

CHAPTER 8290

SECRETARY OF STATE

SAFE AT HOME PROGRAM

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8290.0100 DEFINITIONS.

Subpart 1. **Terms.** For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Actual address.** "Actual address" means a residential street address in Minnesota of an individual, as specified on the individual's application to be a program participant under this chapter. It also means a school or work address of that individual, if specified on the application.

Subp. 3. **Applicant.** "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in Minnesota Statutes, section 524.5-102.

Subp. 4. **Application assistant.** "Application assistant" means a person employed by a community-based program as defined in subpart 7 who has completed the training for application assistants approved by the secretary of state, or, only for the purposes of parts 8290.0300 and 8290.0800, a person designated by the secretary of state.

Subp. 5. **Certification.** "Certification" means that the secretary of state has determined that the eligible person meets the requirements for entering into or continuing in the program.

Subp. 6. **Change of identity.** "Change of identity" means that the program participant has changed her or his name and Social Security number in an attempt to sever all connections to a previous name.

Subp. 7. **Community-based program.** "Community-based program" means:

A. any office, institution, or center offering assistance to survivors of domestic violence, sexual assault, or stalking, as defined in Minnesota Statutes, section 13.822, subdivision 1;

B. any shelter facility as defined in Minnesota Statutes, section 611A.37, subdivision 4; or

C. any program designated by the Office of Justice Programs, the Department of Public Safety, or the commissioner of corrections pursuant to Minnesota Statutes, section 621.341, subdivision 4.

Subp. 8. **Criminal justice system management.** "Criminal justice system management" means that the eligible person has been convicted of a crime, is under supervision for that crime, and that supervision has residency-related conditions.

Subp. 9. **Designated address.** "Designated address" means the address assigned to the program participant by the secretary of state to be used by public and private persons other than the Safe at Home program.

Subp. 10. **Domestic violence.** "Domestic violence" means an act as defined in Minnesota Statutes, section 518B.01, subdivision 2, paragraph (a), or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

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Subp. 11. **Eligible person.** "Eligible person" means an adult, a minor, or an incapacitated person, as defined in Minnesota Statutes, section 524.5-102, for whom there is good reason to believe:

A. that the eligible person is a victim of domestic violence, sexual assault, or stalking; or

B. that the applicant fears for her or his safety or the safety of persons on whose behalf the application is made.

Subp. 12. **Mail.** "Mail" means items specifically addressed to a program participant and delivered to the designated address by the United States Postal Service.

Subp. 13. **Mailing address.** "Mailing address" means the actual residential street address to which the secretary of state must forward a program participant's mail, except in those cases where the United States Postal Service provides no delivery service to the actual residential address, in which case the program participant may designate another address.

Subp. 14. **Minor child.** "Minor child" means an individual who has not attained the age of 18 residing with or under the guardianship of an adult applicant or program participant.

Subp. 15. **Permanent contact data.** "Permanent contact data" means the name of an individual, address, and telephone number through which an eligible person may be reached.

Subp. 16. **Program participant.** "Program participant" means an individual certified as a program participant under Minnesota Statutes, section 5B.03.

Subp. 17. **Program participant voter.** "Program participant voter" means a program participant who is eligible to vote under Minnesota law who registers to vote and registers for ongoing absentee ballot recipient status under part 8290.1400.

Subp. 18. **Safe at Home.** "Safe at Home" is the program authorized by Minnesota Statutes, chapter 5B.

Subp. 19. **Safe at Home card.** "Safe at Home card" means the official participation card issued by the secretary of state to each program participant.

Subp. 20. **Sexual assault.** "Sexual assault" means acts criminalized under Minnesota Statutes, sections 609.342 to 609.3453 and 609.352, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Subp. 21. **Stalking.** "Stalking" means acts criminalized under Minnesota Statutes, section 609.749, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0300 APPLICATION.

Subpart 1. **Certification of program participant.** The secretary of state shall certify an eligible person as a program participant when the secretary of state receives a properly executed application that contains:

A. the name and date of birth of the eligible person;

B. the name and contact data of the applicant, if different;

C. a listing of all minor children residing at the actual address, each minor child's date of birth, and each minor child's relationship to the applicant;

D. a statement by the applicant that the applicant has good reason to believe that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime and either:

(1) that the eligible person listed on the application has survived domestic violence, sexual assault, or stalking; or

(2) that the applicant fears for the eligible person's safety;

E. a designation of the secretary of state as agent for purpose of service of process and for the purpose of receipt of mail;

F. the mailing address and the telephone number or numbers and electronic mail address, if applicable, at which the applicant can be contacted by the secretary of state;

G. the actual address or addresses of the eligible person that the applicant requests not be disclosed for the reason that disclosure shall increase the risk of domestic violence, sexual assault, stalking, or other risks to safety;

H. a statement that the program participant shall not disclose her or his actual address or addresses to the batterer, stalker, or perpetrator of sexual assault, or other persons they fear;

I. the number of motor vehicles owned by the eligible persons for whom the applicant is applying;

J. a statement whether there are any pending or ongoing civil legal actions to which the eligible person is a party and the number of persons, if any, who are opposing parties in these orders or actions;

K. a statement whether the eligible person is currently the subject of any pending or ongoing criminal actions, and, if so, the jurisdiction in which those actions are proceeding;

L. a statement that the eligible person agrees to provide an actual address, upon request, to any supervising person if they are or become subject to criminal justice system management;

M. the signature of the applicant and the date signed; and

N. the signature of the application assistant and the date signed.

The application form must include a space for each applicant's permanent contact data.

Subp. 2. **Completion.** After January 1, 2008, the application must be completed in the presence of an application assistant.

Subp. 3. **Duties of applicant.** The applicant must provide all the information required on the application and indicate the applicant's relationship with the eligible person. The applicant must initial next to each item in the application to indicate that the applicant agrees to those provisions.

Subp. 4. **Notification to charging jurisdictions.** If the applicant discloses on the application that the eligible person is currently the subject of pending or ongoing criminal legal action, the applicant must complete a form letter to notify each charging jurisdiction in these actions of the designated address and the designation of the secretary of state as agent for purposes of service of process. The secretary of state must provide form letters to all application assistants. The form letter must include a statement that any prospective service of process must be clearly labeled as service of process on the exterior of the envelope containing the service. The applicant must submit those letters to the application assistant who must submit the letters to the secretary of state with the application.

Subp. 5. **Proof of identity.** The applicant must also prove her or his identity by showing photo identification to the application assistant or must indicate on the application that she or he does not possess photo identification.

Subp. 6. **Voter registration through secretary of state.** In addition to other materials referred to in part 8290.0900, subpart 1, the application assistant must provide each

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applicant with a blank form letter requesting that any currently recorded voter registration of the eligible person be removed from the statewide voter registration system. At the time of application, the application assistant must also offer the applicant the opportunity to register to vote with the secretary of state and to register as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1400 and Minnesota Statutes, section 5B.06. A voter registration application filled out in the presence of an application assistant and submitted by an application assistant is not considered registration by mail as provided in Minnesota Statutes, section 201.061.

Subp. 7. **Opportunity for mailing list removal.** At the time of application, the application assistant must also offer the applicant the opportunity to authorize the secretary of state to remove her or him from direct mailing lists.

Subp. 8. **Submission by application assistant.** The application assistant shall submit completed applications and any additional materials by first class mail to the secretary of state.

Subp. 9. **Effective date.** A properly completed application is effective on the day it is reviewed and certified by the secretary of state.

Subp. 10. **Penalties.** A person who falsely attests in an application or who knowingly provides false or incorrect information upon making an application is subject to penalties under Minnesota Statutes, section 5.15.

Subp. 11. **Missing information.** If the completed application does not meet the requirements of this part, the secretary of state shall contact the applicant listed on the application to obtain the missing information. The eligible person shall be certified only if the missing information is provided.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0400 CERTIFICATION OF PROGRAM PARTICIPANT.

Subpart 1. **Eligible person.** An eligible person for whom a properly completed application or renewal is filed shall be certified by the secretary of state as a program participant.

Subp. 2. **Minor child.** A minor child residing at the actual address and listed on the application or renewal shall also be certified as a program participant.

Subp. 3. **Duration.** A program participant is certified for four years following the date the application or renewal is certified unless the certification is canceled or withdrawn before that date.

Subp. 4. **Card issuance.** An eligible person who is certified as a program participant shall be issued a Safe at Home card. The Safe at Home card shall include the program participant's name, designated address, certification expiration date, and a space for the signature of the program participant.

Subp. 5. **Duties of secretary of state and program participant.** Upon certification, the secretary of state shall, within two business days, mail the Safe at Home card to the program participant's mailing address with instructions on how to use the Safe at Home card. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have her or his card signed by the adult responsible for the participant.

Subp. 6. **Communication; verification of identity.** The secretary of state must verify the identity of the applicant or program participant before discussing by telephone or electronic mail any data related to her or his certification or otherwise related to the applicant or program participant.

Subp. 7. **Notification to other parties.**

A. Upon certification as a program participant, if the program participant indicated on the application that there are pending or ongoing civil legal actions, the secretary

of state shall provide the program participant with a blank form letter to notify all other parties in these actions of the designated address for the program participant and the designation of the secretary of state as agent for purposes of service of process. The form letter must include a statement that any prospective service of process must be clearly labeled as service of process on the exterior of the envelope containing the service. In addition to the blank form letter, the secretary of state must also provide instructions on the use of the letter.

B. If an application submitted to the secretary of state discloses that the eligible person is the subject of a pending or ongoing criminal legal action, the applicant or eligible person must have completed and submitted with the application the form letter described in part 8290.0300, subpart 4. The secretary of state must mail the letter to the appropriate jurisdiction. If compliance with this item is necessary and the letters have not been submitted to the secretary of state, the secretary of state shall certify the program participant, and provide the program participant with new form letters and instructions on how they must be used. Failure by the applicant to provide these letters to the secretary of state within five days after the secretary of state mails notice of the certification to the program participant shall lead to cancellation pursuant to part 8290.0700.

Subp. 8. **Lost or stolen card.** A program participant shall contact the secretary of state whenever a Safe at Home card is lost or stolen. The secretary of state shall issue a replacement Safe at Home card to the program participant. If a card is found by a program participant after being reported lost or stolen, the program participant shall return the card to the secretary of state.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0500 PROGRAM PARTICIPANT RENEWAL.

Subpart 1. **Application.** The secretary of state shall renew the certification of a program participant when the secretary of state receives a certification renewal form from that program participant or applicant, if different. The application must contain:

- A. the name and date of birth of the program participant;
- B. the name and contact data of the applicant, if different;
- C. a listing of any minor children residing at the actual address, each minor child's date of birth, and each minor child's relationship to the applicant;
- D. a statement by the program participant or applicant that the program participant or applicant has good reason to believe that the eligible person is not applying for renewed certification as a program participant in order to avoid prosecution for a crime and either:
 - (1) that the eligible person listed on the renewal has survived domestic violence, sexual assault, or stalking; or
 - (2) that the program participant or applicant fears for the eligible person's safety;
- E. a designation of the secretary of state as agent for purpose of service of process and for the purpose of receipt of mail;
- F. the mailing address and the telephone number or numbers and electronic mail address, if applicable, at which the program participant or applicant, if different, can be contacted by the secretary of state;
- G. the actual address of the eligible person that the program participant or applicant requests not be disclosed for the reason that disclosure shall increase the risk of domestic violence, sexual assault, stalking, or other risks to safety;
- H. an indication that the program participant shall not disclose her or his actual address or addresses to the batterer, stalker, or perpetrator of sexual assault, or other persons she or he fears;

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I. the number of motor vehicles owned by the eligible persons for whom the applicant is applying;

J. a statement that the eligible person agrees to provide her or his actual address, upon request, to any supervising person if the eligible person is or becomes subject to criminal justice system management; and

K. the signature of the program participant or applicant, if different, and the date signed.

The application form must include space for permanent contact data.

Subp. 2. Notification of option to renew.

A. At least 30 days before the expiration of the certification, the secretary of state shall inform the program participant or applicant, if different, of the option of renewing certification in Safe at Home by sending a renewal form by first class mail to the program participant's mailing address. The notice must provide instructions to the program participant on what actions to take upon expiration, including the return of the Safe at Home card and notification to public and private persons of the actual address, and that the designated address is no longer the address of the program participant. The notice shall also include a description of the consequences of allowing certification as a program participant to lapse. If the secretary of state has not received a renewal form ten days before the expiration of the program participant's certification, the secretary of state must mail a notice to the program participant reminding the program participant of the option to renew.

B. Along with the renewal form sent 30 days prior to expiration, the secretary of state must also offer the program participant the opportunity to register to vote with the secretary of state and to register as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1400 and Minnesota Statutes, section 5B.06, if the program participant has not already done so.

Subp. 3. Applicant's duties. The program participant or applicant, if different, must provide all the information required by subpart 1 in the renewal, and date and sign the renewal.

Subp. 4. Completed renewals to be mailed. The program participant or applicant must submit completed renewals and any additional materials by first class mail to the secretary of state.

Subp. 5. Effective date. A properly completed renewal postmarked on or before the expiration date is effective on the day it is reviewed and certified by the secretary of state.

Subp. 6. Duties of secretary of state and program participants. The secretary of state must send new Safe at Home cards with updated expiration dates within two business days of renewing a program participant's certification. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for that person.

Subp. 7. Penalties. A person who falsely attests in a renewal or who knowingly provides false information upon making an application for renewal is subject to penalties under Minnesota Statutes, section 5.15.

Subp. 8. Missing information. If the completed renewal does not meet the requirements of this part, the secretary of state shall contact the program participant or applicant to obtain the missing information.

Subp. 9. Expiration. When the term of a program participant expires, the program participant is no longer certified in Safe at Home. The secretary of state must forward mail to the former program participant's mailing address for five days after the expiration date. After that five-day period the secretary of state must return all mail to the sender.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0600 CHANGES IN PROGRAM PARTICIPANT INFORMATION.

Subpart 1. **Notification of name changes.** A program participant or applicant shall provide signed, written notification to the secretary of state if the name of a program participant changes.

Subp. 2. **Notification of address changes.** A program participant or applicant shall provide a signed, written notification to the secretary of state of a change of mailing or actual address, electronic mail address, telephone number, or permanent contact data.

Subp. 3. **Signature verification.** Before making changes under subpart 1 or 2 effective, the secretary of state must compare the signature of the program participant or applicant on the notification of the change with the signature on the original application and conclude that the signatures are the same.

Subp. 4. **Additional minor children.** If a program participant provides signed, written notification to the secretary of state that the program participant is now responsible for additional minor children, the secretary of state must certify the minor children as program participants and issue them Safe at Home cards.

Subp. 5. **Change in identity.** Upon the effective date of a change in identity, a program participant or an applicant, if different, must withdraw from Safe at Home pursuant to part 8290.0800. The program participant or applicant may apply for recertification in Safe at Home under the new identity.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0700 FAILURE TO NOTIFY SECRETARY OF STATE OF CHANGES IN INFORMATION; CANCELLATION.

Subpart 1. **Notification by secretary of state.** If mail forwarded by the secretary of state to the program participant is undeliverable, or if the program participant has not complied with part 8290.0400, subpart 7, item B, within five days after the secretary of state mails notice of the certification to the program participant, then the secretary of state must contact the program participant or applicant, if different, to request that the program participant or applicant provide the secretary of state written notice of a change of address, or, where applicable, comply with part 8290.0400, subpart 7, item B, and state that if the program participant or applicant fails to comply within five days, the program participant's certification shall be canceled and the former program participant must return any Safe at Home cards in her or his possession.

Subp. 2. **Cancellation.** If the program participant or applicant fails to provide the secretary of state with an updated address, or to comply with part 8290.0400, subpart 7, item B, within five days after the written notice is sent, the secretary of state must cancel the certification of the program participant.

Subp. 3. **Return of mail.** If the certification of the program participant is canceled, mail addressed to the program participant must be returned to the sender.

Subp. 4. **Cancellation of program certification without recourse.** The secretary of state shall cancel a program participant's certification if a program participant or applicant is found by a court to have knowingly provided false information when applying for certification or renewal. The court may include in the finding a restriction or prohibition on reapplication to Safe at Home. The secretary of state shall inform the former program participant that the Safe at Home card must be returned immediately, and that mail shall be forwarded for five days after the court has issued its findings, and that after that five-day period, mail shall be returned to the sender. Upon receiving the court findings and sending the notice, the secretary of state shall execute these actions.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

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NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0800 WITHDRAWAL OF PROGRAM CERTIFICATION.**Subpart 1. Withdrawal request.**

A. A program participant may withdraw from, or an applicant, if different, may withdraw from, Safe at Home by completing a withdrawal request in the presence of an application assistant and returning any Safe at Home cards.

B. The withdrawal request shall include a statement that the program participant or applicant agrees:

(1) that mail sent to the designated address shall be forwarded to the program participant for 30 days after withdrawal; and

(2) that it is the responsibility of the program participant or applicant, if different, to notify all persons of a new mailing address at which they can be contacted.

C. If the program participant is responsible for minor children who are program participants, the program participant shall also list the names of any minor children who are being withdrawn from the program on the withdrawal request.

D. The withdrawal request must include an opportunity for the program participant or applicant to provide an address to which mail should be forwarded for the 30-day period, if different than the mailing address on record.

E. Withdrawal requests and existing Safe at Home cards must be submitted by first-class mail to the secretary of state by the application assistant.

Subp. 2. Mail forwarding. Mail received at the designated address for the program participant must be forwarded to the program participant for 30 days. After 30 days mail must be returned to the sender.

Subp. 3. Termination. Certification as a program participant shall be terminated upon withdrawal. The termination shall be effective on the day the withdrawal request is received by the secretary of state.

Subp. 4. Reapplication. A program participant whose certification is withdrawn may reapply or have an applicant reapply on the program participant's behalf pursuant to part 8290.0300.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.0900 APPLICATION ASSISTANT ACCREDITATION.

Subpart 1. Role of community-based programs. The role of the community-based programs in Safe at Home is to select application assistants to explain to an applicant the program's services and limitations, explain to an applicant the program participant's responsibilities, and assist eligible persons in the completion of application and withdrawal materials.

Subp. 2. When awarded. Application assistant accreditation shall be awarded by the secretary of state when:

A. the prospective application assistant:

(1) completes an application that includes the prospective application assistant's name, business mailing address, business telephone number, and business e-mail address, if available; the community-based program at which the application assistant is employed and a contact name for the community-based program; a statement that the application assistant provides direct advocacy services to victims, as defined by the commissioner of public safety, as a substantial part of the application assistant's current job duties; an agreement to adhere to the instructions and terms provided in the application assistant

agreement; and an agreement not to discriminate against any applicant or program participant because of race, creed, religion, color, national origin, gender, marital status, sexual orientation, status with regard to public assistance, age, or mental, physical, or sensory disability;

(2) submits the completed application, with a statement from the community-based program as described in item B, to the secretary of state; and

(3) successfully completes a program orientation or training session sponsored by or on behalf of the secretary of state; and

B. the community-based program confirms that the application assistant is employed by the community-based program and agrees to designate a contact for the community-based program. The program must have a person authorized to act on behalf of the organization execute the application in order for it to be accepted by the secretary of state.

Subp. 3. **Employment status.** The application assistant performing the duties under this chapter is not deemed to be an employee of the Office of the Secretary of State or of the state of Minnesota or an agent of the secretary of state in any manner whatsoever. The application assistant shall not hold herself or himself out as, nor claim to be, an officer or employee of the Office of the Secretary of State or of the state of Minnesota simply because she or he is an application assistant, and shall not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Office of the Secretary of State or of the state of Minnesota.

Subp. 4. **Term of accreditation.** An application assistant's accreditation is ongoing as long as the application assistant completes a periodic review approved by the secretary of state at least once every three years and, in addition, completes any other training deemed necessary by the secretary of state.

Subp. 5. **Termination.** An application assistant's accreditation may be terminated by the secretary of state for failing to abide by any requirement in this chapter or for failing to act in accordance with requirements of the secretary of state.

Subp. 6. **Access to application assistants.** The secretary of state shall make available a list of the names and telephone numbers of community-based programs at which accredited application assistants may be found.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.1000 SERVICE OF PROCESS.

Subpart 1. **Secretary of state as agent.** The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served. The secretary of state shall not charge a fee for accepting service.

Subp. 2. **Service by mail.** Service on the secretary of state of any such summons, writ, notice, demand, or process must be made by mailing the summons, writ, notice, demand, or process to the designated address. If an envelope enclosing the summons, writ, notice, demand, or process is clearly labeled as service of process on the outside of the envelope and is served by first-class or certified mail on the secretary of state, the secretary of state shall forward the service to the program participant no later than the next business day. As the secretary of state is the agent for service of process, the signed receipt of certified mail by the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 3. **Service in person.** In the event that personal service of any document is required by law, that document may be served by delivering the document to any public counter of the Office of the Secretary of State. The secretary of state must forward the service to the program participant no later than the next business day. As the secretary of state is the agent for service of process, an affidavit of service on the secretary of state

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constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 4. **Record.** The secretary of state shall maintain, in the program participant's file, a record of services served upon the secretary of state for that participant. The secretary of state shall include in the file the action taken on that service, including the name of the program participant to whom the service is directed; the date of receipt; the date of mailing; a unique identifying service number for the mailing; and whether the mailing was returned to the secretary of state as undeliverable.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.1100 DESIGNATED ADDRESS.

Subpart 1. **Request.** The program participant, and not the secretary of state, is responsible for requesting the use of the designated address by any public or private person or entity as the address of the program participant.

Subp. 2. **Address and program status.** Every public or private person or entity shall accept the designated address as the true address of the program participant. Presentation of the Safe at Home card creates a rebuttable presumption that the individual listed on the card is a program participant. A program participant is not required to respond to any question a public or private person puts to the program participant about the details or circumstances of the person's inclusion in the program. The public or private person or entity may contact the secretary of state for information on the program.

Subp. 3. **Access to actual address information.** Safe at Home shall provide access to the actual address of a program participant when directed to do so by court order. The secretary of state shall establish a process for law enforcement agencies, once a court order has been issued, to obtain this information, including, under exigent circumstances, during nonbusiness hours.

Subp. 4. **Limited circumstances of use of actual address.**

A. In cases in which a public or private person or entity must under federal law obtain a program participant's actual address, the program participant must provide the program participant's actual address, in addition to the designated address.

B. For those services delivered to an actual address or tied to residency in a particular jurisdiction, the public or private person must request only that portion of the actual address required in order to provide those services, in addition to the designated address.

C. A program participant who is subject to criminal justice system management must, upon request, supply the program participant's actual address to any supervising person, in addition to the designated address.

D. In cases in which all or part of the actual address has been disclosed pursuant to item A, B, or C, the designated address must be used as the address of the program participant by the public or private person or entity for all purposes where the actual address is not specifically required.

E. The secretary of state, upon request of the public or private person, shall suggest measures that shall assist in protecting the actual address and the program participant's name against disclosure in any way. Measures may include, but are not limited to, assigning a pseudonym to the program participant; suppressing the program participant's name on records; keeping the actual address in the program participant's paper file, but not entering it into a database; and making the records password protected and limiting their access to a small pool of staff.

Subp. 5. **Secretary of state as agent.** The secretary of state is the agent for receipt of all mail sent by public and private persons and entities to the program participants at the designated address.

Subp. 6. **Mail to be forwarded.** All mail specifically addressed to the program participant at the designated address shall be forwarded at least every second business day to the participant at the participant's mailing address. Envelopes containing the mail being forwarded must be marked "Return Service Requested." The secretary of state is not required to forward mail if the mail is not specifically addressed to a program participant.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.1200 SUMMARY DATA.

For purposes of collecting state aid on motor vehicles pursuant to Minnesota Statutes, section 163.051, the secretary of state shall issue to the Department of Public Safety a table containing summary data on the number of motor vehicles reported owned by program participants residing in each county. The table must be used only for the purposes of issuing state aid on motor vehicles.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.1300 ATTAINING AGE OF MAJORITY.

Subpart 1. **Certification continued.** When a program participant reaches the age of 18, certification shall not be terminated until the expiration date, unless the certification is canceled or withdrawn before that date.

Subp. 2. **Responsibility for information changes.** An individual who became a program participant as a minor child assumes responsibility for information changes pursuant to part 8290.0600 and renewal pursuant to part 8290.0500 when they reach the age of 18.

Subp. 3. **Address or name change; reapplication or withdrawal.** An individual subject to this part must reapply or withdraw if that individual changes her or his actual address after reaching the age of 18.

Subp. 4. **Reapplication.** Program participants who reach the age of 18 whose certification expires or has expired may reapply.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.

8290.1400 VOTING BY PROGRAM PARTICIPANT.

Subpart 1. **Internal procedures.** The secretary of state shall establish internal procedures designed to facilitate voting by program participants that minimize the number of persons with access to program participant data while maintaining the integrity of the election process.

Subp. 2. **Absentee ballot recipient status.** A program participant who is eligible to vote may register to vote with the secretary of state and may register with the secretary of state as an ongoing absentee voter pursuant to Minnesota Statutes, section 5B.06. The secretary of state shall maintain a record of each program participant registering to vote as an ongoing absentee voter.

Subp. 3. **Name and address excluded from statewide voter registration system.** The name and address of any program participant voter shall not appear in the statewide voter registration system.

Subp. 4. **Removal of eligible person's voter's record.** At the time of application, the application assistant must provide each applicant who believes the eligible person may be registered to vote with a form letter requesting the county auditor of the county in which the eligible person may be registered to remove that voter's record pursuant to Minnesota

Statutes, section 201.13, subdivision 4. It is the responsibility of each eligible person who may be registered to vote to complete, sign, and submit that letter to the county auditor.

Subp. 5. **Identification of program participant voters.** Whenever the secretary of state is notified that an election will be taking place, the secretary of state must, at least 45 days before the election, or in the case of a special election within two business days, identify all program participant voters who live in the jurisdiction.

Subp. 6. **Review and removal from voter registration system.** The secretary of state must review the statewide voter registration system to assure that the program participant voter is not listed in that system at the actual address. If a program participant voter is listed in the statewide voter registration system, the secretary of state must provide the program participant voter with a form letter to be sent to the county auditor to request that the participant's voter registration at the actual address be removed and must notify the participant that the participant is not allowed to vote as an ongoing absentee voter through Safe at Home until the participant has canceled the participant's current voter registration with the county auditor.

Subp. 7. **Absentee ballot request form.** The secretary of state shall provide program participant voters not currently registered in the statewide voter registration system at the actual address with an absentee ballot request form for each election in which the program participant is eligible to vote. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, in order to receive a ballot, the program participant must return the absentee ballot request form to the secretary of state. If a program participant voter's registration:

- A. was not submitted by an application assistant; and
- B. the statewide voter registration system indicates that the program participant voter has not previously voted in a federal election in Minnesota; and
- C. the application states that she or he possesses photo identification; and
- D. the program participant voter has not provided the secretary of state with a photocopy of her or his photo identification,

the program participant voter must provide a copy of the photo identification with the absentee ballot request form. That copy is in lieu of the verification process under the Help America Vote Act. Upon receiving the absentee ballot request form, the secretary of state must communicate to the appropriate election administrator of each jurisdiction for which requests have been received the number of ballots necessary for each jurisdiction. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, the election administrator must provide the appropriate ballots for that election to the secretary of state.

Subp. 8. **Ballot distribution.** The secretary of state must forward the requested ballots to each program participant voter by first-class mail, accompanied by absentee ballot instructions, a secrecy envelope, and a return envelope addressed to the secretary of state.

Subp. 9. **Return of undeliverable ballots.** If the absentee ballot of any program participant is declared undeliverable by the United States Postal Service, the secretary of state must return those materials to the appropriate county auditor.

Subp. 10. **Ballot handling.**

A. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, program participant voters must submit their return ballot envelopes to the secretary of state.

B. If the program participant voter submits a return ballot envelope, the secretary of state must review the original return envelope to determine whether the secretary of state is satisfied that the program participant voter's name and signature on the original return envelope appear in substantially the same form as on the absentee ballot request form described in subpart 7 and that the affidavit on the original return envelope is properly executed.

C. The secretary of state must remove the secrecy envelope from the return envelope received from the program participant voter and transfer the secrecy envelope to a

blank, unused return envelope with the verification certificate printed thereon. The secretary of state must complete and sign the verification certificate. The verification certificate includes the county, municipality, and precinct/school district combination and states that the ballot is provided for a Safe at Home participant voter, whether the secretary of state is satisfied that the program participant voter's name and signature on the return envelope appear in substantially the same form as on the absentee ballot request form described in subpart 7, and whether the affidavit on the return envelope is properly executed. The secretary of state must then forward these materials to the county auditor.

Subp. 11. County auditor to forward ballot. The county auditor shall forward the substituted return envelope bearing the verification certificate to the municipality or school district clerk.

Subp. 12. Receipt and counting of ballots. The municipality or school district clerk shall forward the verification certificate and substituted return envelope to the precinct. The election judges in the precinct must review the verification certificate and accept or reject the absentee ballot based on the result of the signature comparison described in subpart 10 as noted on the verification certificate. If the election judges accept the ballot, they must write "SAH" followed by a sequential number for each Safe at Home ballot processed and "AB" on the election day registration roster page. An accepted ballot is counted in the polling place as any other registered absentee ballot for statistical purposes.

Subp. 13. Review and determination by secretary of state. By March 31 of each year, the secretary of state must determine whether any program participant voters who cast ballots in the preceding 12-month period are recorded in the statewide voter registration system as having both a record of casting a ballot under this part and also voting in the same election. If it is found that a program participant voter casting a ballot under this part also has a voting history record for the same election in the statewide voter registration system, the secretary of state shall notify the appropriate county attorney of that fact.

Subp. 14. Cessation of ongoing absentee ballot status. If voting records under this part and voting history records in the statewide voter registration system show that the program participant voter has not only cast a ballot under this part but also voted in the same election by other means, then the secretary of state must revoke the program participant voter's ongoing ballot status under this part until the county attorney confirms that the issue has been resolved in favor of the program participant.

Subp. 15. Record keeping. The secretary of state must maintain a record for each election with the number of ballots requested by precinct/school district combinations, blank ballots received from each county auditor, assembled ballots sent to program participant voters, ballots returned as undeliverable, ballot envelopes returned by program participant voters to the secretary of state, and substituted return envelopes created by the secretary of state.

Subp. 16. Biennial report. By April 30 of each odd-numbered year, the secretary of state shall issue a report on the activities of program participant voters during the period of two calendar years ending on December 31 preceding the report date.

Statutory Authority: *MS s 14.388*

History: *32 SR 961*

NOTE: This part is effective for two years and expires on November 26, 2009.