

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Findings - No statement on how many requested a hearing no one did

MJM 7/14/92

RULE REVIEW CHECKLIST

File No. ~~158~~ 1928
DATE RECEIVED 7-9-92
REVIEW DATE 7-20-92
DUE DATE 7-23-92
(DIS)APPROVED 7-23-92
WITHDRAWN

Docket No. 05 0009 0747
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 7/14/92
REVISOR (DIS)APPROVED 7-15-92
FILED W/SEC. OF STATE 7-23-92
RETURNED TO AGENCY 7-23-92

✓ 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
203B.08 subd 4 Statutory Authority 203B.09
No statement Small Business Statement
NO statement Expenditure of public money statement
5-15-92 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 1, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
June 1, 1992 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
July 2, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Mike Dalbec Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

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

STATE OF MINNESOTA

Office of the Attorney General

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

DATE : July 23, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Election Changes

The above-referenced rule has been approved as to its legality by the Attorney General on July 23, 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.

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

MJM:jj.rules.ay6

Secretary of State

Adopted Permanent Rules Relating to Election Changes

Rules as Adopted

8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" shall be printed on the front of the envelope.

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the form in parts 8210.9920 and 8210.9925.

8210.0600 STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** Except as provided in subpart 4, the statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15 must be printed in the form shown in part 8210.9930.

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subp. 3. **Printing specifications.** The statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "STATEMENT OF ABSENTEE VOTER" shall be printed in no smaller than 12-point bold type in capital letters. The remainder of the statement shall be printed in no smaller than 11-point medium type.

Subp. 4. **Alternative statement.** As an alternative, a

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county auditor may print two different versions of the statement. One version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate version may be printed in the form shown in part 8210.9935 and must be provided only to absentee voters who are registered to vote at the time of application. The statement must be printed to the specifications of subpart 3.

8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

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

Subp. 2. **Printing specifications.** The absentee ballot return envelope must be printed according to the following specifications:

[For text of items A and B, see M.R.]

C. The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12-point bold type.

D. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

[For text of items E and F, see M.R.]

[For text of subps 3 to 8, see M.R.]

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 60 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent

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state and county elections until revoked. Revocation of the resolution may occur no later than 45 days before the next affected election. Authorization to conduct a special election pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

Subp. 3. **Notice.** The municipal clerk or school district clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to Minnesota Statutes, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

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Subp. 4. **Mailing ballots.** The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

[For text of subps 5 to 11, see M.R.]

Subp. 12. **Costs.** The governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully.

Before you vote you must have a witness.

Step 1. Locate one of the following people to serve as

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your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer an oath, such as a judge.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Place the tan colored Ballot Secrecy Envelope into the white Ballot Return Envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white Ballot Return Envelope. The name, address, and signature of your witness is required as well.

Step 8. The Ballot Return Envelope may be mailed or delivered in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.9920 INSTRUCTIONS TO ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

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c. any person having authority to administer oaths; or

d. a United States Postal Service official, if available.

Step 2. Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address; or

b. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you; or

c. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

d. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10. Your ballot may be returned in one of the following ways:

a. by mail;

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b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

8210.9925 INSTRUCTIONS TO ABSENTEE VOTERS WHO ARE REGISTERED TO VOTE, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; ~~or~~

c. any person having authority to administer oaths; or

d. a United States Postal Service official, if available.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

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Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 8. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, call your county auditor.

8210.9930 STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 1.

STATEMENT OF ABSENTEE VOTER

_____

(print voter's name)

_____

(print voter's address)

I certify that on election day I will meet the eligibility requirements to vote provided by law.

_____

(signature of voter)

STATEMENT OF WITNESS

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by Revisor _____

I certify that the above named voter showed the enclosed ballots to me unmarked; that in my presence the voter marked the ballots in secrecy, 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) (signature of witness)

_____
(print witness' name)

_____
(print witness' address)

_____
(title if witness is not an eligible voter in the county)

For those who need to register: Proof of residence used by absentee voter ~~for voter registration~~ (check one).

Driver's License, Permit, ID card or Receipt Number _____

Registration in the same precinct _____

Notice of Ineffective Registration received from county auditor or municipal clerk _____

Student ID Number _____

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

_____
(print name of registered voter who attested to residence of absentee voter in the precinct)

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

8210.9935 ALTERNATIVE STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 4.

STATEMENT OF ABSENTEE VOTER

_____
(print voter's name)

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by Revisor _____

_____
(print voter's address)

I certify that on election day I will meet the eligibility requirements to vote provided by law.

_____
(legal signature of voter)

I certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence the voter marked the ballots in secrecy and enclosed and sealed them in the ballot envelope.

_____ _____
(date) (signature of witness)

_____
(print witness' name)

_____
(title if witness is not an eligible voter in the county)

_____
(print witness' address)

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two

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by Revisor _____

precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B." Two precincts that are divided by a congressional district boundary may be named in the same manner and may use a single polling place as provided in Minnesota Statutes, section 204B.16, subdivision 2.

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by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 23 1992

Joan Anderson Growe
Secretary of State

9:45 AM
PRB

APPROVED AS TO FORM AND LEGALITY
July 23 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Stat Authority

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.

end of comment period July 1, 1552

Joan Howe signed Order for Notice of Intent
Elaine Voss signed Notice of Intent

Findings of Fact

no statement of how many requested a public hearing
– 2010.0300 K (5)

STATE OF MINNESOTA

Office of the Attorney General

TO : PATRICIA NOLTE
Office of Attorney General
Rule Review Section

DATE : July 9, 1992

FROM : MICHAEL R. GALLAGHER
Special Assistant
Attorney General

MRG

PHONE : 297-1137

Rec 7-9-92

SUBJECT : In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Absentee Ballot Envelopes, Instructions to Absentee Voters, Statement of Absentee Voter, Absentee Ballot Return Envelope, Mail Balloting, Instructions to Mail Voters, Statement of Absentee Voter, and the Establishment of Precinct Boundaries Lacking Recognizable Physical Features.

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

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

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

3. Statement of Need and Reasonableness;

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

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

6. Rules as adopted (4 copies);

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

8. Written Comments on the Rules Received By the Secretary of State; and

9. Declaration of Counsel.

Please be advised that there were no requests for the Notice of Submission to the Attorney General.

Enclosures

MRG:dsc

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt or modify Parts 8210.0300, 8210.0500, 8210.0600, 8210.0700, 8210.3000, 8210.3010, 8210.9920, 8210.9925, 8210.9930, 8210.9935, and 8255.0020 arises from the requirements of Minnesota Statutes 203B.08 subdivision 4, 203B.09, 203B.125, 204B.14 subdivision 6, and 204B.45 subdivision 3, 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 8210.0300 is needed to change the reference for the ballot envelope from buff to tan. This is reasonable because so many people are unsure of what constitutes the color buff, and because the vendors of materials used in absentee voting often have difficulty in securing buff colored paper.

2. Part 8210.0500 needs modification to add the reference for part 8210.9925, which is an alternative form of instruction for absentee voters being created in these proposed rules,(see part 8).

3. Part 8210.0600 is being modified in an effort to simplify the language used in the rule, and to provide the ability to fully use the capability of the state wide voter registration system.

Subpart 1 is reasonable because "absentee voter's certificate" has been identified as a phrase which confuses many absentee voters. It is being replaced throughout the absentee ballot rules with the term "statement of absentee voter".

Subpart 2 is reasonable to allow election administrators to use mailing labels during the administration of absentee voting. The use of mailing labels will reduce the amount of clerical work required with each absentee ballot.

Subpart 3 is reasonable to add the term "no smaller than" to type size in the absentee ballot rules to insure the use of a type size that is easy to read as possible.

Subpart 4 is reasonable to replace "certificate" with statement or version to simplify the language in the rules, and to provide a consistent reference through out the rules.

4. Part 8210.0700 needs modification to insure the use of a type size that is easy to read as possible. This is reasonable to insure that the printing on absentee ballot materials is as user friendly as possible.

5. Part 8210.3000 needs modification to reflect various changes in Minnesota election law sense its adoption.

Subpart 1 is reasonable to clarify that the mail ballot rules are to be used not only in the mail elections authorized by Minnesota Statutes 204B.45, but for questions held at a mail election authorized in Minnesota Statutes 204B.46.

Subpart 2 is reasonable to clarify that Minnesota Statutes 204B.46 provides that school districts may authorize the use of a mail election. Changing the period for authorizing mail elections from 90 to 60 days is reasonable to provide greater flexibility to governing bodies in the conduct of their elections. The same rational applies to decreasing the revocation period to 45 days.

Differentiating between the expiration of the authority for holding mail elections is reasonable given that Minnesota Statutes 204B.45 provides for mail balloting at any county or state election, Minnesota Statutes 204B.46 provides for the use of mail balloting at a specific special election.

Subpart 3 is reasonable to insure that notification of the discontinuance of mail voting is given to all parties involved in election administration.

Subpart 4 is reasonable to provide reference to all election administrators eligible to use mail voting. The change in statute number is needed to correct an error. Minnesota statutes 203B.11 is the correct reference for absentee voting in health care facilities.

Subpart 12 is reasonable because a mail election may be held by a school district, county, or municipality. Therefore the definition of who pays for the election needs to be expanded.

6. Part 8210.3010 needs modification in order to simplify the instructions to mail voters. This is reasonable given that an error in completing or returning a mail ballot invalidates the ballot, and that providing instructions that are easier to read will lower the rate at which mail ballots are rejected. In particular the instructions are being altered to clarify or provide:

a. The witness must be secured before voting begins.

b. Only one witness is required.

c. An accurate listing of those individuals who can serve as a witness.

d. The manner in which the ballots can be marked and the

assistance that a voter may receive in marking their ballot.

e. The procedure for placing the ballots in the secrecy envelope.

f. The procedure for placing the secrecy envelope in the ballot return envelope.

g. To provide the information required in filing out the certificate on the back of the absentee ballot return envelope, and to clarify that the certificate should be completed after the return ballot is sealed.

h. Provide the means for returning the absentee ballot return envelope.

7. Part 8210.9920 needs modification to provide easily understood instructions to absentee voters. It is reasonable to totally replace the existing instructions because of the high level of reading comprehension needed to use those instructions. The actions needed to complete a voter registration card, and mark and return an absentee ballot are not changing. However the replacement instructions are less difficult to read, and are presented in a more rational order.

Additionally the replacement instructions are to be sent only to absentee voters that are not preregistered to vote. By sending instructions that are specific to the status of the absentee voter, rather than generic for all absentee voters, the instructions can be more specific and directed towards the voter.

8. Part 8210.9925 is needed to provide absentee ballot instructions to voters who are preregistered to vote. The rules differ from those in part 8210.9920 in that they do not provide instructions on completing a voter registration card. It is reasonable to provide a specific set of instructions for use by preregistered voters so as to reduce confusion over the instructions, and to reduce the number of duplicate registrations sent to the county auditor.

9. Part 8210.9930 needs modification to standardize the language used in the statement of absentee voter with that used in the instructions provided to absentee voters in part 8210.9920. This is reasonable as the statement of absentee voter is printed on the back of the absentee ballot return envelope, and must be completed accurately in order to be accepted by the election judges. Standardizing the language used in the instructions with that in the statement should simplify the absentee voting procedure for the voters.

10. Part 8210.9935 needs modification to standardize the language used in the statement of absentee voter with that used in the instructions provided to absentee voters in part 8210.9925. This is reasonable as the statement of absentee voter is printed on the back of the absentee ballot return envelope, and must be completed accurately in order to be accepted by the election judges. Standardizing the language used in the instructions with that in the statement should simplify the absentee voting procedure for the voters.

11. Part 8255.0020 needs modification to provide for the manner in which congressional districts are formed relative to the procedures used in the creation of precinct boundaries. Congressional districts are formed by combining census blocks to form balanced populations. Precincts are required to be drawn, if at all possible, on visible physical boundaries. In some instances the census blocks used in the formation of congressional districts do not provide physical boundaries. In those situations it will be necessary to base the precinct boundary on a basis other than a recognizable physical feature.

Municipalities that contain precincts divided by congressional boundaries need the additional language proposed in this part in order to provide a procedure for conducting elections. It is reasonable to provide the procedure found in Minnesota Statutes 204B.16, subdivision 2 to insure that the returns are accurately reported, and to provide a means to reduce election expenses.

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

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Election Changes

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8210, 8255

The attached rules are approved for publication in the State Register

Harry M. Walsh
Acting Revisor

Secretary of State

Proposed Permanent Rules Relating to Election Changes

Rules as Proposed

8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be ~~buff~~ tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" shall be printed on the front of the envelope.

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the form in ~~part~~ parts 8210.9920 and 8210.9925.

8210.0600 ~~ABSENT-VOTER'S-CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** Except as provided in subpart 4, the ~~absent-voter's-certificate~~ statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15 must be printed in the form shown in part 8210.9930.

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of ~~an-absent-voter's certificate~~ a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subp. 3. **Printing specifications.** The ~~certificate~~ statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "~~ABSENT-VOTER'S-CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER" shall be printed in no smaller than 12-point bold type in capital letters. The remainder of the ~~certificate~~ statement shall be

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printed in no smaller than 11-point medium type.

Subp. 4. **Alternative certificate statement.** As an alternative, a county auditor may print two different versions of the ~~absent-voter's-certificate~~ statement. One ~~certificate~~ version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate ~~certificate~~ version may be printed in the form shown in part 8210.9935 and must be provided only to absentee voters who are registered to vote at the time of application. The ~~certificate~~ statement must be printed to the specifications of subpart 3.

8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

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

Subp. 2. **Printing specifications.** The absentee ballot return envelope must be printed according to the following specifications:

[For text of items A and B, see M.R.]

C. The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12-point bold type.

D. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

[For text of items E and F, see M.R.]

[For text of subps 3 to 8, see M.R.]

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, ~~section~~ sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body, school board, or county board ~~for unorganized territory shall~~

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may authorize mail balloting by resolution adopted no later than 90 60 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 45 days before the next affected election. ~~Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district~~ Authorization to conduct a special election ~~not held on the same day as a state or county~~ pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

Subp. 3. **Notice.** The municipal clerk or school district clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to Minnesota Statutes, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

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G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** ~~**No earlier than 20 days or later than 18 days before the election**~~ The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section ~~203B.17~~ 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

[For text of subps 5 to 11, see M.R.]

Subp. 12. **Costs.** The ~~**municipality**~~ governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing

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required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully ~~so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT~~. Before you vote you must have a witness.

Step 1. Locate ~~any eligible voter~~ one of the ~~county or other qualified person~~ following people to serve as your witness ~~. Any one of the following people can be your witness:~~

a. ~~any~~ an eligible voter ~~of the~~ who lives in your county ~~where you reside~~;

b. a notary public; or

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

~~d.~~ any ~~officer~~ person having authority to administer an oath, such as a judge.

Step 2. Show your witness the unmarked ~~ballot~~ ballots.

Step 3. ~~In the presence of your witness~~ Mark the ballots in ~~such a manner that your vote is not visible to your witness~~ secrecy. If you are ~~physically~~ disabled or otherwise unable to mark ~~your ballot or cannot read English~~ the ballots, you may ask your witness to assist you ~~or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.~~

Step 4. Fold ~~the~~ each ballot so that your ~~marks~~ votes cannot be seen ~~without unfolding the ballot~~. Do not put ~~YOUR NAME, INITIALS, OR~~ any ~~OTHER~~ identifying ~~MARK~~ marks on the ~~BALLOTS~~ ballot.

Step 5. ~~Enclose the~~ Place all voted ballots in the ~~buff~~ tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. ~~Print your name and address and sign your name on~~

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~~the-Mail-Voter's-Certificate-on-the-back-of-the-white-Ballot Return-Envelope.--Your-witness-must-complete-the-rest-of-the certificate-with-the-date,-the-witness's-name,-signature,-and address-if-the-witness-is-an-eligible-voter-or-title-if-the witness-is-an-official.~~

~~Step-7.--Insert~~ Place the ~~buff~~ tan colored Ballot Secrecy Envelope into the white Ballot Return Envelope. and seal the ~~white-Ballot-Return~~ envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white Ballot Return Envelope. The name, address, and signature of your witness is required as well.

Step 8. ~~You-may-deposit~~ The Ballot Return Envelope ~~in-the mail~~ may be mailed or ~~deliver-it~~ delivered in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.9920 INSTRUCTIONS TO ~~ABSENT-VOTER~~ ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ~~ABSENT-VOTER~~ ABSENTEE VOTERS

~~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).~~

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

e. An "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

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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 p.m. on the day before election day.

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Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address; or

b. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you; or

c. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

d. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 9. Print your name and address and sign your name on

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the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

8210.9925 INSTRUCTIONS TO ~~ABSENT~~ ABSENTEE VOTERS WHO ARE REGISTERED TO VOTE, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be

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seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 8. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, call your county auditor.

8210.9930 ~~ABSENT-VOTER'S-CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 1.

~~ABSENT-VOTER'S-CERTIFICATE~~

STATEMENT OF ABSENTEE VOTER

_____

(~~legal~~ print voter's name ~~of-absent-voter~~)

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by Revisor _____

~~(print or type)~~

_____

(~~legal~~ print voter's address ~~of absent voter~~)

~~(print or type)~~

I ~~swear~~ certify that on election day I will meet the eligibility requirements to vote provided by law ~~to vote by absentee ballot~~.

_____

(~~legal~~ signature of voter)

STATEMENT OF WITNESS

I ~~hereby~~ certify that the above named voter ~~exhibited~~ showed the enclosed ballots to me unmarked; that in my presence ~~and in a manner that I could not see,~~ the voter marked the ballots in secrecy, 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~~ witness' name ~~of witness~~)

_____

(print witness' address)

_____

(~~official~~ title if witness is not an ~~official~~ eligible voter in the county)

~~(legal address if witness is an eligible voter)~~

_____

~~FOR REGISTRATION ONLY---Indicate method used by voter to~~ prove Proof of residence used by absentee voter for voter registration (check one).

~~Method used by voter to prove residence:~~

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

~~Minn.~~ ID Card or Receipt ~~(Number)~~ _____

Registration in the same precinct _____

Notice of Ineffective Registration received from county auditor or municipal clerk _____

Student ID _____ ~~(Number)~~

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

(print name of registered voter who attested to residence of absentee voter in the precinct)

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

8210.9935 ALTERNATIVE ~~ABSENTEE-VOTER'S-CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 4.

STATEMENT OF ABSENTEE ~~VOTER'S-CERTIFICATE~~ VOTER

~~OF~~

_____

(print ~~or-type-legal~~ voter's name ~~of-voter~~)

_____

(print ~~or-type-legal~~ voter's address ~~of-voter~~)

I ~~swear~~ certify that on election day I will meet the eligibility requirements to vote provided by law ~~to-vote-by absentee-ballot~~.

_____

(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 in secrecy and enclosed and sealed them in the ballot envelope.

_____ (date)

_____

(~~legal~~ signature of witness)

_____

(print ~~or-type~~ witness' name ~~of-witness~~)

_____

(~~official~~ title if witness is not an ~~official~~ eligible voter in the county)

_____

(~~legal~~ print witness' address ~~if-witness-is-an eligible-voter.~~)

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use

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as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B." Two precincts that are divided by a congressional district boundary may be named in the same manner and may use a single polling place as provided in Minnesota Statutes, section 204B.16, subdivision 2.

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 Absentee Ballot Envelopes, Instructions to Absentee Voters, Statement of Absentee Voter, Absentee Ballot Return Envelope, Mail Balloting, Instructions to Mail Voters, Statement of Absentee Voter, and the Establishment of Precinct Boundaries Lacking Recognizable Physical Features.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 1st day of June, 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

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Relating to Election Changes.	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules are Minnesota Statutes 203B.08 subdivision 4, 203B.09, 203B.125, 204B.14 subdivision 6, and 204B.45 subdivision 3.

(2) All persons have until 4:30 p.m. on July 1, 1992 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient

number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Secretary of State will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

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

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

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

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

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

5/15/92
Date

Elaine V. Voss
Elaine Voss
Deputy Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Absentee Ballot Envelopes, Instructions to Absentee Voters, Statement of Absentee Voter, Absentee Ballot Return Envelope, Mail Balloting, Instructions to Mail Voters, Statement of Absentee Voter, and the Establishment of Precinct Boundaries Lacking Recognizable Physical Features.

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 1st day of June, 1992.

That on the 1st day of June, 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 1st day of June, 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 Relating to Election Changes.	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules are Minnesota Statutes 203B.08 subdivision 4, 203B.09, 203B.125, 204B.14 subdivision 6, and 204B.45 subdivision 3.

All persons have until 4:30 p.m. on July 1, 1992 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient

number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

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

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

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

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

5/15/92

Date

Elaine V. Voss

Elaine Voss

Deputy Secretary of State

RECEIVED
JUN 12 1992
SECRETARY OF STATE
ELECTION DIVISION

June 10, 1992

Joan Growe
Secretary of State

Attn: Joe Mansky
Elections Division
Room 180
State Office Building
St. Paul, Minnesota 55155

Dear Joe:

Upon review of the handouts distributed at the June 3rd and 4th Election Conference for County Auditors, the Ramsey County Absentee Ballot Advisory Committee would like to offer the following suggestions for your consideration:

1) On the back side of the Absentee Ballot Return Envelope for the non-registered voter -

Could the registration portion at the bottom of the envelope be more clearly defined so that registered voters who may receive this type of envelope do not feel obligated to provide proof of residence?

Perhaps a bold black line across the back of the envelope dividing the envelope into two distinct parts with wording like:

For Registration-Proof of residence used by absentee voter (check one) or

For those who need to register:
Proof of residence used by absentee voter (check one).

Since some election judges going out to hospitals and nursing homes, as well as some school districts, only use this one particular style of envelope for all absentee voters we feel the possibility for confusion is high, especially among the elderly and first time absentee voters.

2) In the handout sheets headed State of Minnesota Instructions to Absentee Voters (Registered Voters) and those that will be sent along with registration cards we would like to see a fourth option added in Step 1 - d. A U.S.Postmaster, station branch manager, postal supervisor or clerk of a postal contract station where service is available.

The committee feels that without this option we are severely limiting witness options for voters who are out of their county at election time.

If they are not traveling with a registered voter from their own county they have to find a judge or someone else who can administer an oath or find and pay a notary. We feel many voters will find this difficult and annoying and they will be less inclined to vote by mail in the future.

The Ramsey County Absentee Ballot Advisory Committee would like to thank you and your staff for all your help and assistance in the simplification of the wording of absentee balloting instructions and procedures. We look forward to working with you in the upcoming months in the same positive manner.

Yours very truly,

Linda Scheid

Linda Scheid
Chairperson
Absentee Ballot Advisory Committee

LS/VS:gt

In the Matter of the Proposed
Adoption of the Rules of the
Secretary of State Governing
Absentee Ballot Envelopes,
Instructions to Absentee Voters,
Statement of Absentee Voter,
Absentee Ballot Return Envelope,
Mail Balloting, Instructions to Mail
Voters, Statement of Absentee Voter,
and the Establishment of Precinct
Boundaries Lacking Recognizable
Physical Features.

DECLARATION
OF COUNSEL

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

Dated: July 9, 1992

Michael R. Gallagher

MICHAEL R. GALLAGHER
Special Assistant
Attorney General

STATE OF MINNESOTA
SECRETARY OF STATE

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Absentee Ballot Envelopes, Instructions to Absentee Voters, Statement of Absentee Voter, Absentee Ballot Return Envelope, Mail Balloting, Instructions to Mail Voters, Statement of Absentee Voter, and the Establishment of Precinct Boundaries Lacking Recognizable Physical Features.

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 June 1, 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 June 1, 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. One comment on the rules was received by the agency. (7) No requests for notice of submission to the attorney general were received by the agency.

(6) Based upon the comment received proposed rules 8210.9920, 8210.9925, and 8210.9930 have been changed. The change to 8210.9920 and 8210.9925 is needed to provide a complete listing of all eligible witnesses provided for by Minnesota Statutes 203B.07. This reference was omitted from the rules originally because some U.S. Post Offices have a station policy prohibiting their employees from serving as a witness. It is reasonable to provide the reference because the majority of Post Offices still provide this service, and because it may be the most convenient witness available to some absentee voters.

The change to 8210.9930 is needed to make the statement of absentee voter easier to understand, and to clarify that the form of

identification is only provided when the voter is not preregistered. This is a reasonable change in that any improvement in the wording of the statement of absentee voter will reduce confusion over the form, and therefore reduce the number of absentee ballots rejected for procedural errors.

The changes to 8210.9920, 8210.9925, and 8210.9930 do not constitute substantial changes to the proposed rules in that it they do not effect a class of persons who would not be expected to comment on the rules as originally noticed. Further the change is not substantial because it does not introduce a new subject matter, nor is the change being made at this time so as to avoid comment from the original notice.

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

The above captioned rules are needed and reasonable.8

Now, therefore, it is ordered that the rules identified as 8210.0300, 8210.0500, 8210.0600, 8210.0700, 8210.3000, 8210.3010, 8210.9920, 8210.9925, 8210.9930, 8210.9935, and 8255.0020 are adopted this 2nd day of July 1992, pursuant to authority vested in me by Minnesota Statutes 203B.08 subdivision 4, 203B.09, 203B.125, 204B.14 subdivision 6, and 204B.45 subdivision 3.

(9)

Joan A. Growe

Secretary of State

By this notice, Minnesota OSHA proposes to extend the partial administrative stay to May 30, 1992 to coincide with the Federal OSHA extension published on March 5, 1992.

D) "Occupational Exposure to Bloodborne Pathogens; Approval of Information Collection Requirements." On December 6, 1991, Federal OSHA published a final standard governing occupational exposure to bloodborne pathogens. The standard is designed to eliminate or minimize occupational exposure to hepatitis B virus (HBV), human immunodeficiency virus (HIV), and other bloodborne pathogens. At that time, Federal OSHA submitted the information collection requirements to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980. OMB reviewed the collection of information requirements and approved all information requirements effective March 6, 1992.

Minnesota OSHA proposed adoption of the Occupational Exposure to Bloodborne Pathogens Standard (1910.1030) on December 30, 1991. Requests for public hearing that were received following that notice have been withdrawn; the adoption notice for the final standard is published in a separate notice in this issue. By this notice, Minnesota OSHA proposes to adopt the information collection requirements as approved by OMB and published in the April 13, 1992, *Federal Register.*

Secretary of State

Proposed Permanent Rules Relating to Election Changes

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules are *Minnesota Statutes* 203B.08 subdivision 4, 203B.09, 203B.125, 204B.14 subdivision 6, and 204B.45 subdivision 3.

All persons have until 4:30 p.m. on July 1, 1992 to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

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

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

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or

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.

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

Dated: 15 May 1992

Elaine Voss
Deputy Secretary of State

Rules as Proposed

8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be ~~buff~~ tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" shall be printed on the front of the envelope.

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the form in ~~part~~ parts 8210.9920 and 8210.9925.

8210.0600 ~~ABSENT VOTER'S CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** Except as provided in subpart 4, the ~~absent voter's certificate~~ statement of absentee voter for persons voting under *Minnesota Statutes*, sections 203B.04 to 203B.15 must be printed in the form shown in part 8210.9930.

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of ~~an absent voter's certificate~~ a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subp. 3. **Printing specifications.** The ~~certificate~~ statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "~~ABSENT VOTER'S CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER" shall be printed in no smaller than 12-point bold type in capital letters. The remainder of the ~~certificate~~ statement shall be printed in no smaller than 11-point medium type.

Subp. 4. **Alternative ~~certificate~~ statement.** As an alternative, a county auditor may print two different versions of the ~~absent voter's certificate~~ statement. One ~~certificate~~ version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate ~~certificate~~ version may be printed in the form shown in part 8210.9935 and must be provided only to absentee voters who are registered to vote at the time of application. The ~~certificate~~ statement must be printed to the specifications of subpart 3.

8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

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

Subp. 2. **Printing specifications.** The absentee ballot return envelope must be printed according to the following specifications:

[For text of items A and B, see M.R.]

C. The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12-point bold type.

D. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

[For text of items E and F, see M.R.]

[For text of subps 3 to 8, see M.R.]

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under *Minnesota Statutes*, ~~section~~ sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body, school board, or county board ~~for unorganized territory shall~~ may authorize mail balloting by resolution adopted no later than ~~90~~ 60 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to *Minnesota Statutes*, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than ~~90~~ 45 days before the next affected election. ~~Except as approved by the secretary of state under *Minnesota Statutes*, section 204B.50, mail balloting may not be used for a municipal or school district~~ Authorization to conduct a special election ~~not held on the same day as a state or county~~ pursuant to *Minnesota*

Statutes, section 204B.46, expires after completion of the election.

Subp. 3. **Notice.** The municipal clerk or school district clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to *Minnesota Statutes*, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** ~~No earlier than 20 days or later than 18 days before the election~~ The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in *Minnesota Statutes*, section ~~203B.17~~ 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

[For text of subps 5 to 11, see M.R.]

Subp. 12. **Costs.** The ~~municipality~~ governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in *Minnesota Statutes*, section 204B.32.

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully ~~so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT~~. Before you vote you must have a witness.

Step 1. Locate ~~any eligible voter~~ one of the ~~county or other qualified person~~ following people to serve as your witness ~~. Any one of the following people can be your witness~~:

a. ~~any~~ an eligible voter ~~of the~~ who lives in your county ~~where you reside~~;

b. a notary public; or

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

~~d.~~ any ~~officer~~ person having authority to administer an oath, such as a judge.

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.

Step 2. Show your witness the unmarked ~~ballot~~ ballots.

Step 3. ~~In the presence of your witness~~ Mark the ballots in ~~such a manner that your vote is not visible to your witness~~ secrecy. If you are ~~physically~~ disabled or otherwise unable to mark ~~your ballot or cannot read English~~ the ballots, you may ask your witness to assist you ~~or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.~~

Step 4. Fold ~~the~~ each ballot so that your ~~marks~~ votes cannot be seen ~~without unfolding the ballot~~. Do not put ~~YOUR NAME, INITIALS, OR~~ any ~~OTHER~~ identifying ~~MARK~~ marks on the ~~BALLOTS~~ ballot.

Step 5. ~~Enclose the~~ Place all voted ballots in the ~~buff~~ tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. ~~Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.~~

~~Step 7. Insert~~ Place the ~~buff~~ tan colored Ballot Secrecy Envelope into the white Ballot Return Envelope~~.~~ and seal the ~~white Ballot Return~~ envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white Ballot Return Envelope. The name, address, and signature of your witness is required as well.

Step 8. ~~You may deposit~~ The Ballot Return Envelope ~~in the mail~~ may be mailed or ~~deliver it~~ delivered in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.9920 INSTRUCTIONS TO ~~ABSENT VOTER~~ ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ~~ABSENT VOTER~~ ABSENTEE VOTERS

~~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 p.m. on the day before election day.~~

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address; or

b. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you; or

c. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

d. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

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Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

8210.9925 INSTRUCTIONS TO ~~ABSENT~~ ABSENTEE VOTERS WHO ARE REGISTERED TO VOTE, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 8. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, call your county auditor.

8210.9930 ~~ABSENT VOTER'S CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 1.

~~ABSENT VOTER'S CERTIFICATE~~

STATEMENT OF ABSENTEE VOTER

_____

(~~legal~~ print voter's name ~~of absent voter~~)
~~(print or type)~~

_____

(~~legal~~ print voter's address ~~of absent voter~~)
~~(print or type)~~

I ~~swear~~ certify that on election day I will meet the eligibility requirements to vote provided by law ~~to vote by absentee ballot~~.

_____
(~~legal~~ signature of voter)

STATEMENT OF WITNESS

I ~~hereby~~ certify that the above named voter ~~exhibited~~ showed the enclosed ballots to me unmarked; that in my presence ~~and in a manner that I could not see,~~ the voter marked the ballots in secrecy, 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~~ witness' name ~~of witness~~)

_____
(print witness' address)

_____
(~~official~~ title if witness is not an ~~official~~ eligible voter in the county)

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

~~FOR REGISTRATION ONLY - Indicate method used by voter to prove~~ Proof of residence used by absentee voter for voter registration (check one).

~~Method used by voter to prove residence:~~

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

~~Minn.~~ ID Card or Receipt _____ ~~(Number)~~

Registration in the same precinct _____

Notice of Ineffective Registration received from county auditor or municipal clerk _____

Student ID _____ ~~(Number)~~

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

_____
(print name of registered voter who attested to residence of absentee voter in the precinct)

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

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.

8210.9935 ALTERNATIVE ~~ABSENT VOTER'S CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 4.

STATEMENT OF ABSENTEE ~~VOTER'S CERTIFICATE~~ VOTER

~~OF~~

_____

(print ~~or type legal~~ voter's name ~~of voter~~)

_____

(print ~~or type legal~~ voter's address ~~of voter~~)

I ~~swear~~ certify that on election day I will meet the eligibility requirements to vote provided by law ~~to vote by absentee ballot~~.

_____

(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 in secrecy and enclosed and sealed them in the ballot envelope.

_____

(date)

_____

(~~legal~~ signature of witness)

_____

(print ~~or type~~ witness' name ~~of witness~~)

_____

(~~official~~ title if witness is not an ~~official~~ eligible voter in the county)

_____

(~~legal~~ print witness' address ~~if witness is an eligible voter.~~)

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B." Two precincts that are divided by a congressional district boundary may be named in the same manner and may use a single polling place as provided in *Minnesota Statutes*, section 204B.16, subdivision 2.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Election Changes

AGENCY: Secretary of State

MINNESOTA RULES: Chapters 8210, 8255

The attached rules are approved for publication in the State Register

Harry M. Walsh
Acting Revisor

Secretary of State

Proposed Permanent Rules Relating to Election Changes

Rules as Proposed

8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be ~~buff~~ tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" shall be printed on the front of the envelope.

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the form in ~~part~~ parts 8210.9920 and 8210.9925.

8210.0600 ~~ABSENT-VOTER'S-CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** Except as provided in subpart 4, the ~~absent-voter's-certificate~~ statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15 must be printed in the form shown in part 8210.9930.

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of ~~an-absent-voter's certificate~~ a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subp. 3. **Printing specifications.** The ~~certificate~~ statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "~~ABSENT-VOTER'S-CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER" shall be printed in no smaller than 12-point bold type in capital letters. The remainder of the ~~certificate~~ statement shall be

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printed in no smaller than 11-point medium type.

Subp. 4. **Alternative ~~certificate~~ statement.** As an alternative, a county auditor may print two different versions of the ~~absent-voter's-certificate~~ statement. One ~~certificate~~ version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate ~~certificate~~ version may be printed in the form shown in part 8210.9935 and must be provided only to absentee voters who are registered to vote at the time of application. The ~~certificate~~ statement must be printed to the specifications of subpart 3.

8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

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

Subp. 2. **Printing specifications.** The absentee ballot return envelope must be printed according to the following specifications:

[For text of items A and B, see M.R.]

C. The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12-point bold type.

D. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

[For text of items E and F, see M.R.]

[For text of subps 3 to 8, see M.R.]

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, ~~section~~ sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body, school board, or county board ~~for unorganized territory shall~~

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may authorize mail balloting by resolution adopted no later than ~~90~~ 60 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than ~~90~~ 45 days before the next affected election. ~~Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district~~ Authorization to conduct a special election ~~not held on the same day as a state or county~~ pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

Subp. 3. **Notice.** The municipal clerk or school district clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to Minnesota Statutes, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

A. the name or description of the municipality or unorganized territory;

B. the date of the election and the dates that ballots will be mailed;

C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;

D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

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G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** ~~No earlier than 20 days or later than 18 days before the election~~ The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section ~~203B.17~~ 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

[For text of subps 5 to 11, see M.R.]

Subp. 12. **Costs.** The ~~municipality~~ governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing

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required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully ~~so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT~~. Before you vote you must have a witness.

Step 1. Locate ~~any eligible voter~~ one of the ~~county or other qualified person~~ following people to serve as your witness ~~. Any one of the following people can be your witness:~~

a. ~~any~~ an eligible voter ~~of the~~ who lives in your county ~~where you reside~~;

b. a notary public; or

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

~~d.~~ any ~~officer~~ person having authority to administer an oath, such as a judge.

Step 2. Show your witness the unmarked ~~ballot~~ ballots.

Step 3. ~~In the presence of your witness~~ Mark the ballots in ~~such a manner that your vote is not visible to your witness~~ secrecy. If you are ~~physically~~ disabled or otherwise unable to mark ~~your ballot or cannot read English~~ the ballots, you may ask your witness to assist you ~~or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.~~

Step 4. Fold ~~the~~ each ballot so that your ~~marks~~ votes cannot be seen ~~without unfolding the ballot~~. Do not put ~~YOUR NAME, INITIALS, OR~~ any ~~OTHER~~ identifying ~~MARK~~ marks on the ~~BALLOTS~~ ballot.

Step 5. ~~Enclose the~~ Place all voted ballots in the ~~buff~~ tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. ~~Print your name and address and sign your name on~~

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~~the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.~~

~~Step 7.~~ ~~Insert~~ Place the ~~buff~~ tan colored Ballot Secrecy Envelope into the white Ballot Return Envelope~~.~~ and seal the ~~white Ballot Return~~ envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white Ballot Return Envelope. The name, address, and signature of your witness is required as well.

Step 8. ~~You may deposit~~ The Ballot Return Envelope ~~in the mail~~ may be mailed or ~~deliver it~~ delivered in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

8210.9920 INSTRUCTIONS TO ~~ABSENT VOTER~~ ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ~~ABSENT VOTER~~ ABSENTEE VOTERS

~~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).~~

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~~(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~~

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~~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 p.m. on the day before election day.~~

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Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address; or

b. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you; or

c. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

d. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 9. Print your name and address and sign your name on

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the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

8210.9925 INSTRUCTIONS TO ~~ABSENT~~ ABSENTEE VOTERS WHO ARE REGISTERED TO VOTE, SPECIFIED BY PART 8210.0500.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

a. an eligible voter who lives in your county;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be

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seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 8. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, call your county auditor.

8210.9930 ~~ABSENT VOTER'S CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 1.

~~ABSENT VOTER'S CERTIFICATE~~

STATEMENT OF ABSENTEE VOTER

_____

(~~legal~~ print voter's name ~~of absent voter~~)

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~~(print or type)~~

_____

(~~legal~~ print voter's address ~~of absent voter~~)

~~(print or type)~~

I ~~swear~~ certify that on election day I will meet the eligibility requirements to vote provided by law ~~to vote by absentee ballot~~.

_____

(~~legal~~ signature of voter)

STATEMENT OF WITNESS

I ~~hereby~~ certify that the above named voter ~~exhibited~~ showed the enclosed ballots to me unmarked; that in my presence ~~and in a manner that I could not see,~~ the voter marked the ballots in secrecy, 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~~ witness' name ~~of witness~~)

_____

(print witness' address)

_____

(~~official~~ title if witness is not an ~~official~~ eligible voter in the county)

~~(legal address if witness is an eligible voter)~~

~~FOR REGISTRATION ONLY---Indicate method used by voter to~~ ~~prove~~ Proof of residence used by absentee voter for voter registration (check one).

~~Method used by voter to prove residence:~~

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

~~Minn.~~ ID Card or Receipt ~~(Number)~~ _____

Registration in the same precinct _____

Notice of Ineffective Registration received from county auditor or municipal clerk _____

Student ID ~~(Number)~~ _____

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

(print name of registered voter who attested to residence of absentee voter in the precinct)

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

8210.9935 ALTERNATIVE ~~ABSENT VOTER'S CERTIFICATE~~ STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 4.

STATEMENT OF ABSENTEE ~~VOTER'S CERTIFICATE~~ VOTER

~~OF~~

_____

(print ~~or type legal~~ voter's name ~~of voter~~)

_____

(print ~~or type legal~~ voter's address ~~of voter~~)

I ~~swear~~ certify that on election day I will meet the eligibility requirements to vote provided by law ~~to vote by absentee ballot~~.

_____

(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 in secrecy and enclosed and sealed them in the ballot envelope.

_____ (date)

_____

(~~legal~~ signature of witness)

_____

(print ~~or type~~ witness' name ~~of witness~~)

_____

(~~official~~ title if witness is not an ~~official~~ eligible voter in the county)

_____

(~~legal~~ print witness' address ~~if witness is an eligible voter.~~)

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use

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as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B." Two precincts that are divided by a congressional district boundary may be named in the same manner and may use a single polling place as provided in Minnesota Statutes, section 204B.16, subdivision 2.

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