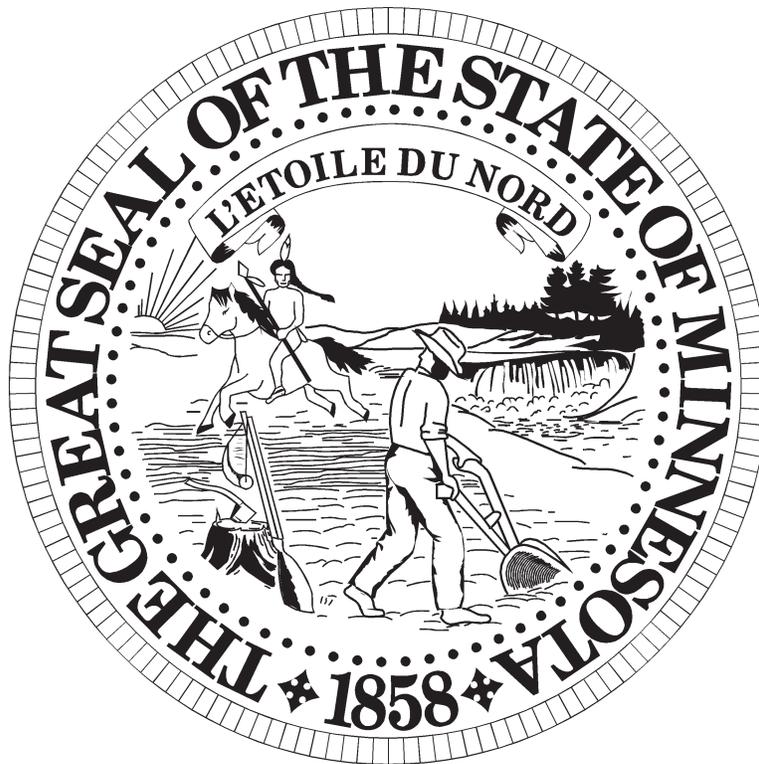


# Minnesota

# State Register

(Published every Monday (Tuesday when Monday is a holiday).)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts;  
Non-State Public Bids, Contracts & Grants**

**Monday 25 November 2013**

**Volume 38, Number 22**

**Pages 691 - 750**

# Minnesota State Register

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The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 23	Monday 2 December	Noon Tuesday 26 November	Noon Wednesday 20 November
# 24	Monday 9 December	Noon Tuesday 3 December	Noon Wednesday 27 November
# 25	Monday 16 December	Noon Tuesday 10 December	Noon Wednesday 4 December
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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## Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Labor and Industry (DLI)

### Proposed Amendment to Rules Governing State Building Code Administration, *Minnesota Rules*, chapter 1300 and Minnesota Provisions of the State Building Code, *Minnesota Rules*, parts 1303.1600 and 1303.2200

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04140

**Introduction.** The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons submit a written request for a hearing on the rules by 4:30

# Proposed Rules

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p.m. on December 30, 2013, the Department will hold a public hearing in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Friday, January 10, 2014. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 30, 2013 and before January 10, 2014.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, **telephone:** (651) 284-5867, **fax:** (651) 284-5749, and **e-mail:** [colleen.clayton@state.mn.us](mailto:colleen.clayton@state.mn.us).

## Subject of Rules and Statutory Authority.

**Minnesota Rules, chapter 1300.** This rule chapter provides code administration requirements for all the rule chapters that make up the Minnesota State Building Code. The code administration chapters in the various model codes that are incorporated by reference in Minnesota are not adopted and users are instead directed to use this rule chapter for purposes of code administration. The modifications to the proposed rules will provide local building officials with some updated code administration requirements and will provide clearer requirements where there are differences in each administrative chapter of the model codes.

The proposed rules contain modifications to rule parts pertaining to the following areas of code administration: purpose and application of the code; chapters that make up the Minnesota State Building Code; optional chapters in the Minnesota State Building Code; definitions, duties and powers of the building official; building permits; construction documents; building permit fees, stop work orders; unsafe buildings or structures; temporary structures and uses, building inspections; plumbing administration requirements; certificates of occupancy; required building maintenance; and final interpretive authority for the Board of Appeals.

**Minnesota Rules, parts 1303.1600 and 1303.2200.** This rule chapter provides construction code requirements that are specific to Minnesota. The requirements in this chapter apply to the entire Minnesota State Building Code. The proposed rules contain modifications to the requirements for soil under slab on grade construction for buildings and the requirements for simplified design wind pressures.

The statutory authority to adopt the rules is located in *Minnesota Statutes*, sections 326B.02, subdivision 5, 326B.101, and 326B.106, subdivision 1. A free copy of the proposed Rules and Statement of Need and Reasonableness (“SONAR”) is available upon request from the agency contact person listed above. The proposed Rules can also be viewed on the Department’s website at:

<http://www.dli.mn.gov/PDF/docket/1300notice.pdf>.

The SONAR can be viewed on the Department’s website at <http://www.dli.mn.gov/PDF/docket/1300sonar.pdf>.

**Comments.** You have until 4:30 p.m. on Monday, December 30, 2013, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Monday, December 30, 2013. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large

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# Proposed Rules

print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Department may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for January 10, 2014, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5867 after December 30, 2013 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid, written requests for a public hearing on the proposed rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7845, and **fax:** (651) 361-7936.

**Hearing Procedure.** If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order that this five-day comment period is extended for a longer period of time, but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The Statement of Need and Reasonableness (“SONAR”) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies of the SONAR for the cost of reproduction by contacting the agency contact person or view the document on the Department’s website at

*<http://www.dli.mn.gov/PDF/docket/1300sonar.pdf>*.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, then please submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge’s report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency

# Proposed Rules

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contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated 18 November 2013

Ken B. Peterson, Commissioner  
Department of Labor and Industry

## Office of Minnesota Secretary of State Proposed Permanent Rules Relating to Elections NOTICE OF HEARING

**Proposed Amendment to Permanent Rules Relating to Elections: Voter Registration, Petitions, Absentee Ballots, Optical Scan Voting Systems, Recounts, Election Judge Training Program and Ballot Preparation, *Minnesota Rules*, Chapters 8200, 8205, 8210, 8230, 8235, 8240 and 8250. Proposed Repeal of *Minnesota Rules*, parts 8200.5100, subpart 4; 8200.9300, subpart 11; 8240.2850; 8250.0100; 8250.0300; 8250.0350; 8250.0365; 8250.0370; 8250.0375, subpart 2; 8250.0390; 8250.0395; 8250.0397; 8250.0398; 8250.0400; 8250.0500; 8250.0600; 8250.0800; 8250.0900; 8250.1000; 8250.1100; and 8250.1200. Revisor ID No. 4193.**

**Public Hearing.** The Office of the Secretary of States intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The Office will hold a public hearing on the above-named rules in the State Retirement Systems of Minnesota Building, 60 Empire Drive, Saint Paul, Minnesota, 55103, starting at 10:00 a.m. on Friday, January 3, 2014, and continuing until the hearing is completed. The Office will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7842, and **fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Office Contact Person.** The proposed rules are relating to elections, including the rules relating to: Voter Registration, Petitions, Absentee Ballots, Optical Scan Voting Systems, Recounts, Election Judge Training Program and Ballot Preparation – *Minnesota Rules*, Chapters 8200, 8205, 8210, 8230, 8235, 8240 and 8250. The proposed rules also propose the repeal of *Minnesota Rules*, parts 8200.5100, subpart 4; 8200.9300, subpart 11; 8240.2850; 8250.0100; 8250.0300; 8250.0350; 8250.0365; 8250.0370; 8250.0375, subpart 2; 8250.0390; 8250.0395; 8250.0397; 8250.0398; 8250.0400; 8250.0500; 8250.0600; 8250.0800; 8250.0900; 8250.1000; 8250.1100; and 8250.1200. The proposed rules are authorized by *Minnesota Statutes*, sections 201.022, 201.061, 201.071, 201.091, 201.221, 203B.04, 203B.08, 203B.09, 203B.125, 203B.14, 204B.071, 204B.25, 204B.45, 204C.361, 204D.08, 204D.11, 205.17, 205A.08, 206.57, 206.81, 206.82, 206.84, 206.82, 211C.03, 211C.04 and 211C.06. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed as well as available at the Secretary of State's **website:** [www.sos.state.mn.us](http://www.sos.state.mn.us).

The Office contact person is: Julie Strother at the Office of Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota, 55155; **e-mail:** [julie.strother@state.mn.us](mailto:julie.strother@state.mn.us); (651) 201-1342 (voice); **fax:** (651) 215-0682. **TTY** users may call the Office of the Secretary of State through the Minnesota Relay Service at 711.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the Office contact person as well as available at the Secretary of State's website [www.sos.state.mn.us](http://www.sos.state.mn.us). You may review the Statement of Need and Reasonableness on the Secretary of State's website or obtain copies at the cost of reproduction by contacting the Office contact person, Julie Strother, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul,

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# Proposed Rules

Minnesota, 55155; **e-mail:** [julie.strother@state.mn.us](mailto:julie.strother@state.mn.us); **phone:** (651) 201-1342; **fax:** (651) 215-0682. **TTY** users may call the Office of the Secretary of State through the Minnesota Relay Service at 711.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments **to the administrative law judge at the address above or to:** [rulecomments.oah@state.mn.us](mailto:rulecomments.oah@state.mn.us). All evidence that you present should relate to the proposed rules. You may also submit written material **to the administrative law judge** to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the Office and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The Office requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the Office contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact Julie Strother, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota, 55155; **e-mail:** [julie.strother@state.mn.us](mailto:julie.strother@state.mn.us); **phone:** (651) 201-1342; **fax:** (651) 215-0682. **TTY** users may call the Office of the Secretary of State through the Minnesota Relay Service at 711.

**Modifications.** The Office may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the Office follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Office encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the Office adopts the rules and files them with the Secretary of State, or ask to register with the Office to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the Office contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 13 November 2013

Signed: **Mark Ritchie**  
**Secretary of State**

## **8200.2200 BUILDINGS FOR REGISTRATION.**

Each political subdivision shall have at least one building where voter registration applications may be obtained and deposited, ~~for every 30,000 residents of the political subdivision.~~

## **8200.2900 DEFICIENT REGISTRATIONS; NOTICE OF DEFICIENT REGISTRATIONS.**

When a person attempts to register prior to election day and the county auditor determines that the registration is deficient, the auditor shall notify the person attempting to register that the registration was not correctly completed. The auditor shall attempt to obtain from the applicant any needed information by mail or, if a telephone number or an e-mail address was provided by the applicant, by telephone or e-mail.

If the needed information consists of the applicant's Minnesota driver's license, Minnesota state identification card, or Social Security number, or confirmation that the applicant has not been issued a Minnesota driver's license, Minnesota state identification card, or Social

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Security number, the auditor shall also attempt to obtain that information through the process provided in part 8200.9310, subpart 2.

If the auditor cannot obtain the needed information, the voter registration application is deficient and shall be maintained separately for 22 months.

A new applicant whose voter registration application is deficient shall not be classified as “active” or “challenged.”

If an applicant submits a voter registration application that is deficient, the county auditor shall send a notice of deficient registration to the person seeking to register.

If the auditor notifies an applicant of a deficient voter registration application, the auditor shall also notify the applicant of the dates on which a preelection registration is not permitted by *Minnesota Statutes*, section 201.061, subdivision 1, and of the procedures for election day registration.

In the notice to the applicant, the auditor shall explain that a registration received by the auditor during the period when preelection registration is not permitted by *Minnesota Statutes*, section 201.061, subdivision 1, ~~will make means~~ the applicant will be registered to vote on the day after the upcoming election unless the applicant registers to vote on election day.

If an applicant submits a deficient voter registration application during the period when preelection registration is not permitted by *Minnesota Statutes*, section 201.061, subdivision 1, the auditor shall notify the applicant that the applicant must register at the polling place of the precinct in which she or he resides on election day to vote at the election.

The secretary of state shall provide a sample notice of deficient registration.

## **8200.3200 CERTAIN APPLICANTS EXEMPT FROM IDENTIFICATION REQUIREMENTS.**

Pursuant to section 303(b)(3)(C) of the Help America Vote Act of 2002, Public Law 107-252, persons who are voting by absentee ballot or otherwise than in person pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law are exempt from *Minnesota Statutes*, section 201.061, subdivision 1a.

~~Persons exempt under the Voting Accessibility for the Elderly and Handicapped Act are those who are 65 years of age or older or have a temporary or permanent physical disability, and include all those persons permitted to vote pursuant to *Minnesota Statutes*, sections 203B.04, subdivisions 2 and 5, and 203B.11.~~

## **8200.3600 CHANGE OF RESIDENCE.**

A person who has previously registered to vote in Minnesota who changes residence must be permitted to vote only after ~~updating the registration by completing a voter registration application using the person's registration has been updated to~~ the person's new residence address.

## **8200.5100 REGISTRATION AT PRECINCT ONLY.**

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the polling place of the precinct in which the person resides. To register on election day, a person must complete and sign the registration application and provide proof of residence. A person may prove residence on election day only:

[For text of items A to D, see M.R.]

E. by having an employee employed by and working in a residential facility located in the precinct, who knows that the applicant is a resident of that residential facility, vouch for that facility resident, and sign the oath in part 8200.9939, in the presence of the election judge.

“Residential facility” means transitional housing as defined in *Minnesota Statutes*, section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under *Minnesota Statutes*, section 144.50, subdivision 6; a nursing home as defined in *Minnesota Statutes*, section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in *Minnesota Statutes*, section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under *Minnesota Statutes*, chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in *Minnesota Statutes*, section 245A.02, subdivision 14; a residential facility for persons with a develop-

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mental disability licensed by the commissioner of human services under *Minnesota Statutes*, section 252.28; group residential housing as defined in *Minnesota Statutes*, section 256I.03, subdivision 3; a shelter for battered women as defined in *Minnesota Statutes*, section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

To be eligible to sign the oath, the employee must show proof of employment at the residential facility, which may be accomplished by methods including:

(1) ~~have his or her~~ having the employee's name appear on a list of employees provided by the general manager or equivalent officer of the residential facility to the county auditor at least 20 days before the election; ~~or~~

(2) ~~provide~~ providing a statement on the facility's letterhead that the individual is an employee of the facility that is signed and dated by a manager or equivalent officer of the facility; ~~or~~

(3) providing an employee identification badge.

The statement must be in substantially the following form:

To the Election Judges

I am a [insert title of manager or equivalent officer here] at [insert residential facility name here].

Let it be known and recorded that [insert employee name here] is an employee of [insert residential facility name here], a residential facility as defined in *Minnesota Statutes*, section 201.061, subdivision 3, paragraph (c), and by my signature I certify that this is true as of the date signed:

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[date]

\_\_\_\_\_  
Printed Name of Residential Facility Manager or Equivalent Officer

If the letterhead on which the document submitted under subitem (1) or (2) does not include the address of the residential facility in the precinct, the document must also include this address:

The oaths in items D and E must be attached to the voter registration application and retained for at least 22 months.

Subp. 2. **Additional proof of residence allowed.** An eligible voter may prove residence under this subpart by presenting one of the photo identification cards listed in item A and one of the additional proofs of residence listed in item B.

A. The following documents are acceptable photo identification cards under this subpart if they contain the voter's name and photograph:

(1) a ~~Minnesota~~ driver's license, a learner's permit, or identification card, issued by the state of Minnesota or any other state of the United States as defined in *Minnesota Statutes*, section 645.44, subdivision 11;

[For text of subitems (2) and (3), see M.R.]

(4) a student identification card issued by a Minnesota secondary or postsecondary educational institution; or

[For text of subitem (5), see M.R.]

B. ~~An original bill for.~~ The following documents are acceptable additional proofs of residence under this subpart if the documents show the voter's name and current address in the precinct:

(1) an original bill, including account statements and start-of-service notification, for telephone, television, or Internet provider services, regardless of how those telephone, television, or Internet provider services are delivered; ~~or gas, electric, solid waste, water, or sewer services; credit card or banking services; or rent or mortgage payments.~~ The due date on the bill must be within 30 days before or after election day. For bills delivered electronically, "original" means a printed copy of the electronic bill or a display of the bill on the voter's portable electronic device;

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- (2) gas, electric, solid waste, water, or sewer services, is acceptable as an additional proof of residence under this subpart if:
- (a) the bill shows the voter's name and current address in the precinct; and
  - (b) the due date on the bill is within 30 days before or after election day.

~~A rent statement from a landlord that itemizes utility expenses and meets the requirements of this item is a utility bill for purposes of providing proof of residence;~~

~~(3) (2) a current student fee statement that contains the student's valid address in the precinct is also acceptable as proof of residence.; or~~

~~If the photo identification presented by the voter establishes the voter's identity and the additional proof of residence presented by the voter establishes the voter's current address in the precinct, the voter shall have proven residence under this subpart.~~

- ~~(3) a residential lease or residential rental agreement if the lease or rental agreement is valid through election day.~~

~~C. The secretary of state shall provide samples of utility bills acceptable as additional proof of residence under item B to local election officials for use in election judge training and in the polling place on election day.~~

Subp. 3. **Additional proof of residence allowed for students.** An eligible voter may prove residence by presenting a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name, student identification number (if available), and address within the precinct appear on a current list of persons residing in the postsecondary educational institution's housing certified to the county auditor by the postsecondary educational institution.

This additional proof of residence for students must not be allowed unless the postsecondary educational institution submits to the county auditor no later than 60 days prior to the election a written agreement that the postsecondary educational institution will certify for use at the election accurate updated lists of persons residing in housing owned, operated, leased, or otherwise controlled by the postsecondary educational institution. A written agreement is effective for the election and all subsequent elections held in that calendar year, including the November general election ~~which is instead governed by subpart 4.~~

The additional proof of residence for students must be allowed on an equal basis for voters ~~resident who reside~~ in housing of any postsecondary education institution within the county, if lists certified by the postsecondary educational institution meet the requirements of this part.

An updated list must be certified to the county auditor no earlier than 20 days prior to each election. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution and must state that the list is current and accurate and includes only the names of persons residing as of the date of the certification in housing controlled by the postsecondary educational institution.

The auditor shall instruct the election judges of the precinct in procedures for use of the list in conjunction with photo identification. The auditor shall supply a list to the election judges with the election supplies for the precinct.

The auditor shall notify all postsecondary educational institutions in the county of the provisions of this subpart ~~and subpart 4.~~

Subp. 4. [See repealer.]

## 8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION APPLICATION.

When a voter uses a ~~Minnesota~~ driver's license, learner's permit, ~~Minnesota~~ or identification card, issued by the state of Minnesota or any other state of the United States as defined in *Minnesota Statutes*, section 645.44, subdivision 11; United States passport; United States military identification card; tribal identification card; or Minnesota secondary or postsecondary educational institution student identification card to prove residence or identity when registering on election day, the election judge who is registering voters shall record the number, if any, on the voter registration application in the "election judge official use only" area of the application. When a voter uses one of the documents listed in part 8200.5100, ~~subpart 2, item B, subparts 2 and 3~~ to prove residence for election day registration, the election judge who is registering voters shall record the type of document on the voter registration application in the "election judge official

use only” area of the application.

**8200.5500 REGISTRATIONS RECEIVED ON ELECTION DAY.**

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

Subp. 2. **Verification; correction; enforcement.** All new voter registration applications and updates of existing voter registrations submitted on election day pursuant to *Minnesota Statutes*, section 201.061, subdivision 3, must be verified pursuant to part 8200.9310 and *Minnesota Statutes*, section 201.121.

If, after matching the information in the statewide voter registration system with the information contained in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver’s license or Minnesota identification card, in the database of the Social Security Administration, the accuracy of the information on the voter registration application cannot be verified, the county auditor must investigate and attempt to resolve the discrepancy.

The county auditor must send notices to election day registrants whose information cannot be verified and request that the voters contact the registration office.

If the voter does not provide information that resolves the discrepancy so that the voter registration application can be verified, the county auditor must challenge the voter in the statewide voter registration system and may refer the matter to the county attorney. If during the verification process the Department of Public Safety provides information that indicates that the voter is ineligible to vote, the county auditor must challenge the ~~voter’s record~~ voter’s record in the statewide voter registration system and refer the matter to the county attorney.

**8200.5710 REPORT OF DECEASED VOTER.**

If on election day an individual wishes to report a deceased voter to an election judge, the individual reporting the deceased voter must complete notification of death of the registered voter in accordance with Minnesota Statutes, section 201.13. The notification of death must be in substantially the following form:

In accordance with Minnesota Statutes, section 201.13, I am a registered voter and I have personal knowledge that \_\_\_\_\_ is deceased.

.....

Name of Registered Voter .....

.....

Signature of Registered Voter ..... Date .....

Deceased’s Date of Birth: ..... Date of Death: .....

Deceased’s Last Known Address: .....

**8200.9300 MAINTAINING CERTAIN VOTER REGISTRATION RECORDS; SECURITY.**

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Absentee voting.** When an absentee return envelope is marked “Accepted” pursuant to *Minnesota Statutes*, section 203B.12 203B.121, subdivision 3 2, the election judge shall place the letters “A.B.” in the space for the voter’s signature on the precinct election list followed by the judge’s initials roster shall be marked pursuant to Minnesota Statutes, section 203B.121, subdivision 3.

When a return envelope is accepted from a voter who registers on election day by including a voter registration application with the absentee ballot, the election judge shall print the voter’s name, address, and month, day, and year of birth and the letters “A.B.” in the appropriate places on the precinct election list.

[For text of subps 9 and 10, see M.R.]

Subp. 11. [See repealer.]

**8200.9940 PRECINCT LIST OF PERSONS VOUCHING FOR VOTER RESIDENCE ON ELECTION DAY AND NUMBER OF PERSONS VOUCHER FOR.**



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recall and recall petitions are located in parts 8205.2010 and 8205.2120. This part does not apply to statewide Major Political Party Recognition Petitions or statewide Minor Political Party Recognition Petitions. The verification processes for Major Political Party Recognition Petitions and Minor Political Party Recognition Petitions are located in parts 8205.3000, 8205.3100, 8205.3200, and 8205.3300.

[For text of subps 2 and 3, see M.R.]

## **8205.3000 FORM OF MAJOR AND MINOR POLITICAL PARTY RECOGNITION PETITION.**

**Subpart 1. Applicability of other rules.** A major or minor political party recognition petition must comply with parts 8205.1010 to 8205.1040.

**Subp. 2. Form of Major Political Party Recognition Petition.** Major Political Party Recognition Petitions must be prepared in accordance with items A and B.

**A.** The words “MAJOR POLITICAL PARTY RECOGNITION PETITION” must be printed at the top of each page of the petition.

**B.** Each page in the petition must include the following information:

**(1)** An affirmation that each signatory:

**(a)** supports the general principles of that party’s constitution;

**(b)** voted for a majority of that party’s candidates in the last general election; or

**(c)** intends to vote for a majority of that party’s candidates in the next general election.

**(2)** An oath in the following form: “I solemnly swear (or affirm) that I am an eligible voter residing in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will.”

**C.** A separate petition must be used for each prospective major political party.

**Subp. 3. Form of the Minor Political Party Recognition Petition.** A Minor Political Party Recognition Petition must be prepared in accordance with items A and B.

**A.** The words “MINOR POLITICAL PARTY RECOGNITION PETITION” must be printed at the top of each page of the petition.

**B.** An oath in the following form: “I solemnly swear (or affirm) that I am an eligible voter residing in the state; I am a member of the \_\_\_\_\_ party; I know the purpose and content of the petition; and I signed the petition only once and of my own free will.

**C.** A separate petition must be used for each prospective minor political party.

**Subp. 4. Filing.** Prior to filing the petition, the party must ensure the signatures are consecutively numbered. The completed petition must be filed with the secretary of state. Upon filing the petition the prospective major or minor political party must provide the name, address, and telephone number of a contact person.

## **8205.3200 VERIFYING STATEWIDE MAJOR POLITICAL PARTY RECOGNITION PETITION AND STATEWIDE MINOR POLITICAL PARTY RECOGNITION PETITION.**

**Subpart 1. Verifying the statewide political party recognition petitions.** The secretary of state shall verify each statewide Major Political Party Recognition Petition and each statewide Minor Political Party Recognition Petition by the following method.

**A.** The secretary of state shall determine whether the petition was filed before the close of the filing period for state and federal offices. If the secretary of state determines that the petition was not filed before the close of filing for state and federal offices, the secretary of state shall dismiss the petition and notify the petitioners of the reason for dismissal.

**B.** The secretary of state shall inspect the form of the major or minor political party recognition petition to determine whether or not it complies with requirements in parts 8205.1010 to 8205.1040 and 8205.3000.

**C.** The secretary of state shall inspect each petition to determine whether or not is has been signed by a number of persons eligible

# Proposed Rules

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to vote equal to at least:

(1) five percent of the total number of individuals who voted in the preceding state general election for qualification as a major political party; or

(2) one percent of the total number of individuals who voted in the preceding state general election for qualification as a minor political party. If the petition has not been signed by the required number of eligible voters and the filing deadline has passed during the verification process, the secretary of state shall dismiss the petition and notify the petitioners of the reason for dismissal. If the petition has not been signed by the required number of eligible voters but the filing deadline has not passed, the secretary of state shall notify the petitioners:

(a) that the petition has not been signed by the required number of voters;

(b) of the number of additional signatures needed;

(c) that the filing deadline has not yet passed;

(d) of the date of the filing deadline; and

(e) that the petitioners may provide the secretary of state with the required number of additional signatures before the close of the filing period. If the petitioners do not provide the necessary number of additional signatures before the end of the filing period, the secretary of state shall dismiss the petition and notify the petitioners. If the petitioners provide the necessary number of required signatures before the close of the filing period, the secretary of state shall continue the verification process.

D. The secretary of state shall use a random sampling technique to verify that the persons signing the petition are eligible voters.

(1) The sample size must be 2,000 signatures for a statewide political party recognition petition.

(2) The secretary of state shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random number generated constitute the sample for the verification process.

(3) The secretary of state shall verify that the address given by each signatory in the sample is in the state of Minnesota and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures from persons determined by the secretary of state to be ineligible to vote must not be counted.

(4) The secretary of state shall determine what percentage of the signatories in the sample are eligible voters.

(5) The secretary shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible voters in the sample to determine how many of the signatories on the petition are deemed to be eligible voters.

(6) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number and the filing deadline has passed during the verification process, the secretary of state shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(7) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number but the filing deadline has not passed during the verification process, the secretary of state shall notify the petitioners:

(a) that the petition has not been signed by the required number of eligible voters;

(b) of the number of additional signatures needed;

(c) that the filing period has not expired;

(d) of the date on which the filing period expires; and

(e) that the petitioners may provide the secretary of state with the required number of additional signatures before the filing deadline.

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If the petitioners do not provide the secretary of state with additional signatures before the end of the filing period, the secretary of state shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary of state with additional signatures, the secretary of state shall reverify the petition using the procedure described in this subpart.

E. If the secretary of state determines that the petition satisfies the form requirements in parts 8205.1010 and 8205.3000, that the petition has been filed prior to the close of the filing deadline for state and federal candidates, that the petition has been signed by the required number of signatories, and that the statistical sampling shows the number of signatories who are eligible voters is 100 percent or greater of the required number, the secretary of state shall certify the petition and immediately send written notice to the petitioners, the commissioner of the Minnesota Department of Revenue, and the executive director of the Campaign Finance and Public Disclosure Board.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten working days after the day on which the petition was filed.

## **8210.0200 ABSENTEE BALLOT APPLICATION.**

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

Subp. 4. **Permanent application.** An eligible voter ~~who meets the requirements in~~ under Minnesota Statutes, section 203B.04, subdivision 5 ~~or 6~~, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided by the secretary of state for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The voter's permanent application status must be indicated and permanently maintained on the voter's registration record on the statewide voter registration system.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least ~~45~~ 60 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

[For text of subps 4a to 6, see M.R.]

## **8210.0500 INSTRUCTIONS TO ABSENT VOTER.**

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

Subp. 2. **Instructions for registered voters.** Instructions How to vote by absentee ballot for registered voters You will need:

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Your ID number

Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

See below if you do not have any of these numbers.

- Witness

Anyone registered to vote in Minnesota,

including your spouse or relative,

or a notary public,

or a person with the authority to administer oaths

\* If any of these items are missing, please contact your local election official.

1 Vote!

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. If you do, your votes for that office will not count.

See the other side if you make a mistake on your ballot. 2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

# Proposed Rules

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3 Slide the tan ballot envelope into the top of the white signature envelope 4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

Be sure to use one of the same number numbers that you provided on your absentee ballot application.

If you do not have any of these numbers, check the box.

- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign their name.

If your witness is an official or notary, they must print their title instead of an address.

Notaries must also affix their stamp.

- Seal the envelope. First the small flap, then the large flap.

5 Return your ballot by Election Day to the address on the signature envelope Ballots may not be delivered to your polling place. You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.

This person cannot deliver more than 3 ballots.

See the other side for special instructions if you have a disability. To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).

Correcting a mistake

• If time allows, ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials, or

~~• Completely erase the mistake, or~~

• Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections); ~~or,~~

~~• Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.~~

If you have a disability: If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes*, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above. Confidentiality Notice: The data you supply on your signature envelope is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online. In those precincts where an additional envelope is used instead of an envelope with a flap, the list under You Will Need must also include:

- Larger white return envelope\*

Instruction 3 must read: 3 Put the tan ballot envelope in the white signature envelope The last instruction under 4, a new instruction numbered 5, and the first line of the renumbered instruction 6 must read:

- Seal the envelope

5 Put the signature envelope into the larger white return envelope to protect your private information from view 6 Return your ballot by Election Day to the address on the return envelope

Subp. 3. **Instructions for unregistered voters.** Instructions How to vote by absentee ballot You will need:

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- Ballot\*
- Tan ballot envelope\*
- Voter registration application\*
- White signature envelope\*
- Pen with black ink
- Minnesota driver's license with your address or other authorized proof of where you live.

See other side for a list of options

- Your ID number

Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

See below if you do not have any of these numbers.

- Witness

Anyone registered to vote in Minnesota, including your spouse or relative, or a notary public, or a person with the authority to administer oaths

\* If any of these items are missing, please contact your local election official.

Important: You must submit the voter registration application with your ballot (in the white signature envelope) for your vote to be counted. 1 Fill out the voter registration application and sign it

- Show your witness your driver's license or other authorized proof of where you live.

See the other side for a list of options.

2 Vote!

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. If you do, your votes for that office will not count.

See the other side if you make a mistake on your ballot.

3 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

4 Slide the tan ballot envelope and the voter registration application into the top of the white signature envelope 5 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

Be sure to use one of the same number numbers that you provided on your absentee ballot application.

If you do not have any of these numbers, check the box.

- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), indicate which proof you showed them, and sign their name.

If your witness is an official or notary, they must print their title instead of an address.

Notaries must also affix their stamp.

- Seal the envelope. First the small flap, then the large flap.

6 Return your ballot by Election Day to the address on the signature envelope Ballots may not be delivered to your polling place. You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.

This person cannot deliver more than 3 ballots.

To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org). Options for proof of where you live

A valid Minnesota driver's license, Minnesota ID card, or permit with your current address

or

# Proposed Rules

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A photo ID that does not have your current address along with a document that has your current address

- Eligible photo IDs: ~~Minnesota driver's license, Minnesota ID card, Minnesota or another state's driver's license, learner's permit, or ID card;~~ U.S. passport; U.S. military ID card; Minnesota high school/college/university ID card; or tribal ID card with your signature, from a tribe recognized by the Bureau of Indian Affairs (BIA).
- Eligible documents with your current address: ~~a current student fee statement, or an original utility bill an original bill, including account statements and start-of-service notification, with a due date 30 days before or after the election, or a rent statement showing utility expenses;~~ a current student fee statement; or a residential lease if valid through election day. Eligible utility bills are gas, electric, solid waste, water, sewer, phone, television, or Internet provider, credit card, or banking services; or bills for rent or mortgage payments.

or one of the following:

- A yellow receipt for a valid Minnesota driver's license, Minnesota ID card, or permit with your current address
- Vouching: the signature of a registered voter who lives in your precinct and personally knows that you live in the precinct. If your witness is registered to vote in this precinct, your witness may vouch for you. This person must complete and sign the voucher form on the back of the voter registration application.
- A tribal ID card with your name, address, signature, and picture, from a tribe recognized by the BIA
- A "Notice of Late Registration" if you received one from the county auditor or city clerk
- If you have moved within your precinct or changed your name, a current registration in the precinct
- Vouching for residents of certain residential facilities: the signature of an employee of your residential facility, including nursing homes, group homes, battered women's shelters, homeless shelters, etc. If you are not sure if the residential facility where you live is eligible, call your local election official. The employee must complete and sign the voucher form on the back of the voter registration application.

Correcting a mistake

- If time allows, ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials, or
- ~~Completely erase the mistake, or~~
- ~~Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections); or,~~
- ~~Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.~~

If you have a disability: If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes, section 645.44, subdivision 14*

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above. Confidentiality Notice: The data you supply on your signature envelope is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under You Will Need must also include:

- Larger white return envelope\*

Instruction 4 must read: 4 Put the tan ballot envelope and the voter registration application in the white signature envelope The last instruction under 5, a new instruction numbered 6, and the first line of the renumbered instruction 7 must read:

- Seal the envelope.

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6 Put the signature envelope into the larger white return envelope to protect your private information from view 7 Return your ballot by Election Day to the address on the return envelope

Subp. 4. **Instructions for military and overseas voters transmitted ballots by mail.** Instructions How to vote by absentee ballot for military and overseas voters You will need:

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Your ID number

U.S. passport number, Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

See below if you do not have any of these numbers.

\* If any of these items are missing, please contact your local election official.

1 Vote!

- Mark your votes in private.
  - Follow the instructions on the ballot.
  - Do not write your name or ID number anywhere on the ballot.
  - Do not vote for more candidates than allowed. If you do, your votes for that office will not count.
- See the other side if you make a mistake on your ballot.

2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

3 Slide the tan ballot envelope into the top of the white signature envelope

4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address (present or last).
- Print your email address and phone number (optional).
- Print your passport number, Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

Be sure to use one of the same ~~number numbers~~ that you provided on your absentee ballot application.

If you do not have access to any of these documents, leave this space blank.

- Read and sign the oath.
- Seal the envelope. First the small flap, then the large flap.

5 Return your ballot by Election Day to the address on the signature envelope

- Send it so it arrives by Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

See the other side for special instructions if you have a disability.

To check the status of your absentee ballot, visit ~~https://minnesota.overseasvotefoundation.org~~ <http://www.mnvotes.org>. If you have any questions, contact your county elections office at [insert email address] or [insert telephone number].

Correcting a mistake

- ~~If time allows, ask for a new ballot from your election office. Their contact information can be found on the reverse side, or~~
- ~~Completely erase the mistake, or~~
- ~~Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections), or,~~
- ~~Ask for a new ballot from your election office. Their contact information can be found on the reverse side.~~

# Proposed Rules

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If you have a disability: If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling in the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

*Minnesota Statutes*, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Confidentiality Notice: The data you supply on your signature envelope is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under You Will Need must also include: "o Larger white return envelope\*" Instruction 3 must read "3 Put the tan ballot envelope into the white signature envelope." The last instruction under 4, a new instruction numbered 5, and the first line of the renumbered instruction 6 must read:

- Seal the envelope.

5 Put the signature envelope into the larger white return envelope to protect your private information from view 6 Return your ballot by Election Day to the address on the return envelope

Subp. 5. **Cover letter for military and overseas voters transmitted ballots electronically.** Dear Military/Overseas Absentee Voter:

Your absentee ballot and supporting materials for the election on [month day, year] are attached. Your absentee ballot is being sent to you electronically because you requested this delivery method on your application. Please print, fill out, and return these materials so they are received by your county by Election Day, [day of the week], [month day, year].

A paper ballot must be returned to Minnesota and received by Election Day to be counted.

You may use the domestic mail service of the country you are located in, an international package delivery service, or the military or state department's mail services. Be sure to vote and return this ballot as soon as possible to ensure timely return. Your ballot must be received by your county elections office by Election Day to be counted.

This communication contains:

- A ballot
- Voting instructions
- Ballot envelope template
- Certificate of Eligibility
- Mailing envelope template

Carefully follow the instructions to ensure proper return of your voted ballot.

- Print the materials
- Fill out your ballot
- Fold and seal your ballot and place it in your ballot envelope
- Fill out the Certificate of Eligibility
- Put the completed materials in your mailing envelope
- Send your ballot by mail or package delivery service so that it is received by Election Day

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To check the status of your absentee ballot, visit <https://minnesota.OverseasVoteFoundation.org> <http://www.mnvotes.org>.

Contact your county elections office at [email] or [phone number] if you have any questions.

Please note: Each voter must submit an application and receive their own ballot. Do not forward this ballot to other voters. A ballot received from a voter who did not submit an application will not be counted. Refer other military or overseas voters who need to apply for a ballot to <https://minnesota.OverseasVoteFoundation.org> <http://www.mnvotes.org>.

Thank you.

Subp. 6. **Instructions for military and overseas voters transmitted ballots electronically.** Instructions How to vote by absentee ballot for military and overseas voters sent ballots electronically Note: Your ballot must be printed out and physically returned. It cannot be returned electronically. You will need:

- A printer
- A pen with black ink
- Two envelopes (you have 3 options):
  - Address your own blank envelopes by hand
  - Print the envelope templates directly onto envelopes (print the mailing envelope onto an envelope approximately 4 1/8 inches x 9 1/2 inches so that everything is positioned according to postal regulations)
  - If you do not have access to any envelopes, create the envelopes by folding and taping or gluing the attachments.
- Your ID number

U.S. passport number, Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

See below if you do not have access to any of these numbers.

## 1 Print the materials

- Print your ballot, the Certificate of Eligibility, and the envelope templates if you are using them.
- Please note that the ballot may take multiple pages.
- Your printer should automatically scale the document to fit on the printable area of the page. Just be sure that none of the words or ovals are cut off.

## 2 Vote!

- Mark your votes in private.
  - Follow the instructions on the ballot.
  - Do not write your name or ID number anywhere on the ballot.
  - Do not vote for more candidates than allowed. If you do, your votes for that office will not count.
- See below if you make a mistake on your ballot.

## 3 Use one of the envelopes as the ballot envelope

- Put your ballot in this envelope to keep your votes private.
- Seal the envelope.
- Do not write on this envelope.

## 4 Fill out the Certificate of Eligibility completely

- Print your name and your Minnesota street address, including city (present or last).
- Print your email address and phone number (optional).
- Print your passport number, Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

Be sure to use one of the same number numbers that you provided on your absentee ballot application.

If you do not have access to any of these documents, leave this space blank.

- Read and sign the oath.

## 5 Put it all together

- Attach the Certificate of Eligibility to the ballot envelope.

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- Your second envelope is the return (mailing) envelope.
- Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- Seal the return envelope.
- Address the return envelope to:

## Official Absentee Balloting Material

..... County  
[Street address]  
[City], MN [Zip Code]  
USA

### 6 Return your ballot by Election Day to the address above

- Send it so it arrives by Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

To check the status of your absentee ballot, visit <https://minnesota.OverseasVoteFoundation.org> ~~http://www.mnvotes.org~~. If you need any help while voting, please contact your county elections office at [insert email address] or [insert telephone number]. Correcting a mistake

- Print out a new ballot, or
- Ask for a new ballot from your election office, or
- ~~Completely erase the mistake, or~~
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections); ~~or~~
- ~~Ask for a new ballot from your election office.~~

If you have a disability: If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the Certificate of Eligibility, Minnesota law says you may:

- Sign the Certificate yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

*Minnesota Statutes*, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Confidentiality Notice: The data you supply on your Certificate of Eligibility is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your Certificate of Eligibility and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

[For text of subp 7, see M.R.]

## 8210.0600 STATEMENT OF ABSENTEE VOTER.

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

Subp. 1a. **Statement of registered absentee voter form.** Signature Envelope

Voter must complete this section

please print clearly

Voter name \_\_\_\_\_

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Voter MN address \_\_\_\_\_ MN

ID number  
(MN driver's license #,  
MN ID card #,  
or last four digits of SSN) \_\_\_\_\_

- I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote by ~~absentee ballot~~.

Voter Signature X \_\_\_\_\_

Witness must complete this section

Witness name \_\_\_\_\_

MN street address  
(or title, if an  
official or notary)

\_\_\_\_\_ MN

(Street Address)

\_\_\_\_\_ MN

(City)

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

Witness Signature X \_\_\_\_\_

If notary, must affix stamp

**Subp. 1b. Statement of unregistered absentee voter form.**

Signature Envelope

Voter must complete this section please print clearly

Voter name \_\_\_\_\_

Voter MN address \_\_\_\_\_

\_\_\_\_\_ MN

ID number  
(MN driver's license #,  
MN ID card #,  
or last four digits of SSN) \_\_\_\_\_

- I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote by ~~absentee ballot~~.

Voter Signature X \_\_\_\_\_

Witness must complete this section

Witness name \_\_\_\_\_

MN street address  
(or title, if an  
official or notary)

\_\_\_\_\_ MN

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(Street Address)

MN

(City)

~~Voter must provide~~ Witness MUST CHECK ONE indicating proof of residence provided by voter: (See instructions, ~~check one~~)

- MN driver's license, ID card, permit, or receipt
- ~~Utility Bill, rent statement, or student fee statement,~~ or residential lease plus photo ID
- Registered voter in the precinct who vouched for voter's residence in the precinct (must complete the voucher form on the back of the Voter Registration Application)
- Tribal ID card
- Notice of late registration
- Previous registration in the same precinct
- An employee of a residential facility in the precinct who vouched for voter's residence at the facility (must complete the voucher form on the back of the Voter Registration Application)

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope;
- the voter registered to vote by filling out and enclosing a voter registration application in this envelope;
- the voter provided proof of residence as indicated above; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

Witness Signature X \_\_\_\_\_

If notary, must affix stamp

[For text of subp 2, see M.R.]

Subp. 3. **Printing specifications.** The statement shall be printed on the back of the absentee ballot return envelope. The words "Voter must complete this section" and "Witness must complete this section" shall be printed in no smaller than 12-point bold type. The "X" on the signature lines must be in at least 20-point type. The remainder of the statement shall be printed in no smaller than 10-point medium type. The area for the voter's name and address must be no smaller than 1-1/4 inches by 3-1/4 inches. The voter's certificate must be at least 4-1/8 inches wide. County auditors and municipal clerks may use the existing stock of absentee ballot return envelopes on hand as of January 1, 2014, for absentee voting conducted in-person.

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

## **8210.2200 DUTIES OF COUNTY AUDITOR OR MUNICIPAL CLERK UPON RECEIPT OF ABSENTEE BALLOT RETURN ENVELOPE.**

Subpart 1. **Personal delivery.** Absentee ballot return envelopes that are delivered in person by an absent voter must be received by the county auditor or municipal clerk by 5:00 p.m. on the day before election day. Absentee ballot return envelopes that are delivered in person by an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day. Ballots received by personal delivery (1) after 3:00 p.m. of election day, if delivered by an agent; or (2) after 5:00 p.m. on the day before election day, if delivered by an absent voter personally, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

[For text of subps 2 and 3, see M.R.]

## **8210.2300 RETAINING BALLOTS.**

A county auditor or municipal clerk who receives an absentee ballot return envelope in person from an absent voter or an agent ~~may deposit the envelope in the mail or must~~ retain it in the office as provided in part 8210.2400. ~~However, on receiving the return envelope on the day before election day, the auditor or clerk shall retain the return envelope in the auditor's or clerk's office as provided in part 8210.2400 and deliver the return envelope to the polling place on election day.~~

## **8210.2400 SAFEGUARDING PROCEDURES.**

The county auditor or municipal clerk shall establish measures for safeguarding absentee ballot return envelopes received prior to

election day.

~~A. An auditor or clerk intending to deposit return envelopes in the mail shall do so promptly upon receipt of the return envelope from the absent voter or agent.~~

~~B. A.~~ The auditor or clerk shall establish a record of absentee ballot return envelopes which are retained in the office. The record shall state the absent voter's name, address, and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

~~C. B.~~ All retained envelopes shall be placed in a locked, secure location after being dated, stamped or initialed, and recorded. The envelopes shall not be removed from this location or handled, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section 203B.121.

~~D. C.~~ A part-time municipal clerk who receives return envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

~~E. D. On election day~~ When the ballot board opens accepted return envelopes pursuant to *Minnesota Statutes, section 203B.121, subdivision 4*, all absentee ballot return envelopes retained by the county auditor or municipal clerk shall be removed from the place of safekeeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the secretary of state promptly.

## **8210.2450 DUTIES OF BALLOT BOARD MEMBERS WHEN EXAMINING RETURN ENVELOPES UNDER MINNESOTA STATUTES, SECTION 203B.121.**

Subpart 1. **Review.** Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots, or are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Ballot already cast.** Ballot board members must use the statewide voter registration system or available polling place rosters to determine whether another ballot from the voter has been accepted. If a ballot is received before the close of business on the ~~fourth~~ seventh day before the election, any ballot that has been previously received from that voter and has not been rejected is deemed spoiled and must not be counted. If a ballot is received after the close of business on the ~~fourth~~ seventh day before the election and another absentee ballot has been accepted for that voter, the return envelope must be marked "rejected."

## **8210.2500 MAIL PICKUP.**

Each municipal clerk shall communicate with the United States postal service facility serving the municipality with regard to the handling of absentee ballot return envelopes received by the post office on election day after the last regular mail delivery has commenced. The municipal clerk shall take all reasonable steps to ensure that all return envelopes received by the post office before 4 p.m. on election day are delivered before the closing of the polls to the ~~election judges in the precinct where the absent voter resides~~ ballot board. Absentee ballots returned by mail delivery and received after election day shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

## **8210.3000 MAIL BALLOTING.**

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

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 registered voter no earlier than 46 or later than 14 days prior to the election if mail balloting in the voter's precinct is proceeding pursuant to *Minnesota Statutes, section 204B.45*. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

A ballot mailing must be sent no earlier than ~~30~~ 46 or later than 14 days prior to the election if a mail election is being conducted in the jurisdiction pursuant to *Minnesota Statutes, section 204B.46*. No later than 14 days before the election, the auditor or clerk must make a

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subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

No ballot may be mailed to a challenged voter. A notice must be transmitted to challenged voter voters with an explanation of the challenge and with instructions on how they may apply for an absentee ballot if they believe their registration was challenged in error.

The mail balloting process for voters whose registrations are incomplete under *Minnesota Statutes*, section 201.061, subdivision 1a, or 201.121, must be administered as if the voter were not registered to vote. A notice must be transmitted to voters with incomplete registrations with instructions on how they may apply for an absentee ballot.

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 completes an absentee ballot request as provided in *Minnesota Statutes*, section 203B.04 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions must include a telephone number or electronic mail address which voters can call or write for help in mail voting. 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, municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

Subp. 4a. **Form of instructions to mail voters.** Instructions How to vote by mail ballot You will need:

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Witness

Anyone registered to vote in Minnesota, including your spouse or relative, or a notary public, or a person with the authority to administer oaths

\* If any of these items are missing, please contact your local election official.

1 Vote!

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. If you do, your votes for that office will not count.

See the other side if you make a mistake on your ballot.

2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

3 Put the tan ballot envelope into the white signature envelope 4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign their name.

If your witness is an official or notary, they must print their title instead of an address.

Notaries must also affix their stamp.

- Seal the envelope.

5 Return your ballot by Election Day to the address on the signature envelope You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 8:00 p.m. on Election Day, or
- Ask someone to deliver it by 8:00 p.m. on Election Day.

This person cannot deliver more than 3 ballots.

If you have questions, please call (...) ...-.... .

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See other side for special instructions if you have a disability Correcting a mistake

- If time allows, ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials, or
- ~~Completely erase the mistake, or~~
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections); ~~or,~~
- ~~Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.~~

If you have a disability: If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes*, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

**Subp. 4b. Form of mail voter's certificate.**

Signature Envelope

Voter must complete this section

please print clearly

Voter name \_\_\_\_\_

Voter MN Address \_\_\_\_\_

\_\_\_\_\_ MN

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature X \_\_\_\_\_

Witness must complete this section

Witness name \_\_\_\_\_

MN street address

(or title, if an official or notary)

\_\_\_\_\_ MN

(Street Address)

\_\_\_\_\_ MN

(City)

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

Witness Signature X \_\_\_\_\_

If notary, must affix stamp

[For text of subps 4c and 5, see M.R.]

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must be labeled “REPLACEMENT BALLOT” in at least 18-point type.

Subp. 6a. [Repealed, 34 SR 1561]

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter’s residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification and the voter’s registration must be treated as provided in Minnesota Statutes, section 201.12. The official conducting the election shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office prior to 20 days before the election with notification of the voter’s new address within the county, municipality, school district, or unorganized territory a jurisdiction holding the a mail election, the auditor or clerk shall resend a ballot to the voter along with a return envelope. If the ballot is returned by the post office within 20 days before the election with notification of the voter’s new address within a jurisdiction holding a mail election, the auditor or clerk shall transmit instructions on how the voter may apply for an absentee ballot.

If the ballot is returned by the post office within 20 days before the election with notification of the voter’s new address within a jurisdiction holding a nonmail election, the auditor or clerk must transmit a notice via nonforwardable mail to the voter of how to register and vote at the proper polling location. This notice must be treated as a notice of late registration under part 8200.5100, subpart 1.

The auditor or clerk shall keep a list of individuals who are sent the second mailing after the rosters are printed and must provide a copy of that list to the election judges ballot board for use in processing the returned ballots.

Subp. 7a. **Voter registration applications after ballots have been mailed.** When a voter registration application is processed on a voter record where a ballot has been previously mailed, the original mail ballot record must be marked as “Spoiled” and the voter must be notified that the original mail ballot cannot be counted.

If the application is processed prior to 20 days before an election, a voter in a jurisdiction holding a mail election must also be provided a replacement ballot.

If the application is processed within 20 days prior to the election, a voter in a jurisdiction holding a mail election must be sent a notice of late registration that includes a notification that the original mail ballot cannot be counted and instructions on how the voter may apply for an absentee ballot.

If the application is processed within 20 days before an election, the notice of late registration sent to a voter in a jurisdiction holding a nonmail election must be notified that the original mail ballot cannot be counted and how to register and vote at the proper polling location.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the official conducting the election by mail, in person, or by designated agent. The official conducting the election must accept ballots returned in person, or by designated agent, until 8:00 p.m. on the day of the election. Ballots received after 8:00 p.m. on election day shall be marked as received late by the official conducting the election. An individual shall not be the designated agent of more than three absentee or mail voters in one election.

[For text of subp 9, see M.R.]

Subp. 10. **Receiving and counting ballots.** On or before election day, the election judges ballot board shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots and applications for absentee ballots, records of replacement ballots, and the list of voters sent a second mailing of the ballot. The judges ballot board shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges of different major political parties unless the election judges are municipal clerks or deputy clerks, or the judges are exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties, unless the election judges are municipal clerks or deputy clerks, or the election is exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2.

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The secretary of state must provide a sample notice with a list of the possible reasons that a mail ballot may be rejected. The election official must keep a record of the date that the voter's ballot was rejected, the date the replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected envelopes must be kept in a separate sealed container.

[For text of subps 11 to 13, see M.R.]

### **8230.4050 DISTRIBUTION OF SUMMARY STATEMENTS.**

The summary statements referred to in part 8230.3950 must be certified to the official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with ~~two copies~~ one copy of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

### **8230.4355 BALLOT BOXES FOR PRECINCT COUNTING CENTERS.**

Ballot boxes used with precinct count voting systems may be separate or part of the ballot counting equipment provided that the ballot is fed directly into a locked or sealed ballot box. ~~At a general election, the ballot box must have two separate compartments into which the ballot counting equipment can feed ballots. One compartment must receive ballots on which all votes have been counted and recorded. The other ballot box may contain a compartment must receive that receives~~ ballots on which all votes have been counted except those for offices for which the write-in target has been completed. An auxiliary ballot box, that may be separate or an additional compartment, must be supplied to be used if the voting system fails to function or for ballots that cannot be read by the ballot counter.

### **8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.**

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Procedures during voting hours.** Ballot counters must be programmed to return to the voter a ballot having an overvote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically. If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so. ~~Election judges monitoring the depositing of ballots into the ballot counters must be stationed no closer than six feet from the ballot counter.~~ The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance or it is necessary to determine what style of replacement ballot must be given to the voter.

If the voter wants to change the rejected ballot, the election judge shall treat the rejected ballot as a spoiled ballot, place the rejected ballot in the spoiled ballot envelope, and issue the voter a new ballot.

If the voter does not want to change the rejected ballot, the election judge shall override the rejection of the ballot. No means of overriding the rejection of a ballot having defects may be used that does not meet the conditions in items A to C.

[For text of items A to C, see M.R.]

[For text of subp 4, see M.R.]

Subp. 5. **Opening ballot box during voting hours.** Two election judges of different political parties may open the ballot boxes on election day to straighten or remove the voted ballots but they shall not count or inspect the ballots. If removing ballots, the election judges shall put the ballots taken from the ballot box's main compartment into containers and seal them. ~~The~~ If the ballot box contains a compartment for write-in ballots, the judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and store them in a secure location. The judges shall note on the incident report the fact that the ballot box was opened, the time the box was opened, and, if applicable, the numbers of any seals used to seal the ballot containers.

[For text of subp 6, see M.R.]

### **8230.4375 WRITE-IN VOTES.**

A. At a general election, after the ballot counter has been secured against receiving additional ballots, ~~the~~ election judges shall ~~open the write-in compartment and remove the ballots~~ determine if a write-in vote exists.

[For text of items B to D, see M.R.]

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## 8230.4380 SUMMARY STATEMENT.

One unbroken tape that includes the zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the official conducting the election. In the event of equipment or power failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. The election judges shall prepare the number of summary statements directed by the official conducting the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with ~~two copies~~ one copy of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

## 8230.4385 TRANSFER CASE PROCEDURES.

Subpart 1. **Content.** The election judges shall place in the transfer case for delivery to the official conducting the election all of the following items:

[For text of items A to C, see M.R.]

D. envelopes with notations concerning any other issued ballots contained which are not to be ~~to~~ counted.

[For text of subps 2 to 5, see M.R.]

## 8235.0200 ~~AUTOMATIC AND DISCRETIONARY RECOUNTS.~~

This chapter establishes procedures for the conduct of all ~~automatic publicly funded~~ and discretionary recounts provided for in *Minnesota Statutes*, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in *Minnesota Statutes*, section 205A.10, subdivision 5. A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as recount official is a candidate or is the spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select a county auditor or municipal clerk from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of ~~an automatic a publicly funded~~ or discretionary recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected. The ballots in the envelope labeled "Original ballots from which duplicates are to be or were made" are not within the scope of the recount and this envelope must not be opened during the recount.

## 8235.0300 NOTICE.

Within 24 hours after determining that ~~an automatic a publicly funded~~ recount is ~~required authorized and requested~~, or within 48 hours of receipt of a written request for a discretionary recount and filing of a security deposit if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted and the county auditor of each county wholly or partially within the election district. The notice must include the date, starting time, and location of the recount, the office to be recounted, and the name of the official performing the recount. The notice must state that the recount is open to the public, ~~and in case of an automatic recount, that the losing candidate may waive the recount.~~

## 8235.1200 SECURITY DEPOSIT.

When a bond, cash, or surety for recount expenses is required by *Minnesota Statutes*, section 204C.35 or 204C.36, the governing body or recount official shall set the amount of security deposit at an amount which will cover expected recount expenses. In multicounty districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting ~~an administrative a discretionary~~ recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

## 8250.0200 AUDITOR'S DUTIES.

The white state general election ballot shall be prepared under the direction of the county auditors in a sufficient number to enable the clerks to comply with *Minnesota Statutes*, section 204B.29. The county auditors shall prepare and print the white state general election

ballot as soon as practicable, but in no event less than ~~30~~<sup>46</sup> days before the election. ~~Two weeks~~ At least 46 days before the general election the auditor shall file sample copies of the ~~white ballot state general election ballot for each precinct~~ in the auditor's office for public inspection and transmit electronic copies of these sample ballots to the secretary of state. Ballots for distribution in the polling place must be packaged in quantities of 25, 50, or 100.

## **8250.0375 FORM OF GRAY JUDICIAL BALLOT.**

Subpart 1. **General form.** The judicial ~~nonpartisan office~~ ballot must only be used ~~if the canary ballot exceeds 30 inches in length, except in counties using optical scan ballots, when the gray ballot may be prepared at the discretion of the county auditor when it is not possible to place all offices on a single ballot for the state general election as provided in *Minnesota Statutes*, section 204D.11, subdivision 6.~~ The ballot for judicial nonpartisan offices must be prepared in the same manner as the ~~white state general election~~ ballot, except as provided in this part. ~~Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable; the ballot heading provided in part 8250.1810, subpart 3, must instead use the words "JUDICIAL NONPARTISAN GENERAL ELECTION BALLOT."~~

Subp. 2. [See repealer.]

## **8250.0385 FORM OF GREEN TOWN ELECTION BALLOT.**

Subpart 1. **General form.** ~~The municipal nonpartisan office~~ A town election ballot must be prepared in the same manner as the ~~white state general election~~ ballot as provided in part 8250.1810, except as provided in this part. ~~Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable; towns conducting an election under the limited exemption under *Minnesota Statutes*, section 206.57, subdivision 5a, may prepare ballots as provided in this part.~~

Subp. 1a. **Ballot heading.** The words "TOWN ELECTION BALLOT" must be printed at the top of the ballot in upper case letters.

Subp. 2. **Ballot order.** ~~The municipal clerk may add the type of election directly above the date on the green ballot. City offices must be listed in the following order and must be identified as follows in upper case letters:~~

~~MAYOR  
COUNCIL MEMBER  
CITY CLERK  
CITY TREASURER~~

Town offices and questions must be listed in the following order and must be identified as follows in upper case letters:

TOWN SUPERVISOR  
TOWN CLERK  
TOWN TREASURER  
TOWN QUESTION

The name and/or number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

~~Municipal offices elected at large must be listed before other offices of the same type elected by district. Where municipal offices are designated by number, those offices must be listed in numerical order. If two of the offices listed in this subpart have been combined into one office, the combined office must take the place of the first office listed in this subpart. Vacant municipal offices being filled by special election must be listed with offices of the same type but after any offices for which candidates will be elected for a full term. The title of a vacant township office being filled at an annual town election may be followed by the number of years remaining in the term. Municipal Town offices not listed in this subpart must follow the last office listed above and must be listed in the order determined by the ~~municipal town~~ clerk.~~

Subp. 3. **Names of candidates.** The full name of each candidate shall be printed in upper case letters and at right angles to the length of the town election ballot. Below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the town election ballot with as many blank lines below as there are offices to be filled; the voter's choice may be written in the blanks. On the left side of the ballot and on a line with the names of candidates and the blank lines, there shall be placed squares, each square to be of the same size, in which the voter may designate the choice by a mark (X). The name of a candidate may not appear on a ballot in any way which gives the candidate

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an advantage over an opponent except as provided by law.

Subp. 4. **Town questions.** The following words must be printed directly under the ballot heading, municipality name, election type, and election date. “To vote for a question, put an (X) in the square next to the word “YES” on that question. To vote against a question, put an (X) in the square next to the word “NO” on that question.” When more than one town question is on the ballot, each town ballot question must be designated by a number and must be preceded by the words “TOWN QUESTION” in upper case letters and the number assigned to the question. The town clerk or town governing body shall provide a title for each town question printed on the town election ballot. The title must not contain more than ten words. The municipality’s attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the municipality’s attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Subp. 5. **Back of ballot.** On the back of the town election ballot shall be printed the words “OFFICIAL BALLOT,” the date of the election, and lines for the initials of two judges. The printing shall be placed as to be visible when the ballot is properly folded for deposit.

Subp. 6. **Type styles and sizes.** The words “Put an (X) in the square opposite the name of each candidate you wish to vote for” must be printed in upper and lower case in as large as practicable but no smaller than 8-point bold type.

The words “TOWN ELECTION BALLOT” must be printed in upper case in as large as practicable but not smaller than 18-point type.

The office and its identification must be printed in upper case in as large as practicable but no smaller than 10-point bold type.

The words “VOTE FOR ONE” must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The names of the candidates must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The words “OFFICIAL BALLOT” on the back of the ballot must be printed in upper case in as large as practicable but no smaller than 18-point bold type, the date in upper case in as large as practicable but no smaller than 8-point type, and the word “Judge” in upper and lower case in as large as practicable but no smaller than 10-point type.

Subp. 7. **Town clerk’s duties.** The town clerk shall prepare and print the town election ballot as soon as practicable, but in no event less than 30 days before the election. Two weeks before the election, the town clerk shall file sample copies in the town clerk’s office for public inspection. The town election ballot shall be printed with black ink on white paper as close as practicable to 30 pound. The ballot shall be no less than four inches wide and printed so as to be easily legible, with suitable lines for division between candidates, office, instructions, and other matter proper to be printed on the ballot. The town clerk shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate the voter’s choice easily and accurately.

## **8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.**

Subpart 1. **Ballot form.** The optical scan ballot shall be prepared in a sufficient number to enable the clerks to comply with *Minnesota Statutes*, section 204B.29. The ballot shall be prepared and printed as soon as practicable, but in no event less than 46 days before a regularly scheduled ~~an~~ election for federal, state, county, city, or school board office or a special election for federal or county office, and ~~at least 30 days before any other election unless otherwise specified in statute.~~ Ballots for distribution in the polling place must be shrink-wrapped in quantities of 25, 50, or 100.

The ballot shall be printed with black ink on white paper. The ballot shall be printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on the ballot.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. If multiple ballots styles are to be used in the same precinct for precincts split by school districts, each ballot style must include the precinct name and applicable school district number. Only the electronically readable precinct identifier or ballot style indicator is required on a presidential only or federal only absentee ballot.

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# Proposed Rules

[For text of subp 2, see M.R.]

Subp. 3. **Ballot heading.** At the top of a ballot containing both partisan and nonpartisan offices, the applicable words “STATE GENERAL ELECTION BALLOT” or “STATE PARTISAN PRIMARY BALLOT” and “STATE AND COUNTY NONPARTISAN PRIMARY BALLOT” shall be printed. At the top of a primary ballot containing only partisan offices, the words “STATE PRIMARY BALLOT” shall be printed. At the top of a ballot containing only nonpartisan offices, the words “GENERAL ELECTION BALLOT” or “PRIMARY ELECTION BALLOT” shall be printed, except for first-class cities which may use an optional heading. At the top of a ballot containing questions only, the words “SPECIAL ELECTION BALLOT” shall be printed.

When a county, municipal, school district, or hospital district election is held other than in conjunction with a federal or state office, the applicable words “COUNTY ELECTION BALLOT,” “CITY ELECTION BALLOT,” “TOWN ELECTION BALLOT,” “SCHOOL DISTRICT BALLOT,” or “HOSPITAL DISTRICT BALLOT” shall be printed.

The name of the jurisdiction preparing the ballot may be added within the heading in no smaller than 8-point type. The date of the election must be printed within the heading in no smaller than 8-point type.

The ballot heading must be printed in uppercase in as large as practicable but no smaller than 18-point type.

On the front of the ballot the words “OFFICIAL BALLOT” must be printed in uppercase in as large as practicable but no smaller than 10-point bold type and the word “Judge” in upper and lowercase in as large as practicable but no smaller than 10-point type with lines for initials of at least two election judges.

Subp. 4. **Instructions to voters.** Under the heading at the top of each side of the ballot, the words “INSTRUCTIONS TO VOTERS:” must be printed in uppercase bold in as large as practicable but no smaller than 12-point bold type. The words “To vote, completely fill in the oval(s) next to your choice(s) like this: (R).” or ~~“To vote, complete the arrow(s) pointing to your choice(s) like this: —>.”~~ a similar wording or mark if a different target shape is used by the electronic voting equipment must follow and be printed in upper and lowercase in as large as practicable but no smaller than 8-point bold face type.

Immediately under each office title and district identified, one of the following instructions must be printed in uppercase and bold face in as large as practicable but no smaller than 8-point type:

VOTE FOR ONE TEAM

VOTE FOR ONE

VOTE FOR UP TO ..... followed by the number of candidates to be elected.

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Order and form of candidate names.** The name of each candidate as filed on the affidavit of candidacy shall be printed at right angles to the length of the ballot. On state primary ballots for nomination to a partisan or nonpartisan office, and on state general election ballots and judicial nonpartisan general election ballots, the names of each candidate shall be rotated with the names of the other candidates pursuant to part 8220.0825. If the number of candidates for an office is equal to or less than the number to be elected, no rotation of candidate names is required and the official preparing the ballot shall determine the position of the candidates by lot. The candidate names must be printed in uppercase in as large as practicable but no smaller than 10-point type. The name of the candidate must be aligned as close to the vote target as possible. Below the name of each candidate for a partisan office must appear in the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a major political party as defined in Minnesota Statutes, section 200.02, subdivision 7, may not be used to identify the party of a candidate of any other party. This prohibition does not apply to the word “independent,” if it is used in the name of a major political party. The word “nonpartisan” may not be used in the designation of any candidate for a partisan office. The party or principle designation, if applicable, must be printed under the candidate name in upper and lower case letters in as large as practicable but no smaller than 8-point type.

[For text of subs 8 to 11, see M.R.]

Subp. 12. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either ~~an arrow pointing toward the candidate name~~ or a horizontal oval next to the candidate name or similar target if used by certified equipment. The target may be

# Proposed Rules

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highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

[For text of subs 13 to 18, see M.R.]

**REPEALER.** *Minnesota Rules*, parts 8200.5100, subpart 4; 8200.9300, subpart 11; 8240.2850; 8250.0100; 8250.0300; 8250.0350; 8250.0365; 8250.0370; 8250.0375, subpart 2; 8250.0390; 8250.0395; 8250.0397; 8250.0398; 8250.0400; 8250.0500; 8250.0600; 8250.0800; 8250.0900; 8250.1000; 8250.1100; and 8250.1200, are repealed.

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Labor and Industry (DLI) Adopted Permanent Rules Governing Workers' Compensation Rules of Practice

The rules proposed and published at *State Register*, Volume 38, Number 5, pages 133-138, July 29, 2013 (38 SR 133), are adopted with the following modifications:

**EFFECTIVE DATE.** Parts 5220.2530 to 5220.2830 are effective for first reports of injury filed on or after January 1, 2014.

# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: Lynx Management Zone

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.045, 97B.605, 97B.621, 97B.625, 97B.631, 97B.635, 97B.911, 97B.915, 97B.921, 97B.925.

The conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows: Rule changes are made to comply with a federal court order that directs the Minnesota DNR to implement regulatory and programmatic changes to restrict, modify, or eliminate the incidental taking of Canada Lynx through trapping activities in the core Canada Lynx ranges.

The federal court order remains in effect until the U.S. Fish and Wildlife Service issues an incidental take permit, which could require further changes to lynx rules. The 18-month effective time of rules under *Minnesota Statutes* 84.027 subdivision 13(b) best accommodates the incidental take permit process. Once the incidental take permit is finalized, the DNR will begin a permanent rulemaking process.

Dated: October 12, 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

### 6234.1000 DESCRIPTION OF FURBEARER ZONES.

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

Subp. 5. **Lynx Management Zone.** That portion of the state lying north and east of a line beginning at U.S. Highway 53 at the east boundary of the state; thence along U.S. Highway 53 to the north boundary of the state is known as the Lynx Management Zone.

### 6234.2200 USE OF TRAPS.

[For text of subps 1 to 5, see M.R.]

Subp. 5a. **Body-gripping traps; Lynx Management Zone.** In the Lynx Management Zone, a person may not set, place, or operate, except as a waterset, any body-gripping type trap that has a maximum jaw opening, when set, of greater than five inches and less than 7-1/2 inches measured from the inside edges of the body-gripping portions of the jaws, unless the trap is set:

A. at least three feet above the ground or snow level in a tree;

B. at least three feet above the ground or snow level on a leaning pole six inches or less in diameter; or

C. in a cubby box recessed at least seven inches from the box opening, which must be less than 50 square inches in opening size. A cubby box may be constructed of any material, but must be constructed and set in a manner that allows an animal to enter only through the cubby box opening.

[For text of subps 6 to 11, see M.R.]

[For text of subp 12, see 38 SR 185]

Subp. 13. **Trap staking and tethering; Lynx Management Zone.** In the Lynx Management Zone, except for watersets and weasel boxes as described in subpart 2, item B, all traps must be staked or otherwise secured by tethering chains or cables not more than 18 inches long, in a manner that prevents captured animals from removing the trap from the trap site.

# Expedited Emergency Rules

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Subp. 14. **Trap tether swivels; Lynx Management Zone.** In the Lynx Management Zone, except for watersets, all leghold traps must have two or more swivels in the tethering chain or cable.

Subp. 15. **Bait restrictions; Lynx Management Zone.** In the Lynx Management Zone, the use of fresh meat, rabbits or hares, or parts of rabbits or hares is prohibited. Other meat may be used as bait if it has been unfrozen and exposed to air for at least 24 hours before being placed in a trap.

Subp. 16. **Sight attractant restrictions; Lynx Management Zone.** In the Lynx Management Zone, the use of suspended flags or other sight attractants within 20 feet of a trap is prohibited.

## 6234.2400 SPECIAL RESTRICTIONS ON USE OF SNARES.

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

[For text of subp 2, see 38 SR 185]

[For text of subps 3 to 7, see M.R.]

Subp. 8. **Snare loop diameter.** The diameter of a snare loop may not exceed ten inches. In the Lynx Management Zone, the diameter of a snare loop must be at least eight inches when set on land.

Subp. 9. **Snare cable diameter.** Snare cable or wire may not exceed one-eighth inch in diameter. In the Lynx Management Zone, snare cable or wire must be at least 5/64 inch in diameter when set on land.

[For text of subps 10 and 11, see M.R.]

**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, parts 6234.1000; 6234.2200; and 6234.2400, published in the *State Register*, volume 37, page 621, October 22, 2012, are repealed.

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Employment and Economic Development (DEED) Division of Community Development Proposed Exempt Permanent Rules Relating to Minnesota Job Creation Fund Policies and Procedures Request for Comments on New Rules for the Administration of the Minnesota Job Creation Fund Program

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Department of Employment and Economic Development (DEED) exercising the authorities under *Minnesota Statute*, 116J.8748, Subd. 7, is issuing notice of proposed rules for the Minnesota Job Creation Fund program. These proposed rules establish the requirements, procedures and process for businesses, through a local government, to apply to the Minnesota Job Creation Fund program. A copy of the proposed rules is published in the *State Register*, attached to this notice as submitted. The proposed rules are also posted on the DEED website at:

<http://mn.gov/deed/about/what-guides-us/rulemaking/index.jsp>.

**Comments Request:** The Department is soliciting comments on these proposed rules and requests that all comments are organized by and reference the section of the proposed rule to which comments are made.

**Comments Date:** All comments on these proposed rules must be in writing and be received no later than 4:30 p.m. Central Standard Time on Monday, December 16, 2013. Comments are subject to review by the Commissioner of DEED and may be used to revise the final publication of these rules.

**Department Contact Person.** Comments or questions on the proposed rules must be submitted to the Department contact person. The Department contact person is: Emily Johnson, Department of Employment and Economic Development, 1<sup>st</sup> National Bank Building, 332 Minnesota Street, Suite E200, Saint Paul, MN 55101-1351, **telephone:** (651) 259-7450, **e-mail:** [Emily.A.Johnson@state.mn.us](mailto:Emily.A.Johnson@state.mn.us). **TTY** users may call DEED at (651) 296-3900 or 1-800-657-3858.

### **4301.0100 PURPOSE AND AUTHORITY.**

Parts 4301.0100 to 4301.0800 provide for the administration of the job creation fund under *Minnesota Statutes*, section 116J.8748.

### **4301.0200 DEFINITIONS.**

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

# Exempt Rules

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Subp. 2. **Agreement or business subsidy agreement.** “Agreement” or “business subsidy agreement” has the meaning given in *Minnesota Statutes*, section 116J.8748, subdivision 1, paragraph (b).

Subp. 3. **Application.** “Application” means a submittal requesting designation as a job creation fund business.

Subp. 4. **Benefit date.** “Benefit date” means the date a business is designated by the commissioner as a job creation fund business.

Subp. 5. **Benefits.** “Benefits” means a job creation award or capital investment rebate.

Subp. 6. **Capital investment.** “Capital investment” has the meaning given in *Minnesota Statutes*, section 116J.8748, subdivision 1, paragraph (d). Capital investment does not include costs associated with acquiring real property.

Subp. 7. **Commissioner.** “Commissioner” means the commissioner of the Department of Employment and Economic Development.

Subp. 8. **Department.** “Department” means the Minnesota Department of Employment and Economic Development.

Subp. 9. **General purpose local government or local government.** “General purpose local government” or “local government” means a statutory city, home rule charter city, town, or county.

Subp. 10. **Job creation fund business.** “Job creation fund business” means a business that is designated by the commissioner to receive benefits under the job creation fund program upon achieving job creation, retention, and capital investment goals as specified in the business subsidy agreement.

Subp. 11. **Metropolitan area.** “Metropolitan area” means the area defined in *Minnesota Statutes*, section 200.02, subdivision 24.

Subp. 12. **New full-time employee.**

A. “New full-time employee” has the meaning given in *Minnesota Statutes*, section 116J.8748, subdivision 1, paragraph (g).

B. In the case of employee turnover or voluntary leave, a full-time employee position must not be vacant for more than 90 consecutive days to be considered a new full-time employee and counted toward the full-time job creation goal.

C. New full-time employees include employees who were working 1,040 or fewer hours annually for the business prior to employment as a full-time employee.

Subp. 13. **Project.** “Project” is the location where the business will be making capital investment and hiring or retaining employees, and is the subject of the agreement.

Subp. 14. **Qualifying expenditures.** “Qualifying expenditures” means capital investment expenditures that are paid for with nongovernmental funds and are made after a business becomes designated as a job creation fund business.

Subp. 15. **Retained job.** “Retained job” has the meaning given in *Minnesota Statutes*, section 116J.8748, subdivision 1, paragraph (h). To determine the number of retained jobs, the commissioner shall use the employment period at the time of application and during the previous 12 months.

Subp. 16. **Wages.** “Wages” has the meaning given in *Minnesota Statutes*, section 290.92, subdivision 1, clause (1).

## **4301.0300 ELIGIBILITY OF BUSINESSES.**

Subpart 1. **Designation requirements.**

A. To receive designation by the commissioner as a job creation fund business, a business must satisfy all of the eligibility requirements of *Minnesota Statutes*, section 116J.8748, subdivision 3, paragraph (a).

B. In addition to the eligibility requirements in *Minnesota Statutes*, section 116J.8748, subdivision 3, paragraph (a), the commissioner shall also consider the factors in *Minnesota Statutes*, section 116J.8748, subdivision 3, paragraph (b), and whether the business:

(1) is able to locate the facility outside Minnesota;

(2) will not cause a direct adverse effect on industry competitors in Minnesota by receiving financial assistance.

Subp. 2. **Ineligible projects.** Businesses ineligible for job creation fund designation include those under *Minnesota Statutes*, section 116J.8748, subdivision 3, paragraph (a), clause (2).

#### **4301.0400 APPLICATION PROCEDURES.**

Subpart 1. **Submission of application.** A general purpose local government must submit application materials to the commissioner on behalf of a business applying for job creation fund designation for a project.

Subp. 2. **Application content.** The application must include the following information:

**A. description of the business including:**

(1) business name and contact information;

(2) industry in which the business operates or will operate;

(3) company history;

(4) financial condition of the business demonstrated through audit reports, financial statements, or other appropriate documentation; and

(5) product or industry outlook;

**B. description of the project including:**

(1) project location and local government contact information;

(2) a list of local, state, and national competitors and markets served;

(3) how the project will diversify or strengthen the state or local economy;

(4) the projected sales generated by the business at that site that will be from customers located outside Minnesota and the projected sales that will replace or substitute purchases that otherwise would be purchased from businesses located outside the state;

(5) a source and use statement showing total project costs and contributions, identifying all sources of contributions and the amounts and types of contributions from each source; and

(6) project timeline including anticipated starting and completion dates;

C. the business's current full-time positions;

D. the business's projected full-time job creation and wage levels;

E. the number of jobs to be retained and documentation of those jobs;

F. certification by the business that the project would not happen without financial assistance;

G. certification that the business will comply with *Minnesota Statutes*, sections 116J.871, 116J.993, 116J.994, and 116L.66;

H. a resolution of support for the project from the local government where the project will occur;

I. in the case of a business that proposes to move from one location to another within Minnesota due to facility or land limitations, the local government from where the business is currently located must provide a written statement to the commissioner that the local government does not object to the move;

J. a certification from the business that it will not terminate, lay off, or reduce the working hours of an employee for the purpose of

# Exempt Rules

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hiring an individual to satisfy job creation goals; and

K. any other information requested by the commissioner deemed necessary to review an application.

## **4301.0500 APPLICATION REVIEW AND NOTIFICATION.**

Subpart 1. **Commissioner's review and determination.** The commissioner must accept applications at any time and designate businesses until all available funds are committed.

Subp. 2. **Criteria for designation.** A business is eligible for job creation fund designation if the commissioner determines that the project meets the eligibility requirements in part 4301.0300 and fulfills the application requirements in part 4301.0400, and is in the best interests of the state and local area. Following designation, the commissioner shall evaluate the project and award points using the economic and business rating factors in subparts 3 and 4.

Subp. 3. **Economic factors.** The economic factors include:

A. current number of employees in the business;

B. the number of full-time jobs to be created;

C. the wages and voluntary benefits paid in the jobs to be created;

D. the amount of private capital investment in the project;

E. how the business will diversify or strengthen the state or regional economy;

F. the overall return on investment to the state; and

G. local economic conditions.

Subp. 4. **Business factors.** The business factors include:

A. industry or product outlook;

B. projected sales generated from outside Minnesota and the sales that will replace or substitute purchases made outside the state, if any;

C. amount of local government assistance, including but not limited to tax increment financing, tax abatement, and low-interest loans;

D. business history; and

E. project viability including funding commitments.

Subp. 5. **Scoring.** Each project is eligible for a maximum of 100 points. The maximum benefit amount for a project is determined by dividing total points earned by 100, and applying that percentage to the maximum award. The commissioner is authorized to decrease the award if funds are not available, to offset other government assistance, or if other conditions warrant a decrease.

Subp. 6. **Time frame for benefits.** The maximum allowed time for benefits and certification is as provided in *Minnesota Statutes*, section 116J.8748, subdivision 4, paragraph (b). The time frame is determined by the commissioner based on the scoring in subpart 5 and the estimated length of time needed by the business to receive benefits.

Subp. 7. **Notification.** The commissioner must notify the business in writing of the approval and associated benefits or disapproval of its application.

## **4301.0600 BUSINESS SUBSIDY PROVISIONS.**

Subpart 1. **Requirements.** All projects are subject to the business subsidy requirements under *Minnesota Statutes*, sections 116J.993 and 116J.994.

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## Exempt Rules

**Subp. 2. Business subsidy agreement.** A designated business must execute a business subsidy agreement between the commissioner and the business before benefits may be provided. The agreement may require higher job creation, investment, or other goals to be achieved before benefits are provided. The following information, in addition to other requirements in *Minnesota Statutes*, section 116J.994, must be specified in the agreement:

A. the number of full-time jobs existing at the job creation fund designated location, if applicable;

B. estimated number of full-time jobs to be created and time frame for full-time job creation;

C. wages to be paid for each full-time job to be created, which on an annualized basis must be at least equal to 110 percent of the federal poverty level for a family of four;

D. estimated total capital investment to be made during the duration of the agreement;

E. expected financial value of any Minnesota job creation fund benefits;

F. duration of the designation; and

G. when benefits will be provided.

### **4301.0700 CERTIFICATION AND DISBURSEMENT.**

**Subpart 1. Certification.** Except in the case of retention projects in subpart 2, a business is eligible for certification by the commissioner to receive benefits upon providing verification that the business has met the requirements of *Minnesota Statutes*, section 116J.8748, subdivision 4, paragraph (d). Once the capital investment and job creation requirements have been met, annual recertification is required to ensure that job creation or retention requirements are met.

**Subp. 2. Retention projects.** If the project is a retention project, a business may be certified by the commissioner to receive benefits upon receiving verification that the business has:

A. spent at least \$25,000,000 in capital investment, including the purchase and installation of machinery and equipment; and

B. retained at least 200 employees if the project is in the metropolitan area, or retained at least 75 employees if the project is outside the metropolitan area. If fewer retained jobs are maintained, the benefit must be reduced according to *Minnesota Statutes*, section 116J.8748, subdivision 4, paragraph (d).

**Subp. 3. Capital investment rebate.** A certified job creation fund business is eligible for a rebate on the qualifying expenditures as described in *Minnesota Statutes*, section 116J.8748, subdivision 5. Each expenditure made by the job creation fund business submitted for a capital investment rebate is eligible for one rebate. Expenditures may be submitted over the life of the agreement as long as the maximum rebate allocated to a job creation fund business is not exceeded.

**Subp. 4. Job creation award.** A job creation fund business is eligible for an annual award for each new full-time job created and maintained for at least one year by the business using the schedule in *Minnesota Statutes*, section 116J.8748, subdivision 6. Each job is eligible for an award every year during the agreement as long as the maximum award allocated to a job creation fund business is not exceeded.

**Subp. 5. Wages.** To meet eligibility for any benefits under the job creation fund program, the business must also, at a minimum, provide total compensation according to *Minnesota Statutes*, section 116J.8748, subdivision 4, paragraph (f), and wage requirements must be adjusted annually as provided in *Minnesota Statutes*, section 116J.8748, subdivision 6, paragraph (b).

**Subp. 6. Request for disbursement.** A business may request disbursement of benefits under subparts 3 and 4 at any time, but no sooner than one year after the date the commissioner designates the business and all agreement conditions for that time period are met. Job creation fund businesses seeking a disbursement must submit invoices, payroll reports, and other forms and documentation to the commissioner. The forms must include documentation and certification by the business that it is in compliance with the agreement, *Minnesota Statutes*, sections 116J.871 and 116L.66. Subsequent requests must be made annually on the anniversary of the first request. The submitted forms and documentation serve the purposes of the annual report required in part 4301.0800, subpart 2. A request for disbursement must be made within 90 days following the end of the agreement.

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Subp. 7. **Removal from program.** Upon request from the job creation fund business, the commissioner must remove the requesting business from the program prior to the end of the contract period without penalty.

## **4301.0800 REPORTS.**

Subpart 1. **Progress report.** A job creation fund business must provide a progress report within six months following designation as a job creation fund business as provided in *Minnesota Statutes*, section 116J.8748, subdivision 4, paragraph (g). Reasonable progress on capital investment goals may be shown with evidence of building permits, contracts, or other similar actions.

Subp. 2. **Annual report.** An annual report must be submitted, based on the date of designation, to document capital investment and job creation performance by the job creation fund business. Once the first disbursement request has been submitted, subsequent annual reports should be submitted on the anniversary of the first disbursement request. The report must include, at a minimum, information on retained jobs, new full-time jobs by position, hire dates for new full-time job positions, hourly wage and benefit information, and capital investment verification. The commissioner is authorized to request verification in the form of invoices, unemployment insurance reports, business payroll reports, and other information the commissioner requires to verify information submitted in the report.

Subp. 3. **Failure to meet goals.** A job creation fund business that has not met one-year capital investment goals or two-year job creation goals must lose job creation fund designation. The business may reapply for future designation.

Subp. 4. **Monitoring.** The commissioner is authorized to conduct on-site monitoring of the project and examine documents relevant to the project.

**EFFECTIVE DATE.** *Minnesota Rules*, parts 4301.0100 to 4301.0800, are effective upon publication in the *State Register* if published before January 1, 2014, or 30 days after publication of the notice if the notice is published after January 1, 2014.

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings, and matters of public interest, state grants and loans, and state contracts

## Minnesota Board of Chiropractic Examiners

### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Waiver of Continuing Education Requirements in the first year of registrations, *Minnesota Rules*, 2500.1200; Revisor's ID Number R-04209

**Subject of Rules.** The Minnesota Board of Chiropractic Examiners requests comments on its possible amendment to rules governing the waiver of continuing education requirements for ancillary registrations for the first year following completion of training and registration, i.e. acupuncture and animal chiropractic.

**Persons Affected.** The amendment to the rules would likely affect licensees and applicants who apply for registrations subordinate to

the Chiropractic license such as acupuncture or animal chiropractic.

**Statutory Authority.** *Minnesota Statutes*, section 148.08, Supb 3, authorizes the Board to promulgate rules necessary to administer sections 148.01 to 148.108 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to 148.108, if the definitions are not inconsistent with the provisions of sections 148.01 to 148.108.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Board has not yet drafted the possible rule and amendments and does not anticipate that a draft of the rules amendment will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Micki King at Minnesota Board of Chiropractic Examiners, 2829 University Avenue SE, Suite 300, Minneapolis Minnesota 55414, **phone:** (651) 201-2849, **e-mail:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us).

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 19 November 2013

Larry A. Spicer, DC  
Minnesota Board of Chiropractic Examiners

## Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Highway Heavy Prevailing Wage Rates for Various Groups in Various Regions

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/28/13,

- Group 2** (302 through 308) in Region 3.
- Group 3** (309 through 322) in Region 10.
- Group 5** (369 through 385) in Regions 1 and 9.
- Group 6** (387 through 397) in Region 9.
- Labor Code 201**, Articulated Hauler, in Region 5.
- Labor Code 203**, Landscaping Equipment, in Regions 1, 5 and 9.
- Labor Code 714**, Millwright, in Regions 1, 2 and 4.

Copies with the corrected certified wage rates for these Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.dli.mn.gov](http://www.dli.mn.gov). Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner  
Department of Labor and Industry

## Official Notices

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### Minnesota Department of Natural Resources (DNR) Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings in Fillmore County

NOTICE IS HEREBY GIVEN that pursuant to Minnesota Statutes, section 84.0273, the State of Minnesota proposes to convey by an agreement and conveyance document and quit claim deed such rights, titles and interests in state lands located in Section 13, Township 103 North, Range 9 West, Fillmore County, to SUSAN STROM AND RONALD STROM, wife and husband; MARTHA STENSGARD AND RONALD STENSGARD, wife and husband; WENDY S. OVERLAND, a single person; ERIK OVERLAND AND LAURIE OVERLAND, husband and wife, and SCOTT OVERLAND AND CHERYL OVERLAND, husband and wife, tenants in common, who in return proposes to convey by the same agreement and quit claim deed such right titles and interests in its adjacent lands as are necessary for the purpose of establishing boundaries.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Bruce W. Shepperd, Project Surveyor  
Minnesota Department of Natural Resources  
Division of Lands and Minerals  
500 Lafayette Road Box 45  
St. Paul, Minnesota 55155-4045  
**Phone:** (651) 259-5416  
**E-mail:** [bruce.shepperd@dnr.state.mn.us](mailto:bruce.shepperd@dnr.state.mn.us)

### Minnesota Department of Natural Resources (DNR) Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings in Jackson County

NOTICE IS HEREBY GIVEN that pursuant to Minnesota Statutes, section 84.0273, the State of Minnesota proposes to convey by an agreement and conveyance document and quit claim deed such rights, titles and interests in state lands located in Section 25, Township 104 North, Range 36 West, Jackson County, to BONNIE GYBERG AND SHIRLEY THOOFT, as trustees of the BETTY ROSSOW TRUST UNDER AGREEMENT DATED 12-17-2007, who in return proposes to convey by the same agreement and quit claim deed such right titles and interests in its adjacent lands as are necessary for the purpose of establishing boundaries.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Bruce W. Shepperd, Project Surveyor  
Minnesota Department of Natural Resources  
Division of Lands and Minerals  
500 Lafayette Road Box 45  
St. Paul, Minnesota 55155-4045  
**Phone:** (651) 259-5416  
**E-mail:** [bruce.shepperd@dnr.state.mn.us](mailto:bruce.shepperd@dnr.state.mn.us)

### Minnesota Board of Nursing Notice of Meetings of the Minnesota Board of Nursing in 2014

NOTICE IS HEREBY GIVEN that the February - December 2014 meetings of the Minnesota Board of Nursing have been scheduled at 8:30 a.m., at 2829 University Avenue SE, 4<sup>th</sup> Floor, Conference Rooms A & B, Minneapolis, Minnesota on the following dates:

February 6, 2014  
April 3, 2014

June	5,	2014
August	7,	2014
October	2,	2014
December	4,	2014

A portion of each meeting is review of disciplinary cases and is closed to the public. For details about time of the open meeting, the agenda or other information, please call (612) 317-3000.

## **Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment**

### **NOTICE OF DEBARMENT**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

*Minnesota Statute* section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

# Official Notices

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## Minnesota Department of Transportation (MnDOT)

### Modal Planning and Program Management Division,

### Office of Freight and Commercial Vehicle Operations

## Notice of Public Comment Period and Public Hearing on Minnesota Statewide Ports and Waterways Plan

**NOTICE IS HEREBY GIVEN** that the public is invited to review and provide comments beginning Nov. 13 through Dec. 18 on Minnesota's draft Statewide Ports and Waterways Plan. The first-ever statewide plan for ports and waterways in Minnesota provides an overview of these significant transportation assets and how they support regional and international trade by providing a safe, efficient and cost-effective transportation option for shippers.

The plan was developed to achieve the goals set forth in the Minnesota GO Vision and the objectives of the Statewide Multimodal Transportation Plan. It addresses the marine component of Minnesota's robust, multimodal freight network and the associated opportunities, challenges, needs, benefits and strategies to remain a useful asset to the state. Although the state's waterways are used additionally for passenger and recreational purposes, the focus of this plan is port facilities and the commercially navigable waterways that connect them.

The plan identifies the economic benefits and cost-effectiveness of the waterways systems. It also assesses the Minnesota Port Development Assistance Program in relation to similar programs of peer states. Plan recommendations include local investment from port authorities, ongoing state investment through the Minnesota Port Development Assistance Program and even a role for private investment. To improve access to expanding commodity markets, the plan recommends technological and logistical improvements. In addition, partnerships at federal, state, and local levels are identified as key to system success.

The draft Statewide Ports and Waterways Plan can be accessed electronically at <http://www.dot.state.mn.us/ofrw/PWP.html>. A hard copy is available for review in the MnDOT Library at 395 John Ireland Blvd., St. Paul, MN. Written comments will be accepted through Dec. 18 and should be addressed to:

Freight Planning – Ports and Waterways Plan Comments  
MnDOT Office of Freight and Commercial Vehicle Operations  
395 John Ireland Blvd., St. Paul, MN 55155

For more information, contact Matthew Pahs at (651) 366-3694 or **e-mail:** [matthew.pahs@state.mn.us](mailto:matthew.pahs@state.mn.us), or visit <http://www.dot.state.mn.us/ofrw/PWP.html>

To request an ASL or foreign language interpreter, or other reasonable accommodation for the June 17 hearing, call Janet Miller at (651) 366-4720 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay), or send an **e-mail** to: [janet.rae.miller@state.mn.us](mailto:janet.rae.miller@state.mn.us).

Please make a request at least one week in advance.

# State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

## Minnesota Department of Human Services (DHS)

### Children's Mental Health Division

#### Notice of Request for Proposals to Youth Mental Health First Aid Training Grant

The Minnesota Department of Human Services, through its Children's Mental Health Division (State), is seeking Proposals from qualified Responders to deliver a national curriculum in Youth Mental Health First Aid (YMHFA) training statewide utilizing the mental health first aid – USA principles of fidelity. Youth mental health first aid training is an 8 hour public education program that, introduces participants to the unique risk factors and warning signs of mental health problems in children and adolescents, builds understanding of the importance of early intervention, and most importantly, trains participants in how to help children and adolescents in crisis or when experiencing a mental health or substance use challenge until appropriate professional help is received or the crisis resolved.

The Children's Mental Health Division's intent is to contract with a qualified Responder to train teachers, social services personnel, law enforcement, and others that come into contact with children and adolescents with mental illness.

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to enter into contract with a non-profit organization to provide a national curriculum in Youth Mental Health First Aid (YMHFA) training statewide to teachers, social services personnel, law enforcement, probation offices, cultural organizations and others that come into contact with children and adolescents with mental illness.

For more information, or to obtain a copy of the Request for Proposal, contact:

Nelly Torori  
Department of Human Services  
Children's Mental Health Division  
P.O. Box -0985  
444 Lafayette Road North  
St. Paul, MN 551550985  
**Phone:** (651) 431-2337  
**Fax:** (651) 431-7559  
**E-mail:** [nelly.torori@state.mn.us](mailto:nelly.torori@state.mn.us)

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, December 30, 2013. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

## Minnesota State Colleges and Universities (MnSCU) Metropolitan State University Request for Proposals for Operation of Campus Bookstore

NOTICE IS HEREBY GIVEN that proposals will be received by the Director of Purchasing, Metropolitan State University, until 2:00 pm, January 6<sup>th</sup>, 2014 for the purpose of the Operation of Campus Bookstore according to the specifications on file at Metropolitan State University 700 East 7<sup>th</sup> Street, Saint Paul, MN 55106.

Institution: Metropolitan State University

Name: Aksana Belik

Title: Purchasing Coordinator/Buyer

**Mailing Address:** 700 East 7<sup>th</sup> Street

Founders Hall, Room 329

Saint Paul, MN 55106

Sealed proposals can be hand delivered to the cashiers' window at Founders Hall, Room 327 on the Saint Paul Campus or mailed at the above address. Proposals received after this date and time will be rejected and returned unopened.

Faxed or electronic proposals are not accepted. This request for proposal does not obligate the State to complete the proposal project and the state reserves the right to cancel the solicitation process if it is considered to be in its best interest.

Specifications and Request for Proposal forms may be obtained from the Director of Safety and Security at the address or e-mail shown below. There is no plan for a pre-proposal conference at this time.

For further information contact:

Thomas Maida

**Title:** Safety and Security Director

**Address:** 700 East 7<sup>th</sup> Street Saint Paul MN 55106

**Telephone:** (651) 793-1725

**Fax:** (651) 793-1718

**E-mail address:** [thomas.maida@metrostate.edu](mailto:thomas.maida@metrostate.edu)

## Minnesota Department of Commerce Division of Energy Resources Notice of Request for Proposals to Produce a Report Analyzing the Prudence of Decisions to Upgrade and Extend the Life of a Nuclear Power Plant

The Minnesota Department of Commerce (Commerce) requests proposals from qualified nuclear engineering contractors to produce a report analyzing the prudence of decisions made by Northern States Power d/b/a Xcel Energy regarding costs incurred in its projects to

upgrade the capacity and extend the life of its Monticello nuclear power plant. The nuclear engineer contractor will need to present the report as testimony and evidence in a contested case proceeding that will be conducted for the Minnesota Public Utilities Commission.

A Request for Proposals (RFP) and required forms, along with background information will be available for download on the Department's website (<http://mn.gov/commerce/>) through December 30, 2013. Potential responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Daylight Time (CDT) on December 30, 2013.

The RFP and forms can be obtained from:

**Preferred Method:** <http://mn.gov/commerce/>

Hover over "Topics", then click on "Request for Proposals"

**U.S. Postal Service:** Grants Staff  
Minnesota Department of Commerce  
Division of Energy Resources  
85 7th Place East, Suite 500  
St. Paul, MN 55101-2198

Proposals submitted in response to this RFP must be received no later than 4:30 PM, CDT, December 30, 2013. **Late proposals will NOT be considered.** Instructions for submitting proposals are detailed in the RFP.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota State Council on Disability Request for Proposal: Employment Research Study

### Project Overview

The Minnesota State Council on Disability (The Council) is seeking proposals from a market research firm that has served customers in the business, health, and/or human service markets; and is experienced in quantitative studies including surveys of Minnesota households and businesses, qualitative and quantitative research, and moderating focus groups. Work in the disability community preferred.

The selected firm must be able to work together with the Council in developing an appropriate survey approach or instrument; assume responsibility for all aspects of the survey process; and prepare a comprehensive report, in presentation format, with supporting documentation.

### Goal

It is the goal of this project to gauge how the Americans with Disabilities Act (ADA) has altered the employment and business landscape in Minnesota for employers, employees with disabilities, and consumers with disabilities, so that the public may understand how hiring an employee with a disability, being an employee with a disability, and interacting with a business as a person with a disability has changed since the Americans with Disabilities Act (ADA) became law.

### Sample Tasks

The tasks to be completed are specified below:

- Develop an understanding of the impact the Americans with Disabilities Act has had on employment for people with disabilities.
- Develop survey methods to assess the impact the Americans with Disabilities Act has had on Minnesota employers, employees with disabilities, and consumers with disabilities.
- Use above-mentioned survey methods to gather qualitative and quantitative data on the impact of the Americans with Disabilities Act on Minnesota employers, employees with disabilities, and consumers with disabilities.

# State Contracts

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- Create an accessible PowerPoint presentation to display the findings of the study.
- Give, up to three, public presentations on the findings of the study.
- Make project material, including but not limited to, all data, graphics, and PowerPoint presentation available to the Council for internal and external use.

The term of this contract is anticipated to run from approximately December 1, 2013 to June 30, 2014, with a possible extension of 1 year.

To obtain a complete RFP, free of charge, contact Mai Thor at [Mai.Thor@state.mn.us](mailto:Mai.Thor@state.mn.us) or [Linda.Gremillion@state.mn.us](mailto:Linda.Gremillion@state.mn.us). Or call (651) 361-7800 v/tty

Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

**Estimated Dollar Amount:** \$48,000

This publication of request for this proposal does not obligate the agency to spend the estimated dollar amount.

**Deadline for Delivery of Proposals to The Council:** 2:30 p.m. Central Time, December 20, 2013.

## Explore Minnesota Tourism Notice of Availability of Contract for French Tourism Marketing Representation

The Minnesota Department of Explore Minnesota Tourism is requesting proposals for the purpose of developing a proactive program of trade and consumer based activities which will enhance the position of Minnesota in key trade and media distribution markets in France to promote travel to Minnesota.

Work is proposed to start after February 1, 2014.

A Request for Proposals will be available by mail or email from this Office. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Leann Kispert, Senior Marketing Manager  
Explore Minnesota Tourism  
121 E. 7<sup>th</sup> Place, Suite 100  
Saint Paul, MN 55101 USA  
Telephone: (651) 757-1854  
Fax: (651) 296-7095  
E-mail: [Leann.Kispert@state.mn.us](mailto:Leann.Kispert@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30 pm Central Standard Time on December 17, 2013. **Late proposals will NOT be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Minnesota Department of Health (MDH)**

### **MN.IT Services at the Minnesota Department of Health**

### **Notice of Request for Proposals for Electronic Messaging Services**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health (MDH) is requesting proposals for the purpose of having a vendor provide the agency with a subscription service for secure electronic information exchange based on a directed push approach using the Direct Project specifications and standards (Direct). The vendor/service provider must also have the capability or be willing to develop the capability to provide future secure electronic information exchange service to MDH, via subscription, based on a query & response approach using the CONNECT open source software solution (CONNECT). The vendor/service provider will also develop an automated, secure electronic interface between the Direct implementation and MDH's internal messaging infrastructure and have the capability to extend the interface to support query and response.

CONNECT and Direct are protocols defined and supported by the Office of the National Coordinator for Health Information Technology (ONC) at the US Department of Health and Human Services (HHS), which has created a set of standards, services, and policies that enables the secure exchange of health information over the Internet.

Work is proposed to start January 6, 2014.

Prospective responders may request a copy of the Request for Proposals via e-mail through November 25, 2013. **A request must be sent via e-mail to receive the Request for Proposals.** The Request for Proposals can be obtained from:

D. William O'Brien, Project Manager  
MN.IT Services at the Minnesota Department of Health  
**E-mail:** *william.obrien@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the email address above no later than 4:30 p.m., Central Standard Time, November 27, 2013. **Late proposals will NOT be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Judicial Branch**

### **Fourth Judicial District**

### **NOTICE of Schedule Change in Extending Technology Infrastructure Assessment RFP Submittal Date to Monday, December 2, 2013 for all Interested Parties**

Due to the large number of consultant questions received, District Court has modified the Technology Infrastructure Assessment RFP Schedule for all interested parties. Please note the information below as follows:

- District Court responses to interested Consultant RFP questions will be posted on the **Fourth Judicial District website** by end of business, **Tuesday, November 19, 2013.**
- The submittal deadline for Consultant RFP Responses has been extended to **4:30 p.m., Monday, December 2, 2013** from 4:30 p.m., Monday, November 25, 2013.
- Questions concerning this information can be emailed to the District Court's RFP point-of-contact *john.erar@courts.state.mn.us* listed in the RFP document.

# State Contracts

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## Minnesota Sport Facilities Authority

### Advertisement for Proposals and Qualifications for Cast in Place Concrete Monitoring and Validation Services

- 1. Proposals** - Submit proposals and qualifications for Minnesota Sports Facilities Authority – New Stadium - Concrete Monitoring & Validation Services, Minneapolis, Minnesota, to Steven Maki, PE, Director of Facilities, MSFA, at the Minnesota stadium on or before 4:00 p.m., December 9, 2013.
- 2. Work Includes** – Provide cast in place concrete monitoring and validation services for new stadium construction to Minnesota Sports Facilities Authority.
- 3. Pre-Proposal Meeting** – to be held December 3, 2013 10:00am at the Authority Offices
- 4. Examining Documents** – Documents will be available for review, at the office of the MSFA, 900 South 5th Street, Minneapolis, MN and on the website, MSFA.com after November 15, 2013.
- 5. Obtaining Documents** - Proposers may obtain a copy of contract documents after November 15, 2013, from Steven C. Maki, P.E., Director of Facilities, at the MSFA office, 900 South 5th Street, Minneapolis, Minnesota 55415.
- 6. Affirmative Action** - All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled person.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ted Mondale, CEO/Executive Director  
Minnesota Sports Facilities Authority

## Minnesota Department of Transportation (Mn/DOT)

### Engineering Services Division

### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. - Mail Stop 680  
St. Paul, MN 55155

## **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

## Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

### Goodhue County Request for Proposals for Public-Private Partnership for Park and Recreation Enterprise

**NOTICE:** Goodhue County is soliciting Request for Proposals (RFP) for a *Public-Private Partnership for Park Related Enterprise on Goodhue County Land Adjacent to the Lake Byllesby Park*.

Sealed proposals will be received by the Goodhue County Administrator at his office (Room 309) in the Goodhue County Government Center, 509 W 5<sup>th</sup> St., Red Wing, Minnesota, 55066 until 4:00 p.m. on Friday, January 31<sup>st</sup>, 2014.

Interested parties can view the full ad and the RFP on the County **website:** [www.co.goodhue.mn.us](http://www.co.goodhue.mn.us)

BY ORDER OF THE GOODHUE COUNTY BOARD OF COMMISSIONERS  
Scott Arneson, Goodhue County Administrator

### Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for MAC Energy Conservation Project 2014 (P20/21)

**MAC Contract No.:** 106-2-669  
**Bids Close At:** 2:00 p.m. December 17, 2013

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work of this project includes boiler stack heart recovery at the EMC, motor efficiency controllers at moving walks and escalators, and automatic lighting controls integrated with OABA.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 5%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota. regularities, informalities or discrepancies.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

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# Non-State Public Bids, Contracts & Grants

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 25, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Electrical Infrastructure Rehab 2014 (P6)

**MAC Contract No.:** 106-2-705  
**Bids Close At:** 2:00 p.m. December 17, 2013

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work includes installing new medium voltage feeders from the existing MAC Gear in the East Switchgear Room to the new shell space/future North-East Switchgear Room via existing duct banks.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 8%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 25, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Emergency Power Upgrades 2014 (P5)

**MAC Contract No.:** 106-2-706  
**Bids Close At:** 2:00 p.m. December 17, 2013

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. The work includes installing a close transition/isolation bypass transfer switch and distribution boards for emergency power distribution in the parking ramps to aid in the separation of emergency (life safety) and optional critical loads.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 6%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

# Non-State Public Bids, Contracts & Grants

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**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on November 25, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

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