

8290.0200 APPLICATION.

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

- A. the full legal name and date of birth of the eligible person;
- B. the name and contact data of the applicant, if different;
- C. a listing of all minor children residing at the actual address, each minor child's full legal name, each minor child's date of birth, and each minor child's relationship to the applicant;
- D. a statement by the applicant that the applicant has good reason to believe that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime and either:
 - (1) that the eligible person listed on the application has survived domestic violence, sexual assault, or stalking; or
 - (2) that the applicant fears for the eligible person's safety;
- E. a designation of the secretary of state as agent for purpose of service of process and for the purpose of receipt of mail;
- F. the mailing address and the telephone number or numbers at which the eligible person can be contacted by the secretary of state;
- G. the actual address or addresses of the eligible person that the applicant requests not be disclosed for the reason that disclosure increases the risk of domestic violence, sexual assault, stalking, or other risks to safety;
- H. a statement that the program participant shall not disclose the participant's actual address or addresses to the batterer, stalker, or perpetrator of sexual assault, or other persons the participant fears;
- I. the number of motor vehicles owned by the eligible persons for whom the applicant is applying;
- J. a statement that the applicant understands that a program participant's voting record cannot be active in the statewide voter registration system;
- K. a statement whether the eligible person is currently the subject of any pending or ongoing criminal actions, and, if so, the prosecuting authority and consent for the secretary of state to forward notice of the participant's designated address, to the prosecuting authority;

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

M. a statement that the eligible person is not a person registered or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167, or the law of another jurisdiction;

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

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

Subp. 2. **Completion.** The application must be completed in the presence of an application assistant.

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

Subp. 4. **Proof of identity.** The applicant must also prove the applicant's identity by showing photo identification to the application assistant or must indicate on the application that the applicant does not possess photo identification.

Subp. 5. **Notification to prosecuting authority.** If the applicant discloses on the application that the eligible person is currently the subject of pending or ongoing criminal legal action, at the time of the application, the applicant must complete a form letter to notify each prosecuting authority for the pending or ongoing criminal action of the designated address and the designation of the secretary of state as agent for purposes of service of process. The secretary of state must provide form letters to all application assistants. The form letter must include a statement that any prospective service of process must be clearly labeled as service of process on the exterior of the envelope containing the service.

Subp. 6. **Submission by application assistant.** The application assistant shall submit completed applications and any additional materials by first class mail to the secretary of state.

Subp. 7. **Missing information.** If the completed application does not meet the requirements of this part, the secretary of state shall contact the applicant listed on the application to obtain the missing information. The eligible person shall be certified only if the missing information is provided.

Subp. 8. **Effective date.** A properly completed application is effective on the day it is reviewed and certified by the secretary of state.

Subp. 9. **Voter registration through secretary of state.** At the time of application, the application assistant must also offer the applicant the opportunity to register to vote

as a permanent absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06. A voter registration application filled out in the presence of an application assistant and submitted by an application assistant is not considered registration by mail as provided in Minnesota Statutes, section 201.061.

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

Statutory Authority: *MS s 5B.08*

History: *34 SR 819; 39 SR 392*

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