained stations. The booths or stations must be

equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. Precincts using punch card or optical scan voting systems may provide voting booths or self-contained stations for use by voters in casting their ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated. If a voter claims that the arrangement of the booths or stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the device or booth to provide for increased secrecy.

8230.3950 COPIES OF RETURNS.

The election official in charge of the counting center must certify at least three copies of the returns. The certification must state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day, number of ballots counted, vote totals, and any other data required by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

8230.4050 DISTRIBUTION OF RETURNS.

Returns referred to in part 8230.3950 must be certified to the municipal clerk who shall retain one copy of the statement of returns and send at least two copies to the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and forward at least one copy of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the

election must be completed and returned to the secretary of state.

8230.4350 OPTICAL SCAN VOTING SYSTEMS

[For text of subpart 1, see M.R.]

Subp. 2. **Ballot cards.** Each ballot card must have printed on it either the name of the precinct and a machine-readable precinct identifier, or a ballot style indicator. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Detachable stubs or consecutive numbers are not required. Lines for the initials of at least two election judges must be printed on one side of the ballot card so that the judges' initials are visible when the ballot is enclosed in a secrecy sleeve.

Ballot cards must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the manufacturer's recommended standards and specifications for ballot printing.

The equipment manufacturer must file with the secretary of state recommended procedures and standards for checking ballot specifications. Upon receipt of the ballots the election jurisdiction must immediately examine the ballot cards to determine that they meet the required specifications. The ballot cards must be packaged and stored in a manner to protect against moisture.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may not be used for a central counting center, except that one ballot counter may be supplied for up to ten precincts with a combined total of fewer than 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter

must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine readable ballot configuration identification may be printed on each ballot card in place of the precinct name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the

voted ballot unless the voter requests assistance as provided in Minnesota Statutes, section 204C.15. Election judges monitoring the depositing of ballots into an optical scan precinct counting system must be stationed no closer than six feet from the precinct ballot counter.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initialed by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election

jurisdiction.

[For text of subps 6 and 7, see M.R.]

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in Minnesota Statutes, section 205A.10, subdivision 5. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8235.0800 COUNTING AND CHALLENGING BALLOTS.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount them in accordance with Minnesota Statutes, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of whether and for whom the ballot should be counted, the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be

automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

8240.1300 COURSES REQUIRED.

An election judge who must receive training pursuant to Minnesota Statutes, section 204B.25 shall successfully complete a basic training course which meets the requirements of part 8240.1600. After completing the basic training course, an election judge may serve at future elections by successfully completing a review course which meets the requirements of part 8240.1700 before service at such election. The basic training course need not be repeated if the judge serves at least one election every four years.

The basic training course and the review course shall be conducted not more than 60 days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a makeup session shall be held which conforms to the scheduled training session so far as practicable.

A special training course must be conducted for all election judges not more than 60 nor fewer than three days before a presidential primary election. The county auditor shall establish either a one or two hour training course for the presidential primary. The length of training for the presidential primary should be determined by the voting method used at the presidential primary, and the experience level of

election judges with the voting method.

No election judge who successfully completes the training required by these rules for a state primary election shall be required to complete additional training for the succeeding general election.

The training authority shall determine the maximum number of trainees in each training session conducted pursuant to parts 8240.1600 and 8240.1700. The maximum number of trainees shall be appropriate to the methods of instruction used.

8240.1650 PRESIDENTIAL PRIMARY TRAINING COURSE.

Subpart 1. **Length.** The training course shall be established by the country auditor at either one or two hours in length.

Subp. 2. **Materials.** By February 1 in years in which a presidential primary is conducted, the secretary of state shall provide each county auditor with examples of all forms and documents used by election judges that are unique to the presidential primary. The county auditor shall provide copies of this material to each training authority in the county. The forms and documents provided to a county auditor must include but are not limited to: polling place rosters; absentee ballot applications and return envelopes; ballots; and precinct summary statements. Additional material may be provided by the training authority as considered useful.

Subp. 3. **Use of equipment.** A voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures used at the presidential primary.

Subp. 4. **Course content.** The presidential primary training course must include information and preparation in the following areas:

A. declaration of party preference noted on polling place roster;

B. transfer of party preference from absentee ballot applications to polling place roster;

C. counting of ballots, including party order and write-in ballots;

D. all forms, rules, laws, and procedures unique to the presidential primary; and

E. methods for responding to voters concerns about privacy.

8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

Subpart 1. **Requirement.** Trainee election judges appointed under Minnesota Statutes, section 204B.19, must meet the requirements of this part.

Subp. 2. **Training.** A trainee election judge must complete the basic two hour training course as defined in part 8240.1650 before serving in a special, primary, or general election.

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, a resident of the municipality in which the trainee election judge serves, and be at least 16 years of age. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school, have completed or be enrolled in a course on government at the time of service, and are performing at an academic level acceptable to the principal of the trainee's high school.

Subp. 4. **Appointment.** Trainee election judges may be appointed by the municipality or school district conducting the election if:

A. the trainee election judge is appointed without party affiliation;

B. the trainee election judge has submitted a written request, approved and signed by the trainee's parent or guardian, to be absent from school to the principal of the trainee's high school;

C. a certificate from the appointing authority is submitted with the request stating the date and hours the student will serve as a trainee election judge;

D. the request and certificate are submitted to the student's principal at least ten days prior to the election; and

E. the appointment will not require the trainee election judge to serve past 10:00 p.m.

Subp. 5. **Payment.** For attending required training or for service as a trainee election judge, students must be paid not less than two-thirds of the minimum wage for large employers as provided in Minnesota Statutes, section 177.24.

Subp. 6. **Number of trainee election judges allowed per precinct.** No more than one-third of the election judges at a precinct may be trainees. The appointment of trainee election judges may count towards meeting the minimum number of election judges required by Minnesota Statutes, section 204B.22.

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by Minnesota Statutes, section 204D.08, subdivision 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Order of candidates.** The secretary of state or 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.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 10 1992

Joan Anderson Growe
Secretary of State

9:20 AM
PRB

APPROVED AS TO FORM AND LEGALITY
_____ 19__
HUBERT H. HUMPHREY III
ATTORNEY GENERAL
BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

7830.3100; 7830.3200; 7830.3300; 7830.3400; 7830.3500; 7830.3600; 7830.3700; 7830.3800; 7830.3900; 7830.4000; 7830.4100; 7830.4200; 7830.4300; 7830.4400; 7847.0010; 7847.0020; 7847.0100; 7847.0110; 7847.0120; 7847.0130; 7847.0140; 7847.0150; 7847.0200; 7847.0210; 7847.0220; 7847.0230; 7847.0240; 7847.0250; 7847.0260; 7847.0270; 7847.0280; 7847.0290; 7847.0300; 7847.0310; and 7847.0320, are repealed.

Secretary of State

Proposed Permanent Rules Relating to Elections; Housekeeping Rules

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 authority to adopt the rules are found in *Minnesota Statutes* 201.022, subdivision 2; 201.221, subdivision 1; 203B.08, subdivision 4; 203B.09; 204B.25, subdivision 2; 204B.45, subdivision 3; 204C.361; 204D.11, subdivision 1; 206.57, subdivision 1; 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: 22 January 1992

Joseph Mansky
Director, Election Division

Rules as Proposed

8200.6300 COST DETERMINATION.

When the secretary of state or a county auditor determines the cost of ~~copies of~~ producing lists of registered voters, the secretary of state or auditor shall take into account only the costs ~~of reproduction~~ actually incurred ~~by his office~~ to fill the specific request. The

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.

secretary of state or auditor shall not take into account the general office expenses or other expenses which would have been incurred by the secretary of state or auditor's office even without the preparation of the request.

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

[For text of subps 1 to 6, see M.R.]

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 with the exception that the number of signatures, residency requirement, and oath requirements of persons signing the petition is as provided in *Minnesota Statutes*, section 204B.11, subdivision 2.

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 to the extent practicable.

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.

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared by the county auditor or municipal clerk pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1, shall be in the form in part 8210.9910. An absentee ballot application for the presidential primary must be in the form in part 8210.9917 or 8210.9918.

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Presidential primary.** In addition to the information required by subpart 2, the absentee ballot application for the presidential primary must include the following instruction to the absent voter: "A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party."

8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

Subpart 1. **Receipt of applications.** Upon receipt of an absentee ballot application for the presidential primary, the county auditor or municipal clerk shall immediately verify that the absent voter has indicated the major political party whose ballot the voter is requesting. If the absent voter has not indicated a party choice, the application must be returned to the voter. An absentee ballot for the presidential primary must not be sent to any voter who has not indicated which political party's ballot the voter wishes to receive.

Subp. 2. **Notation on polling place roster.** The election judges in the polling place shall indicate in the space provided on the polling place roster the party choice specified on the absentee ballot application for each absent voter whose return envelope has been marked "Accepted." The election judges shall record the party choice at the same time that the letters "A.B." are placed on the roster for the voters whose return envelopes have been marked "Accepted."

If absentee ballots are not counted at the polling place, the election judges of the absentee ballot board shall indicate on the absentee voter list the party choice of the absent voters whose return envelopes have been marked "Accepted." When the judges at the absentee ballot board have completed examining the return envelopes, the absentee voter list must be forwarded to the election judges for each precinct. Upon receipt of the list, the election judges in the polling place shall record the voter's party choice on the roster from the information provided on the list.

8210.3000 MAIL BALLOTING.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected."

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

[For text of subps 5 to 12, see M.R.]

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

_____

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots, or if the voter was physically unable to mark the ballots, the ballots were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope.

_____

(date)

_____

(legal signature of witness)

_____

(print or type name of witness)

_____

(legal address if witness is an eligible voter)

OR

_____

(official title if witness is an official)

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION ~~for~~ _____

~~(print or type your name)~~

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

( ) primary election
( ) general election
( ) primary and general election

I will need an absentee ballot for the following reason:

(Check one)

( ) absence from precinct
( ) illness or disability

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( ) religious discipline or observance of religious holiday

( ) service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
( )City ( ) Township County Zip

(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City ~~or Township~~ State Zip

Date _____ _____
Legal Signature

8210.9916 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

( ) primary election

( ) general election

( ) primary and general election

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
( ) City ( ) Township County Zip

_____
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date _____ _____
Legal Signature

8210.9917 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

_____.....Party
_____.....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

I will need an absentee ballot for the following reason:

(Check one)

( ) absence from precinct
( ) illness or disability
( ) religious discipline or observance of religious holiday
( ) service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date _____ _____
Legal Signature

8210.9918 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY
ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

_____.....Party
_____.....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

Name _____
(please print)

My legal residence address is:

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Street or Route No. | Apt. No. | Rural Box No.

( ) City ( ) Township | County | Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. | Apt. No. | Rural Box No.

City | State | Zip

Date

Legal Signature

8210.9920 INSTRUCTIONS TO ABSENT VOTER, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENT VOTER

Follow these instructions carefully. AN IMPROPERLY COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your witness:

a. an eligible voter of the same county in which you are registered or registering to vote;

b. a notary public;

c. a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

d. any officer having authority to administer an oath.

(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

a. valid Minnesota Driver's License or Learner's Permit or a receipt for either that contains your valid address in the precinct in which you are registering;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

c. a current student identification card, a current student fee statement, or copy of a current student registration card that contains your valid address in the precinct in which you are registering;

d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor or municipal clerk;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness. Your witness must indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot

Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

(12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before ~~4:30~~ 7:00 p.m. on the day before election day.

8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 1.

ABSENT VOTER'S CERTIFICATE

OF

_____

~~(legal name of absent voter)~~

(print or type legal name of voter)

_____

~~(legal address of absent voter)~~

(print or type legal name of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, the voter marked the ballots, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then proof of residence was provided as indicated below.

_____ _____

(date) (legal signature of witness)

_____

(print or type name of witness)

_____

(official title if witness is an official)

_____

(legal address if witness is an eligible voter)

_____

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

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.

Method used by voter to prove residence:

Driver's License _____
or Permit or (number)
Receipt
Minn. ID Card or _____
Receipt (number)
same precinct _____

Notice of Ineffective
Registration _____

Student ID _____
(number)

_____
(legal signature of registered voter in the precinct who attested to residence in the precinct)

_____
(legal address of registered voter in the precinct who attested to residence in the precinct)

8210.9935 ALTERNATIVE ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 4.

ABSENTEE VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

_____
(date)

_____
(legal signature of witness)

_____
(print or type name of witness)

_____
(official title if witness is an official)

_____
(legal address if witness is an eligible voter.)

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district and also must include votes in positions which are assigned to that office for which no candidate's name appears in those positions for that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

Test ballots must be prepared in which votes appear in positions other than those used for candidates or proposals. In preparing the test deck or ballot image a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot.

~~At least 50 blank ballot cards must be run before the test deck is run.~~ Blank ballots in which no positions have been voted must be included in the test deck or ballot image.

At least one test ballot must be prepared with votes in all positions where there is a candidate or measure on the ballot.

A duplicate of the test deck must be prepared to be used with the duplicate or backup computer program.

8220.1650 ADDITIONAL TEST DECKS.

Upon request the secretary of state ~~may provide~~ must be provided a test deck for any state, county, municipal, or school district election computer program, in which case ~~the~~ a test deck of at least 50 blank ballots must be delivered ~~at the public accuracy test~~ to the secretary of state with directions for its use. The state chair of a major political party or designee may ~~provide~~ obtain a test deck for use at the public accuracy test. The secretary of state may request a test deck from a jurisdiction no later than 15 days prior to the election. The use of test decks provided by the secretary of state or a major political party does not substitute for the requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

8230.0250 ARRANGEMENT OF VOTING DEVICES.

Voting devices may be used in voting booths or self-contained stations. The booths or stations must be equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. Precincts using punch card or optical scan voting systems may provide voting booths or self-contained stations for use by voters in casting their ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated. If a voter claims that the arrangement of the booths or stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the device or booth to provide for increased secrecy.

8230.3950 COPIES OF RETURNS.

The election official in charge of the counting center must certify ~~four~~ at least three copies of the returns. The certification must state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day, number of ballots counted, vote totals, and any other data required by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

8230.4050 DISTRIBUTION OF RETURNS.

Returns referred to in part 8230.3950 must be certified to the municipal clerk who shall retain one copy of the statement of returns and send ~~the remaining three~~ at least two copies to the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and forward ~~the two remaining copies~~ at least one copy of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the election must be completed and returned to the secretary of state.

8230.4350 OPTICAL SCAN VOTING SYSTEMS

[For text of subpart 1, see M.R.]

Subp. 2. **Ballot cards.** Each ballot card must have printed on it either the name of the precinct and a machine-readable precinct ~~identification must be printed on each~~ identifier, or a ballot ~~card~~ style indicator. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Detachable stubs or consecutive numbers are not required. Lines for the initials of at least two election judges must be printed on one side of the ballot card so that the judges' initials are visible when the ballot is enclosed in a secrecy sleeve.

Ballot cards must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the manufacturer's recommended standards and specifications for ballot printing.

The equipment manufacturer must file with the secretary of state recommended procedures and standards for checking ballot specifications. Upon receipt of the ballots the election jurisdiction must immediately examine the ballot cards to determine that they meet the required specifications. The ballot cards must be packaged and stored in a manner to protect against moisture.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may

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.

not be used for a central counting center, except that one ballot counter may be supplied for up to ten precincts with a combined total of fewer than 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine readable ballot configuration identification may be printed on each ballot card in place of the precinct name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in *Minnesota Statutes*, section 204C.15. Election judges monitoring the depositing of ballots into an optical scan precinct counting system must be stationed no closer than six feet from the precinct ballot counter.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initialed by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

[For text of subps 6 and 7, see M.R.]

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in *Minnesota Statutes*, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in *Minnesota Statutes*, section 205A.10, subdivision 5. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8235.0800 ~~PAPER~~ COUNTING AND CHALLENGING BALLOTS.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount them in accordance with *Minnesota Statutes*, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of whether and for whom the ballot should be counted, the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the ~~candidate~~ person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

8240.1300 COURSES REQUIRED.

An election judge who must receive training pursuant to *Minnesota Statutes*, section 204B.25 shall successfully complete a basic training course which meets the requirements of part 8240.1600. After completing the basic training course, an election judge may serve at future elections by successfully completing a review course which meets the requirements of part 8240.1700 before service at such election. The basic training course need not be repeated if the judge serves at least one election every four years.

The basic training course and the review course shall be conducted not more than ~~30~~ 60 days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a makeup session shall be held which conforms to the scheduled training session so far as practicable.

A special training course must be conducted for all election judges not more than 60 nor fewer than three days before a presidential primary election. The county auditor shall establish either a one or two hour training course for the presidential primary. The length of training for the presidential primary should be determined by the voting method used at the presidential primary, and the experience level of election judges with the voting method.

No election judge who successfully completes the training required by these rules for a state primary election shall be required to complete additional training for the succeeding ~~regular~~ general election.

The training authority shall determine the maximum number of trainees in each training session conducted pursuant to parts 8240.1600 and 8240.1700. The maximum number of trainees shall be appropriate to the methods of instruction used.

8240.1650 PRESIDENTIAL PRIMARY TRAINING COURSE.

Subpart 1. **Length.** The training course shall be established by the country auditor at either one or two hours in length.

Subp. 2. **Materials.** By February 1 in years in which a presidential primary is conducted, the secretary of state shall provide each county auditor with examples of all forms and documents used by election judges that are unique to the presidential primary. The county auditor shall provide copies of this material to each training authority in the county. The forms and documents provided to a county auditor must include but are not limited to: polling place rosters bsentee ballot applications and return envelopes allots and precinct summary statements. Additional material may be provided by the training authority as considered useful.

Subp. 3. **Use of equipment.** A voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures used at the presidential primary.

Subp. 4. **Course content.** The presidential primary training course must include information and preparation in the following areas:

A. declaration of party preference noted on polling place roster;

B. transfer of party preference from absentee ballot applications to polling place roster;

C. counting of ballots, including party order and write-in ballots;

D. all forms, rules, laws, and procedures unique to the presidential primary and

E. methods for responding to voters concerns about privacy.

8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

Subpart 1. **Requirement.** Trainee election judges appointed under *Minnesota Statutes*, section 204B.19, must meet the requirements of this part.

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.

Subp. 2. **Training.** A trainee election judge must complete the basic two hour training course as defined in part 8240.1650 before serving in a special, primary, or general election.

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, a resident of the municipality in which the trainee election judge serves, and be at least 16 years of age. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school, have completed or be enrolled in a course on government at the time of service, and are performing at an academic level acceptable to the principal of the trainee's high school.

Subp. 4. **Appointment.** Trainee election judges may be appointed by the municipality or school district conducting the election if:

A. the trainee election judge is appointed without party affiliation;

B. the trainee election judge has submitted a written request, approved and signed by the trainee's parent or guardian, to be absent from school to the principal of the trainee's high school;

C. a certificate from the appointing authority is submitted with the request stating the date and hours the student will serve as a trainee election judge;

D. the request and certificate are submitted to the student's principal at least ten days prior to the election and

E. the appointment will not require the trainee election judge to serve past 10:00 p.m.

Subp. 5. **Payment.** For attending required training or for service as a trainee election judge, students must be paid not less than two-thirds of the minimum wage for large employers as provided in *Minnesota Statutes*, section 177.24.

Subp. 6. **Number of trainee election judges allowed per precinct.** No more than one-third of the election judges at a precinct may be trainees. The appointment of trainee election judges may count towards meeting the minimum number of election judges required by *Minnesota Statutes*, section 204B.22.

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by *Minnesota Statutes*, section 204D.08, subdivision ~~2~~ 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Order of candidates.** The secretary of state or 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.

Executive Orders

Executive Department

Executive Order #92-2: Providing for the Establishment of the Governor's Advisory Task Force on Mentoring and Community Service

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Minnesota's young people are a vast untapped resource and have the potential to make great contributions to their communities; and

WHEREAS, much remains to be done to assure that each young person in Minnesota has access to a caring, responsible individual who encourages and guides his/her personal growth and development; and

201.022 subd 2 — Stat Authority

The secretary of state shall make permanent and emergency rules necessary to administer the system required in subdivision 1. The rules must at least (2) provide for the establishment and maintenance of a central data base for all ~~state~~ voter registration information.

201.221 To implement the provisions of this chapter, the secretary of state shall ~~shall~~ adopt rules consistant with federal and state election laws.

203B.08 subd 1 — The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots.

203B.07 — The secretary of state shall adopt rules establishing the form, content and type size and style for the printing of blank applications

204B.25 — The secretary of state shall adopt rules establishing a program for the training of election judges by county auditors as required by this section.

204B.45 subd 3 — Election law applied; rules

over

204C. 361

The secretary of state shall adopt rules according to the Administrative Procedures Act establishing uniform recount procedures.

204D. 11 subd 1 - White ballot; rules reimbursement

206.57 subd 1 Examination and report by secretary of state; approval

207A.09 The secretary of state shall adopt rules to implement the provisions of this chapter

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing the Cost of Public Information Lists, Absentee Voter's Certificate, Mail Voter's Certificate, Instructions to Absentee Voters, Test Decks, Arrangement of Voting Devices, Distribution of Election Returns, Optical Scan Voting Systems, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.	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 authority to adopt the rules are found in Minnesota Statutes 201.022, subdivision 2; 201.221, subdivision 1; 203B.08, subdivision 4; 203B.09; 204B.25, subdivision 2; 204B.45, subdivision 3; 204C.361; 204D.11, subdivision 1; 206.57, subdivision 1; 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. (8)

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

(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.

If no hearing is required, upon adoption of the rules, the rules (9) 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.

1-22-92

Date

Joseph Mansky

Joseph Mansky

Director, Election Division

DEPARTMENT: ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE: May 26, 1992

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

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

PHONE: 297-1083

SUBJECT: **In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing the Cost of Public Information Lists, Absentee Voter's Certificate, Mail Voter's Certificate, Instructions to Absentee Voters, Test Decks, Arrangement of Voting System, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.**

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

1. Order for Notice of Intent to Adopt Rules Without a Public Hearing;

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

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

4. Statement of Need and Reasonableness;

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

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

7. Rules as adopted (4 copies);

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

9. Declaration of Counsel.

:cs2

Secretary of State

Proposed Permanent Rules Relating to Elections; Housekeeping Rules

Rules as Proposed

8200.6300 COST DETERMINATION.

When the secretary of state or a county auditor determines the cost of ~~copies of~~ producing lists of registered voters, the secretary of state or auditor shall take into account only the costs ~~of reproduction~~ actually incurred ~~by his office~~ to fill the specific request. The secretary of state or auditor shall not take into account the general office expenses or other expenses which would have been incurred by the secretary of state or auditor's office even without the preparation of the request.

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

[For text of subps 1 to 6, see M.R.]

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 with the exception that the number of signatures, residency requirement, and oath requirements of persons signing the petition is as provided in Minnesota Statutes, section 204B.11, subdivision 2.

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

Approved by Revisor

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 to the extent practicable.

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.

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minnesota Statutes, section 203B.06, subdivision 1, shall be in the form in part 8210.9910. An absentee ballot application for the presidential primary must be in the form in part 8210.9917 or 8210.9918.

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Presidential primary.** In addition to the information required by subpart 2, the absentee ballot application for the presidential primary must include the following instruction to the absent voter: "A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party."

8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

Subpart 1. **Receipt of applications.** Upon receipt of an absentee ballot application for the presidential primary, the county auditor or municipal clerk shall immediately verify that the absent voter has indicated the major political party whose ballot the voter is requesting. If the absent voter has not indicated a party choice, the application must be returned to the voter. An absentee ballot for the presidential primary must not be sent to any voter who has not indicated which political

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party's ballot the voter wishes to receive.

Subp. 2. **Notation on polling place roster.** The election judges in the polling place shall indicate in the space provided on the polling place roster the party choice specified on the absentee ballot application for each absent voter whose return envelope has been marked "Accepted." The election judges shall record the party choice at the same time that the letters "A.B." are placed on the roster for the voters whose return envelopes have been marked "Accepted."

If absentee ballots are not counted at the polling place, the election judges of the absentee ballot board shall indicate on the absentee voter list the party choice of the absent voters whose return envelopes have been marked "Accepted." When the judges at the absentee ballot board have completed examining the return envelopes, the absentee voter list must be forwarded to the election judges for each precinct. Upon receipt of the list, the election judges in the polling place shall record the voter's party choice on the roster from the information provided on the list.

8210.3000 MAIL BALLOTING.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected."

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by Revisor _____

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

[For text of subps 5 to 12, see M.R.]

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

_____

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots, or if the voter was physically unable to mark the ballots, the ballots were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope.

_____ _____

(date) (legal signature of witness)

_____

(print or type name of witness)

_____

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by Revisor _____

(legal address if witness is an eligible voter)

OR

_____

(official title if witness is an official)

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION ~~for~~ _____

~~(print or type your name)~~

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

( ) primary election
( ) general election
( ) primary and general election

I will need an absentee ballot for the following reason:

(Check one)

( ) absence from precinct
( ) illness or disability
( ) religious discipline or observance of religious holiday
( ) service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

_____ _____ _____
Street or Route No. Apt. No. Rural Box No.

_____
( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City ~~or Township~~ State Zip

Date _____ _____
Legal Signature

8210.9916 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

( ) primary election
( ) general election
( ) primary and general election

Name _____
(please print)

My legal residence address is:

Approved by Revisor _____

Street or Route No. Apt. No. Rural Box No.

( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____ _____
Legal Signature

8210.9917 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ .....Party
____ .....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

I will need an absentee ballot for the following reason:

(Check one)

[] absence from precinct
[] illness or disability
[] religious discipline or observance of religious holiday
[] service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

Street or Route No. Apt. No. Rural Box No.

[] City [] Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____ _____
Legal Signature

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8210.9918 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ .....Party
____ .....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
[] City [] Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date _____ _____
Legal Signature

8210.9920 INSTRUCTIONS TO ABSENT VOTER, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENT VOTER

Follow these instructions carefully. AN IMPROPERLY COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your witness:

a. an eligible voter of the same county in which you are registered or registering to vote;

b. a notary public;

c. a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

d. any officer having authority to administer an oath.

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(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

a. valid Minnesota Driver's License or Learner's Permit or a receipt for either that contains your valid address in the precinct in which you are registering;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

c. a current student identification card, a current student fee statement, or copy of a current student registration card that contains your valid address in the precinct in which you are registering;

d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor or municipal clerk;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness. Your witness must indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read

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English, you may ask your witness to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

(12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope,

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by Revisor _____

the auditor or clerk must receive it before ~~4:30~~ 7:00 p.m. on the day before election day.

8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 1.

ABSENT VOTER'S CERTIFICATE

OF

_____

~~(legal name of absent voter)~~

(print or type legal name of voter)

_____

~~(legal address of absent voter)~~

(print or type legal name of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, the voter marked the ballots, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then proof of residence was provided as indicated below.

_____ _____
(date) (legal signature of witness)

_____
(print or type name of witness)

_____
(official title if witness is an official)

_____
(legal address if witness is an eligible voter)

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

Method used by voter to prove residence:

Driver's License or Permit or _____ (number)

Notice of Ineffective Registration _____

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Receipt
Minn. ID Card or _____ Student ID _____
Receipt (number) (number)
same precinct _____ _____
(legal signature of registered voter in the precinct who attested to residence in the precinct)

_____
(legal address of registered voter in the precinct who attested to residence in the precinct)

8210.9935 ALTERNATIVE ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 4.

ABSENTEE VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

_____ _____
(date) (legal signature of witness)

_____
(print or type name of witness)

_____
(official title if witness is an official)

_____
(legal address if witness is an eligible voter.)

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test

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ballots must be prepared with the number of votes allowed by law for that office in that district and also must include votes in positions which are assigned to that office for which no candidate's name appears in those positions for that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

Test ballots must be prepared in which votes appear in positions other than those used for candidates or proposals. In preparing the test deck or ballot image a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot.

~~At least 50 blank ballot cards must be run before the test deck is run.~~ Blank ballots in which no positions have been voted must be included in the test deck or ballot image.

At least one test ballot must be prepared with votes in all positions where there is a candidate or measure on the ballot.

A duplicate of the test deck must be prepared to be used with the duplicate or backup computer program.

8220.1650 ADDITIONAL TEST DECKS.

Upon request the secretary of state ~~may provide~~ must be provided a test deck for any state, county, municipal, or school district election computer program, in which case ~~the~~ a test deck of at least 50 blank ballots must be delivered ~~at the public accuracy test~~ to the secretary of state with directions for its use. The state chair of a major political party or designee may ~~provide~~ obtain a test deck for use at the public accuracy test. The secretary of state may request a test deck from a jurisdiction no later than 15 days prior to the election. The use of test decks provided by the secretary of state or a major political party does not substitute for the

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requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

8230.0250 ARRANGEMENT OF VOTING DEVICES.

Voting devices may be used in voting booths or self-contained stations. The booths or stations must be equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. Precincts using punch card or optical scan voting systems may provide voting booths or self-contained stations for use by voters in casting their ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated. If a voter claims that the arrangement of the booths or stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the device or booth to provide for increased secrecy.

8230.3950 COPIES OF RETURNS.

The election official in charge of the counting center must certify ~~four~~ at least three copies of the returns. The certification must state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day, number of ballots counted, vote totals, and any other data required by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

8230.4050 DISTRIBUTION OF RETURNS.

Returns referred to in part 8230.3950 must be certified to the municipal clerk who shall retain one copy of the statement of returns and send ~~the remaining three~~ at least two copies to

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the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and forward ~~the two remaining copies~~ at least one copy of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the election must be completed and returned to the secretary of state.

8230.4350 OPTICAL SCAN VOTING SYSTEMS

[For text of subpart 1, see M.R.]

Subp. 2. **Ballot cards.** Each ballot card must have printed on it either the name of the precinct and a machine-readable precinct ~~identification must be printed on each~~ identifier, or a ballot ~~card~~ style indicator. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Detachable stubs or consecutive numbers are not required. Lines for the initials of at least two election judges must be printed on one side of the ballot card so that the judges' initials are visible when the ballot is enclosed in a secrecy sleeve.

Ballot cards must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the manufacturer's recommended standards and specifications for ballot printing.

The equipment manufacturer must file with the secretary of state recommended procedures and standards for checking ballot specifications. Upon receipt of the ballots the election jurisdiction must immediately examine the ballot cards to determine that they meet the required specifications. The ballot cards must be packaged and stored in a manner to protect against moisture.

[For text of subps 3 and 4, see M.R.]

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Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may not be used for a central counting center, except that one ballot counter may be supplied for up to ten precincts with a combined total of fewer than 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine readable ballot configuration identification may be printed on each ballot card in place of the precinct name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

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If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in Minnesota Statutes, section 204C.15. Election judges monitoring the depositing of ballots into an optical scan precinct counting system must be stationed no closer than six feet from the precinct ballot counter.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initialed by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment

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shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

[For text of subps 6 and 7, see M.R.]

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in Minnesota Statutes, section 205A.10, subdivision 5. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8235.0800 ~~PAPER~~ COUNTING AND CHALLENGING BALLOTS.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount

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them in accordance with Minnesota Statutes, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of whether and for whom the ballot should be counted, the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the ~~candidate~~ person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

8240.1300 COURSES REQUIRED.

An election judge who must receive training pursuant to Minnesota Statutes, section 204B.25 shall successfully complete a basic training course which meets the requirements of part 8240.1600. After completing the basic training course, an election judge may serve at future elections by successfully completing a review course which meets the requirements of part 8240.1700 before service at such election. The basic training course need not be repeated if the judge serves at least one election every four years.

The basic training course and the review course shall be conducted not more than ~~30~~ 60 days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a makeup session shall be held which conforms to the scheduled training session so far as practicable.

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by Revisor _____

A special training course must be conducted for all election judges not more than 60 nor fewer than three days before a presidential primary election. The county auditor shall establish either a one or two hour training course for the presidential primary. The length of training for the presidential primary should be determined by the voting method used at the presidential primary, and the experience level of election judges with the voting method.

No election judge who successfully completes the training required by these rules for a state primary election shall be required to complete additional training for the succeeding ~~regular~~ general election.

The training authority shall determine the maximum number of trainees in each training session conducted pursuant to parts 8240.1600 and 8240.1700. The maximum number of trainees shall be appropriate to the methods of instruction used.

8240.1650 PRESIDENTIAL PRIMARY TRAINING COURSE.

Subpart 1. **Length.** The training course shall be established by the country auditor at either one or two hours in length.

Subp. 2. **Materials.** By February 1 in years in which a presidential primary is conducted, the secretary of state shall provide each county auditor with examples of all forms and documents used by election judges that are unique to the presidential primary. The county auditor shall provide copies of this material to each training authority in the county. The forms and documents provided to a county auditor must include but are not limited to: polling place rosters; absentee ballot applications and return envelopes; ballots; and precinct summary statements. Additional material may be provided by the training authority as considered useful.

Subp. 3. **Use of equipment.** A voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures used at the presidential primary.

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Subp. 4. **Course content.** The presidential primary training course must include information and preparation in the following areas:

A. declaration of party preference noted on polling place roster;

B. transfer of party preference from absentee ballot applications to polling place roster;

C. counting of ballots, including party order and write-in ballots;

D. all forms, rules, laws, and procedures unique to the presidential primary; and

E. methods for responding to voters concerns about privacy.

8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

Subpart 1. **Requirement.** Trainee election judges appointed under Minnesota Statutes, section 204B.19, must meet the requirements of this part.

Subp. 2. **Training.** A trainee election judge must complete the basic two hour training course as defined in part 8240.1650 before serving in a special, primary, or general election.

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, a resident of the municipality in which the trainee election judge serves, and be at least 16 years of age. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school, have completed or be enrolled in a course on government at the time of service, and are performing at an academic level acceptable to the principal of the trainee's high school.

Subp. 4. **Appointment.** Trainee election judges may be appointed by the municipality or school district conducting the election if:

A. the trainee election judge is appointed without party affiliation;

B. the trainee election judge has submitted a written request, approved and signed by the trainee's parent or

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guardian, to be absent from school to the principal of the trainee's high school;

C. a certificate from the appointing authority is submitted with the request stating the date and hours the student will serve as a trainee election judge;

D. the request and certificate are submitted to the student's principal at least ten days prior to the election; and

E. the appointment will not require the trainee election judge to serve past 10:00 p.m.

Subp. 5. **Payment.** For attending required training or for service as a trainee election judge, students must be paid not less than two-thirds of the minimum wage for large employers as provided in Minnesota Statutes, section 177.24.

Subp. 6. **Number of trainee election judges allowed per precinct.** No more than one-third of the election judges at a precinct may be trainees. The appointment of trainee election judges may count towards meeting the minimum number of election judges required by Minnesota Statutes, section 204B.22.

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by Minnesota Statutes, section 204D.08, subdivision ~~2~~ 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

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[For text of subps 1 to 4, see M.R.]

Subp. 5. **Order of candidates.** The secretary of state or 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.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Elections; Housekeeping Rules

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8200; 8205; 8210; 8220; 8230; 8235; 8240; and 8250

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt or modify Parts 8200.6300, 8205.1000, 8210.0200, 8210.0250, 8210.3000, 8210.3015, 8210.9910, 8210.9916, 8210.9917, 8210.9918, 8210.9920, 8210.9930, 8210.9935, 8220.1150, 8220.1650, 8230.0250, 8230.3950, 8230.4050, 8230.4350, 8235.0200, 8235.0800, 8240.1300, 8240.1650, 8240.1655, 8250.0350, and 8250.0360 from the requirements of Minnesota Statutes 201.022, subdivision 2; 201.221, subdivision 1; 203B.08, subdivision 4; 203B.09; 204B.25, subdivision 2; 204B.45, subdivision 3; 204C.361; 204D.11, subdivision 1; 206.57, subdivision 1; and 207A.09 which require the Secretary of State to adopt and maintain administrative rules for use in the conduct of elections in Minnesota. The rational for each individual rule is as follows:

1. Part 8200.6300 is needed to modify the rules under which the production cost for lists of registered voters is calculated. The statewide computer registration system is maintained by the secretary of state, and the majority of lists of registered voters are ordered through, and produced by, the secretary of state. It is reasonable to include the secretary of state in any regulation controlling the price at which lists of registered voters are sold as the secretary of state can best calculate the actual costs of producing the lists.

2. Part 8205.1000 is needed to provide the form of petition required by candidates for the presidential primary who wish to submit a petition in place of the filing fee. It is reasonable to make the petition in lieu of filing fee for the presidential primary as similar as possible to the petition provided in Minnesota Statues 204B.11, subdivision 2 so as to standardize forms for both the candidates circulating the petitions, and the public who signs them.

3. Part 8210.0200 is needed to provide the form of the absentee ballot application for the presidential primary. It is reasonable to provide an absentee ballot application for the presidential primary because of the requirement of Minnesota Statutes 207A.03 subdivision 2 which requires voters to request the ballot of the party for whose candidates the individual wishes to vote. The instruction to voters required by subpart 5 of part 8210.0200 is reasonable to alert absentee voters of the requirement to identify party choice for the presidential primary.

4. Part 8210.0250 is needed to provide a single procedure for the processing of absentee ballot applications and accepted ballots by election administrators through out the state. This is reasonable to insure that the party identification required by Minnesota Statutes 207A.03 is recorded and attached to the duplicate registration file of the voter as required by Minnesota Statutes 207A.08.

5. Part 8210.3000 is needed to provide for the use of precincts voting entirely by mail at the presidential primary. The procedure is reasonable in that it does not increase the cost of conducting a mail election to the municipality, it conforms to the procedures for mail elections provided in Minnesota Statutes 204B.45 subdivision 2, and provides the procedures for presidential primaries provided in Minnesota Statutes Chapter 207A. It is reasonable to have mail voters indicate party preference on the secrecy envelope, as opposed to the outside of the return envelope, so as to provide privacy to the voter while the mail return envelope is in the mail.

6. Part 8210.3015 is needed to bring the certification for mail voters into compliance with the provisions of Minnesota Statutes 203B.21 subdivision 3. This is required because Minnesota Statutes 204B.45 subdivision 3 applies pertinent sections of Minnesota Election Law to Mail Elections.

7. Part 8210.9910 needs modification to remove duplicate or unnecessary information from the absentee ballot application. This is reasonable to provide the public with a form that is easy to use.

8. Part 8210.9916 is needed to provide an absentee ballot application for use in counties that have adopted the provisions of Minnesota Statutes 203B.02 subdivision 1a. This statute provides that an application for an absentee ballot can be made without specifying a reason for requesting the application. It is reasonable to provide the form of the application to insure that all counties administer the provisions of Minnesota Statutes 203B.02 subdivision 1a in a standardized manner.

9. Part 8210.9917 is needed to provide an absentee ballot application for use at a presidential primary. It is reasonable to provide an application specifically for the presidential primary because of the party declaration required at that election, as required in Minnesota Statutes 207A.03.

10. Part 8210.9918 is needed to provide an absentee ballot application for use at a presidential primary by counties that have adopted the provisions of Minnesota Statutes 203B.02 subdivision 1a. It is reasonable to provide an application that does not require the declaration of a reason for the absentee ballot but which is otherwise the same as provided in Part 8210.9917.

11. Part 8210.9920 needs modification to accurately reflect the hours that the auditor or clerks office must be open for the acceptance of absentee ballots on the Monday preceding an election. It is reasonable to modify the instructions to say 7:00 because that is the closing of office hours set in Minnesota Statutes 203B.085.

12. Part 8210.9930 is being modified to make the absent voter's certificate easier to understand and complete, and to include the declaration that no other absentee ballot was cast at this election. It is reasonable to do this to insure that the voter understands what they are signing, and to insure that the voter is aware that they should submit only one absentee ballot per election.

13. Part 8210.9935 is being modified to make the absentee voter's certificate easier to understand and complete, and to include the declaration that no other absentee ballot was cast at this election. It is reasonable to do this to insure that the voter understands what they are signing, and to insure that the voter is aware that they should submit only one absentee ballot per election.

14. Part 8220.1150 needs modification to delete the reference to running 50 blank ballots through the voting system before using the test deck required in this part. This is reasonable because testing done by the secretary of state has found no practical benefit from the 50 blank ballots. Additionally in large municipalities with a large number of voting machines to test, the 50 blank ballot requirement was time consuming and expensive.

15. Part 8220.1650 needs modification to insure that the secretary of state, and the major political parties, can secure materials necessary for investigating the accuracy of computer programing for voting systems. This is reasonable because the previous language in this part gave authority for the secretary of state and major political parties to test computer programing, but provided no access to the ballots and instructions needed to produce the tests.

16. Part 8230.0250 needs modification to make it clear that precincts using electronic voting systems have the option of using self contained stations in place of booths for the casting of ballots. The authority for electronic voting precincts to use an alternative to voting booths is found in Minnesota Statutes 206.84 subdivision 5, it is reasonable to clarify this rule to reflect the authority provided in this statute.

17. Part 8230.3950 needs modification to reduce the number of copies of returns from four to three. This is reasonable because the secretary of state has no need for more than one copy of the return. As seen in the next part the requirement that the secretary of state receive two copies was the sole cause of the fourth copy being produced.

18. Part 8230.4050 needs modification to reduce the number of copies of the election returns sent to the secretary of state from two to one copy. This is reasonable because the secretary of state can gain all needed information from one copy of the returns, and the additional copy significantly increased the storage space and staff time needed to process the returns.

19. Part 8230.4350 subpart 2 needs modification to provide for two goals, first to insure that ballots are distributed to the correct precinct, and secondly to reduce printing costs of the ballots to local government units. It is reasonable to provide a visual check on the precinct name for election judges and voters to use in insuring that they have been issued the correct ballot. However, at certain elections providing for the use of a style indicator is reasonable if the ballot is the same at all precincts. A style indicator identifies the election, but not the specific precinct. The use of a style indicator will dramatically reduces printing costs to local government units by eliminating a unique printing for each precinct involved in the election.

20. Part 8230.4350 subpart 5 is being modified because of the need to protect the ballot secrecy of each voter. An election judge is stationed by the precinct counting system to assist voters who are unsure of how to insert their ballot into the machine, and to deal with any breakdown of the machine. It is reasonable to station the election judge at least six feet from the precinct counting system to insure that the voter can insert the ballot into the machine in privacy without the election judge viewing the manner in which the ballot is marked. If stationed six feet away the election judge can still monitor and assist in the use of the precinct counting system.

21. Part 8235.0200 needs modification to include the school district clerk as the official responsible for recounts held by a school district canvassing board. This is reasonable given that Minnesota Statues 204C.36 subdivisions 1 and 3 makes the school district clerk the depository for requests of recounts for school board member elections, and school district special elections.

22. Part 8235.0800 is needed to provide for the challenging of the manner in which a ballot is counted at a recount of a ballot question. It is reasonable to provide individuals who request recounts of questions with the same rights as individuals who request recounts of elections for an office.

23. Part 8240.1300 is needed to provide the time frame under which election judge training sessions may be held. It is reasonable to expand the period of time for holding training sessions from 30 days to 60 days because of the number of preelection duties county auditors and municipal clerks must attend to prior to the election. The expanded time frame will allow the training authority to hold training sessions and still meet their other election obligations.

The requirement that a special training session be held for election judges serving in the presidential primary is needed because of the unique provisions of Minnesota Statutes 207A.03. It is reasonable to require a training session to insure that the election judges are educated in these provisions, and to determine the length of the training session based on the experience level

of the election judges and their knowledge of the voting system to be used at the presidential primary.

The addition of state and replacement of regular with general is needed to clarify the amount of training required in a given election year. It is reasonable to require that election judges attend a training session prior to the state primary, or prior to the state general election, requiring attendance at two sessions would be a duplication of effort.

24. Part 8240.1650 is needed to insure an orderly and complete training session for election judges prior to the conduct of a presidential primary.

Subpart 1 is reasonable to provide flexibility to the county auditor in establishing the length of the training session based on the experience level of the election judges with this type of election.

Subpart 2 is reasonable to insure that at the training session the election judges are exposed to the forms and documents they will use during the presidential primary. As the secretary of state is responsible for the format of these forms it is reasonable that the secretary of state provide copies of the documents to each county auditor.

Subpart 3 is reasonable because of the requirement that each party have a separate ballot at the presidential primary, and the effect this requirement will have on the counting of ballots. To insure that election judges are prepared for the election it is reasonable to provide that they are exposed to the ballot and voting systems prior to election day.

Subpart 4 is reasonable to provide a training course outline to insure that the training authority covers all duties unique to the presidential primary.

25. Part 8240.1655 is needed to provide a standard set of qualifications for the appointment of high school election judges as provided in Minnesota Statutes 204B.19 subdivision 6.

Subpart 1 is reasonable to provide a link between the rules and the enabling statute.

Subpart 2 is reasonable to require a training course for trainee election judges that is as rigorous as the training required for regular election judges. As trainee election judges will be required to perform the same duties as all other election judges it is reasonable to require a complete training course.

Subpart 3 is reasonable to list the minimum qualifications that trainee election must meet before they can be selected as an election judge. The requirement to be an United States citizen,

and a resident of the municipality in which they will serve is used to emphasis that the trainee election judge is a member of the community, and meets basic requirements required of all election judges. The certification of good academic standing is a reasonable way to insure that the individuals selected to serve as a trainee election judge are capable of meeting the demands of the job.

Subpart 4 is reasonable to provide the appointing authority with a listing of the conditions that must be met before an individual can be selected as a trainee election judge. The specific conditions listed in this subpart are drawn from the enabling statute.

Subpart 5 is reasonable to provide a reference on the minimum level of compensation a trainee election judge may be paid. The specific level of compensation is provided in the enabling statute.

Subpart 6 is reasonable to provide the maximum level of trainee election judges that can be appointed to any one precinct. The maximum level of one-third for trainee election judges is reasonable so that partisan balance is maintained in the precinct, and so that an adequate number of regular election judges are available to the precinct.

26. Part 8250.0350 is needed to correct an incorrect statutory reference in the rule.

27. Part 8250.0360 is needed because the secretary of state is required in Minnesota Statutes 207A.04 to prepare paper ballots for use at the presidential primary. It is reasonable to extend ballot preparation authority to any office required to produce ballots for an election.

Pursuant to Minnesota Statutes, section 14.11, the proposed rule will not have any impact on agricultural land nor will the adoption of these rules result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption of this rule. Also pursuant to Minnesota Statutes, section 14.115, the proposed rules will not have an impact on small business in Minnesota.

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing The Cost of Public Information Lists, Absentee Voter's Certificate, Instructions to Absente Voters, Test Decks, Arrangement of Voting Devices, Distribution of Election Returns, Optical Scan Voting Systems, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A 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 10th day of February, 1992.

That on the 10th day of February, 1992 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 10th day of February, 1992.

Renee Hope Coffey

RENEE HOPE COFFEY
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES 7-31-97

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing the Cost of Public Information Lists, Absentee Voter's Certificate, Mail Voter's Certificate, Instructions to Absentee Voters, Test Decks, Arrangement of Voting Devices, Distribution of Election Returns, Optical Scan Voting Systems, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.	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 authority to adopt the rules are found in Minnesota Statutes 201.022, subdivision 2; 201.221, subdivision 1; 203B.08, subdivision 4; 203B.09; 204B.25, subdivision 2; 204B.45, subdivision 3; 204C.361; 204D.11, subdivision 1; 206.57, subdivision 1; 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.

1-22-92

Date

Joseph Mansky

Joseph Mansky

Director, Election Division

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Elections; Housekeeping Rules

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8200; 8205; 8210; 8220; 8230; 8235; 8240; and 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 Elections; Housekeeping Rules

Rules as Proposed

8200.6300 COST DETERMINATION.

When the secretary of state or a county auditor determines the cost of ~~copies of~~ producing lists of registered voters, the secretary of state or auditor shall take into account only the costs ~~of reproduction~~ actually incurred ~~by his office~~ to fill the specific request. The secretary of state or auditor shall not take into account the general office expenses or other expenses which would have been incurred by the secretary of state or auditor's office even without the preparation of the request.

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

[For text of subps 1 to 6, see M.R.]

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 with the exception that the number of signatures, residency requirement, and oath requirements of persons signing the petition is as provided in Minnesota Statutes, section 204B.11, subdivision 2.

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

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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 to the extent practicable.

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.

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minnesota Statutes, section 203B.06, subdivision 1, shall be in the form in part 8210.9910. An absentee ballot application for the presidential primary must be in the form in part 8210.9917 or 8210.9918.

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Presidential primary.** In addition to the information required by subpart 2, the absentee ballot application for the presidential primary must include the following instruction to the absent voter: "A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party."

8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

Subpart 1. **Receipt of applications.** Upon receipt of an absentee ballot application for the presidential primary, the county auditor or municipal clerk shall immediately verify that the absent voter has indicated the major political party whose ballot the voter is requesting. If the absent voter has not indicated a party choice, the application must be returned to the voter. An absentee ballot for the presidential primary must not be sent to any voter who has not indicated which political

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party's ballot the voter wishes to receive.

Subp. 2. **Notation on polling place roster.** The election judges in the polling place shall indicate in the space provided on the polling place roster the party choice specified on the absentee ballot application for each absent voter whose return envelope has been marked "Accepted." The election judges shall record the party choice at the same time that the letters "A.B." are placed on the roster for the voters whose return envelopes have been marked "Accepted."

If absentee ballots are not counted at the polling place, the election judges of the absentee ballot board shall indicate on the absentee voter list the party choice of the absent voters whose return envelopes have been marked "Accepted." When the judges at the absentee ballot board have completed examining the return envelopes, the absentee voter list must be forwarded to the election judges for each precinct. Upon receipt of the list, the election judges in the polling place shall record the voter's party choice on the roster from the information provided on the list.

8210.3000 MAIL BALLOTING.

[For text of subps 1 to 4, see M.R.]

Subp. 4a. **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected."

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by Revisor _____

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

[For text of subps 5 to 12, see M.R.]

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

_____

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots, or if the voter was physically unable to mark the ballots, the ballots were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope.

_____ _____

(date) (legal signature of witness)

_____

(print or type name of witness)

_____

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(legal address if witness is an eligible voter)

OR

_____
(official title if witness is an official)

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION ~~for~~ _____
~~(print or type your name)~~

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)
( ) primary election
( ) general election
( ) primary and general election

I will need an absentee ballot for the following reason:

(Check one)
( ) absence from precinct
( ) illness or disability
( ) religious discipline or observance of religious holiday
( ) service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

_____ _____ _____
Street or Route No. Apt. No. Rural Box No.

_____
( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
~~City or Township~~ State Zip

Date _____ _____
Legal Signature

8210.9916 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)
( ) primary election
( ) general election
( ) primary and general election

Name _____
(please print)

My legal residence address is:

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Street or Route No. Apt. No. Rural Box No.

( ) City ( ) Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____ Legal Signature

8210.9917 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ .....Party
____ .....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

I will need an absentee ballot for the following reason:

(Check one)

[] absence from precinct
[] illness or disability
[] religious discipline or observance of religious holiday
[] service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

Street or Route No. Apt. No. Rural Box No.

[] City [] Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____ Legal Signature

Approved by Revisor _____

8210.9918 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ .....Party
____ .....Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

Name _____
(please print)

My legal residence address is:

_____
Street or Route No. Apt. No. Rural Box No.

_____
[] City [] Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

_____
Street or Route No. Apt. No. Rural Box No.

_____
City State Zip

Date _____ _____
Legal Signature

8210.9920 INSTRUCTIONS TO ABSENT VOTER, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENT VOTER

Follow these instructions carefully. AN IMPROPERLY COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your witness:

a. an eligible voter of the same county in which you are registered or registering to vote;

b. a notary public;

c. a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

d. any officer having authority to administer an oath.

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(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

a. valid Minnesota Driver's License or Learner's Permit or a receipt for either that contains your valid address in the precinct in which you are registering;

b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

c. a current student identification card, a current student fee statement, or copy of a current student registration card that contains your valid address in the precinct in which you are registering;

d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor or municipal clerk;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness. Your witness must indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read

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English, you may ask your witness to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

(12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope,

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by Revisor _____

the auditor or clerk must receive it before ~~4:30~~ 7:00 p.m. on the day before election day.

8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 1.

ABSENT VOTER'S CERTIFICATE

OF

_____

~~{legal name of absent voter}~~

(print or type legal name of voter)

_____

~~{legal address of absent voter}~~

(print or type legal name of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, the voter marked the ballots, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then proof of residence was provided as indicated below.

_____ _____
(date) (legal signature of witness)

_____
(print or type name of witness)

_____
(official title if witness is an official)

_____
(legal address if witness is an eligible voter)

_____

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

Method used by voter to prove residence:

Driver's License or Permit or _____ (number)

Notice of Ineffective Registration _____

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Receipt
Minn. ID Card or _____ Student ID _____
Receipt (number) (number)
same precinct _____
_____
(legal signature of registered voter in the precinct who attested to residence in the precinct)
_____
(legal address of registered voter in the precinct who attested to residence in the precinct)

8210.9935 ALTERNATIVE ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART 8210.0600, SUBPART 4.

ABSENTEE VOTER'S CERTIFICATE

OF

_____

(print or type legal name of voter)

_____

(print or type legal address of voter)

I swear or affirm that on election day I will meet the requirements provided by law to vote by absentee ballot, and that I have not cast another absentee ballot in this election.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

_____ _____
(date) (legal signature of witness)
_____
(print or type name of witness)
_____
(official title if witness is an official)
_____
(legal address if witness is an eligible voter.)

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test

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ballots must be prepared with the number of votes allowed by law for that office in that district and also must include votes in positions which are assigned to that office for which no candidate's name appears in those positions for that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

Test ballots must be prepared in which votes appear in positions other than those used for candidates or proposals. In preparing the test deck or ballot image a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot.

~~At least 50 blank ballot cards must be run before the test deck is run.~~ Blank ballots in which no positions have been voted must be included in the test deck or ballot image.

At least one test ballot must be prepared with votes in all positions where there is a candidate or measure on the ballot.

A duplicate of the test deck must be prepared to be used with the duplicate or backup computer program.

8220.1650 ADDITIONAL TEST DECKS.

Upon request the secretary of state ~~may provide~~ must be provided a test deck for any state, county, municipal, or school district election computer program, in which case ~~the~~ a test deck of at least 50 blank ballots must be delivered ~~at the public accuracy test~~ to the secretary of state with directions for its use. The state chair of a major political party or designee may ~~provide~~ obtain a test deck for use at the public accuracy test. The secretary of state may request a test deck from a jurisdiction no later than 15 days prior to the election. The use of test decks provided by the secretary of state or a major political party does not substitute for the

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requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

8230.0250 ARRANGEMENT OF VOTING DEVICES.

Voting devices may be used in voting booths or self-contained stations. The booths or stations must be equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. Precincts using punch card or optical scan voting systems may provide voting booths or self-contained stations for use by voters in casting their ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated. If a voter claims that the arrangement of the booths or stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the device or booth to provide for increased secrecy.

8230.3950 COPIES OF RETURNS.

The election official in charge of the counting center must certify ~~four~~ at least three copies of the returns. The certification must state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day, number of ballots counted, vote totals, and any other data required by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

8230.4050 DISTRIBUTION OF RETURNS.

Returns referred to in part 8230.3950 must be certified to the municipal clerk who shall retain one copy of the statement of returns and send ~~the remaining three~~ at least two copies to

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the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and forward ~~the two remaining copies~~ at least one copy of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the election must be completed and returned to the secretary of state.

8230.4350 OPTICAL SCAN VOTING SYSTEMS

[For text of subpart 1, see M.R.]

Subp. 2. **Ballot cards.** Each ballot card must have printed on it either the name of the precinct and a machine-readable precinct ~~identification must be printed on each~~ identifier, or a ballot ~~card~~ style indicator. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Detachable stubs or consecutive numbers are not required. Lines for the initials of at least two election judges must be printed on one side of the ballot card so that the judges' initials are visible when the ballot is enclosed in a secrecy sleeve.

Ballot cards must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the manufacturer's recommended standards and specifications for ballot printing.

The equipment manufacturer must file with the secretary of state recommended procedures and standards for checking ballot specifications. Upon receipt of the ballots the election jurisdiction must immediately examine the ballot cards to determine that they meet the required specifications. The ballot cards must be packaged and stored in a manner to protect against moisture.

[For text of subps 3 and 4, see M.R.]

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by Revisor _____

Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may not be used for a central counting center, except that one ballot counter may be supplied for up to ten precincts with a combined total of fewer than 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine readable ballot configuration identification may be printed on each ballot card in place of the precinct name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

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by Revisor _____

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in Minnesota Statutes, section 204C.15. Election judges monitoring the depositing of ballots into an optical scan precinct counting system must be stationed no closer than six feet from the precinct ballot counter.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initialed by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment

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shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

[For text of subps 6 and 7, see M.R.]

8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and administrative recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in Minnesota Statutes, section 205A.10, subdivision 5. When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or administrative recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected.

8235.0800 ~~PAPER~~ COUNTING AND CHALLENGING BALLOTS.

Ballots must be recounted by precinct. The recount official shall open the sealed envelope of ballots and recount

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by Revisor _____

them in accordance with Minnesota Statutes, section 204C.22. If a candidate or candidate's representative disagrees with the recount official's determination of whether and for whom the ballot should be counted, the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the ~~candidate~~ person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

8240.1300 COURSES REQUIRED.

An election judge who must receive training pursuant to Minnesota Statutes, section 204B.25 shall successfully complete a basic training course which meets the requirements of part 8240.1600. After completing the basic training course, an election judge may serve at future elections by successfully completing a review course which meets the requirements of part 8240.1700 before service at such election. The basic training course need not be repeated if the judge serves at least one election every four years.

The basic training course and the review course shall be conducted not more than ~~30~~ 60 days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a makeup session shall be held which conforms to the scheduled training session so far as practicable.

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A special training course must be conducted for all election judges not more than 60 nor fewer than three days before a presidential primary election. The county auditor shall establish either a one or two hour training course for the presidential primary. The length of training for the presidential primary should be determined by the voting method used at the presidential primary, and the experience level of election judges with the voting method.

No election judge who successfully completes the training required by these rules for a state primary election shall be required to complete additional training for the succeeding ~~regular~~ general election.

The training authority shall determine the maximum number of trainees in each training session conducted pursuant to parts 8240.1600 and 8240.1700. The maximum number of trainees shall be appropriate to the methods of instruction used.

8240.1650 PRESIDENTIAL PRIMARY TRAINING COURSE.

Subpart 1. **Length.** The training course shall be established by the country auditor at either one or two hours in length.

Subp. 2. **Materials.** By February 1 in years in which a presidential primary is conducted, the secretary of state shall provide each county auditor with examples of all forms and documents used by election judges that are unique to the presidential primary. The county auditor shall provide copies of this material to each training authority in the county. The forms and documents provided to a county auditor must include but are not limited to: polling place rosters; absentee ballot applications and return envelopes; ballots; and precinct summary statements. Additional material may be provided by the training authority as considered useful.

Subp. 3. **Use of equipment.** A voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures used at the presidential primary.

Approved by Revisor _____

Subp. 4. **Course content.** The presidential primary training course must include information and preparation in the following areas:

A. declaration of party preference noted on polling place roster;

B. transfer of party preference from absentee ballot applications to polling place roster;

C. counting of ballots, including party order and write-in ballots;

D. all forms, rules, laws, and procedures unique to the presidential primary; and

E. methods for responding to voters concerns about privacy.

8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

Subpart 1. **Requirement.** Trainee election judges appointed under Minnesota Statutes, section 204B.19, must meet the requirements of this part.

Subp. 2. **Training.** A trainee election judge must complete the basic two hour training course as defined in part 8240.1650 before serving in a special, primary, or general election.

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, a resident of the municipality in which the trainee election judge serves, and be at least 16 years of age. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school, have completed or be enrolled in a course on government at the time of service, and are performing at an academic level acceptable to the principal of the trainee's high school.

Subp. 4. **Appointment.** Trainee election judges may be appointed by the municipality or school district conducting the election if:

A. the trainee election judge is appointed without party affiliation;

B. the trainee election judge has submitted a written request, approved and signed by the trainee's parent or

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guardian, to be absent from school to the principal of the trainee's high school;

C. a certificate from the appointing authority is submitted with the request stating the date and hours the student will serve as a trainee election judge;

D. the request and certificate are submitted to the student's principal at least ten days prior to the election; and

E. the appointment will not require the trainee election judge to serve past 10:00 p.m.

Subp. 5. **Payment.** For attending required training or for service as a trainee election judge, students must be paid not less than two-thirds of the minimum wage for large employers as provided in Minnesota Statutes, section 177.24.

Subp. 6. **Number of trainee election judges allowed per precinct.** No more than one-third of the election judges at a precinct may be trainees. The appointment of trainee election judges may count towards meeting the minimum number of election judges required by Minnesota Statutes, section 204B.22.

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by Minnesota Statutes, section 204D.08, subdivision ~~2~~ 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

Approved by Revisor _____

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Order of candidates.** The secretary of state or 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 _____

STATE OF MINNESOTA
SECRETARY OF STATE

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing the Cost of Public Information Lists, Absentee Voter's Certificate, Mail Voter's Certificate, Instructions to Absentee Voters, Test Decks, Arrangement of Voting Devices, Distribution of Election Returns, Optical Scan Voting Systems, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.

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 February 10, 1992 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 February 10, 1992. (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. 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:

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

Now, therefore, it is ordered that the rules identified as 8200.6300, 8205.1000, 8210.0200, 8210.0250, 8210.3000, 8210.3015, 8210.9910, 8210.9916, 8210.9917, 8210.9918, 8210.9920, 8210.9930, 8210.9935, 8220.1150, 8220.1650, 8230.0250, 8230.3950, 8230.4050, 8230.4350, 8235.0200, 8235.0800, 8240.1300, 8240.1650, 8240.1655, 8250.0350, and 8250.0360 are adopted this 13th day of May 1992, pursuant to authority vested in me by 201.022, 201.221, 203B.08, 203B.09, 204B.25, 204B.45, 204C.361, 204D.11, 206.57, and 207A.09.

Joan A. Growe

Secretary of State

STATE OF MINNESOTA

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing the Cost of Public Information Lists, Absentee Voter's Certificate, Mail Voter's Certificate, Instructions to Absentee Voters, Test Decks, Arrangement of Voting Devices, Distribution of Election Returns, Optical Scan Voting System, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 24th day of January, 1992 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

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing the Cost of Public Information Lists, Absentee Voter's Certificate, Mail Voter's Certificate, Instructions to Absentee Voters, Test Decks, Arrangement of Voting System, Recounts, Training of Election Judges, the Form of the State Primary Ballot, Absentee Ballot Applications, Administration of the Presidential Primary, Nominating Petitions for the Presidential Primary, and Qualifications for Trainee Election Judges.

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:May 26, 1992.

Peter M. Ackerberg
Special Assistant
Attorney General