

**8290.1300 VOTING BY PROGRAM PARTICIPANT.**

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

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

Subp. 3. **Identification of program participant voters.** Whenever the secretary of state is notified that an election will be taking place, the secretary of state must, at least 45 days before the election, or in the case of a special election, within two business days after it is scheduled, identify all program participant voters who live in the jurisdiction.

Subp. 4. **Review and removal from voter registration system.** Upon certification of an application and again prior to each election in which the program participant is eligible to vote, the secretary of state must review the statewide voter registration system to ensure that the program participant voter is not listed in that system at the actual address. If a program participant voter is listed in the statewide voter registration system, the secretary of state must notify the participant that the participant is not allowed to vote as an ongoing absentee voter through Safe at Home until the participant's current voter record is removed from the statewide voter registration system and provide instructions on how to get the record removed.

Subp. 5. **Absentee ballot request form.** The secretary of state shall provide program participant voters not currently registered in the statewide voter registration system at the actual address with an absentee ballot request form for each election in which the program participant is eligible to vote. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, in order to receive a ballot, the program participant must return the absentee ballot request form to the secretary of state. A program participant voter must provide, in lieu of the verification process under the Help America Vote Act, a copy of the photo identification with the absentee ballot request form if the program participant voter's registration:

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

Upon receiving the absentee ballot request form, the secretary of state must communicate to the appropriate election administrator of each jurisdiction for which requests have been received the number of ballots necessary for each jurisdiction. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, the election administrator must provide the appropriate ballots for that election to the secretary of state.

Subp. 6. **Ballot distribution.** The secretary of state must forward the requested ballots to each program participant voter by first class mail, accompanied by absentee ballot instructions, a secrecy envelope, and a return envelope addressed to the secretary of state.

Subp. 7. **Return of undeliverable ballots.** If the absentee ballot of any program participant is declared undeliverable by the United States Postal Service, the secretary of state must return those materials to the appropriate county auditor.

Subp. 8. **Ballot handling.**

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

B. If the program participant voter submits a return ballot envelope, the secretary of state must review the original return envelope to determine whether the secretary of state is satisfied that the program participant voter's name and signature on the original return envelope appear in substantially the same form as on the absentee ballot request form described in subpart 5 and that the certificate on the original return envelope is properly executed.

C. The secretary of state must remove the secrecy envelope from the return envelope received from the program participant voter and transfer the secrecy envelope to a blank, unused return envelope with the verification certificate printed on it. The secretary of state must complete and sign the verification certificate. The verification certificate includes the county, municipality, ward, and precinct/school district combination and states that the ballot is provided for a Safe at Home participant voter, whether the secretary of state is satisfied that the program participant voter's name and signature on the return envelope appear in substantially the same form as on the absentee ballot request form described in subpart 5, and whether the certificate on the return envelope is properly executed. The secretary of state must then forward these materials to the county auditor.

Subp. 9. **County auditor to forward ballot.** The county auditor shall forward the substituted return envelope bearing the verification certificate to the municipal or school district clerk.

Subp. 10. **Receipt and counting of ballots.** The municipality or school district clerk shall forward the verification certificate and substituted return envelope to the precinct. The election judges in the precinct must review the verification certificate and may only reject

the absentee ballot if the verification certificate indicates that the secretary of state was not satisfied that the program participant voter met the requirements of this part. If the election judges accept the ballot, they must write "SAH" followed by a sequential number for each Safe at Home ballot processed and "AB" on the election day registration roster page. An accepted ballot is counted in the polling place as any other registered absentee ballot for statistical purposes.

Subp. 11. **Review and determination by secretary of state.** By March 31 of each year, the secretary of state must determine whether any program participant voters who cast ballots in the preceding 12-month period are recorded in the statewide voter registration system as having both a record of casting a ballot under this part and also voting in the same election. If it is found that a program participant voter casting a ballot under this part also has a voting history record for the same election in the statewide voter registration system, the secretary of state shall notify the appropriate county attorney of that fact.

Subp. 12. **Cessation of ongoing absentee ballot status.** The secretary of state must revoke the program participant voter's ongoing ballot status under this part until the county attorney confirms that the issue has been resolved in favor of the program participant if voting records under this part and voting history records in the statewide voter registration system show that the program participant voter has not only cast a ballot under this part but also voted in the same election by other means.

Subp. 13. **Record keeping.** The secretary of state must maintain a record for each election with the number of ballots requested by precinct/school district combinations, blank ballots received from each county auditor, assembled ballots sent to program participant voters, ballots returned as undeliverable, ballot envelopes returned by program participant voters to the secretary of state, and substituted return envelopes created by the secretary of state.

Subp. 14. **Biennial report.** By April 30 of each odd-numbered year, the secretary of state shall issue a report on the activities of program participant voters during the period of two calendar years ending on December 31 preceding the report date.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819*

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