

**CHAPTER 8290**  
**SECRETARY OF STATE**  
**SAFE AT HOME PROGRAM**

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**8290.0100 DEFINITIONS.**

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

Subp. 2. **Actual address.** "Actual address" means a Minnesota residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant, program renewal application, certification continuance, or change of address form under this chapter.

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

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

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

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

Subp. 7. **Community-based program.** "Community-based program" means an office, institution, or center whose mission consists substantially of offering assistance to survivors of domestic violence, sexual assault, stalking, or crimes of violence.

Subp. 8. **Criminal justice system management.** "Criminal justice system management" means the eligible person:

- A. has been convicted of a crime or offense; or
- B. has pled guilty to a crime or offense; or
- C. has been adjudicated of a crime or offense; or
- D. has pled no contest to a crime or offense; and
- E. is under supervision for that crime or offense.

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

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

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

- A. that the eligible person is a victim of domestic violence, sexual assault, or stalking; or
- B. that the applicant fears for the applicant's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made.

Subp. 12. **Lot number.** "Lot number" means the specific identifier assigned by the secretary of state to a program participant for use in sorting mail and confirming program participation in accordance with Minnesota Statutes, section 5B.03, subdivision 1, clause (8).

Subp. 13. **Mail.** "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogs, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency, that are specifically addressed to a program participant and delivered to the designated address by the United States Postal Service.

Subp. 14. **Mailing address.** "Mailing address" means the residential street address to which the secretary of state must forward a program participant's mail, except in those cases where the United States Postal Service provides no delivery service to the residential address, in which case it means a post office box serviced by the United States Postal Service.

Subp. 15. **Minor child.** "Minor child" means an individual who has not attained the age of 18, residing with or under the guardianship of an adult applicant or program participant.

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

Subp. 17. [Repealed, 39 SR 392]

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

Subp. 19. **Safe at Home card.** "Safe at Home card" means the official participation card issued by the secretary of state to each program participant, which must state the program participant's name, date of birth, designated address, certification expiration date, and a space for the signature of the program participant.

Subp. 20. **School.** "School" means any elementary or secondary educational institution.

Subp. 21. **Sexual assault.** "Sexual assault" means acts criminalized under Minnesota Statutes, sections 609.342 to 609.3453 and 609.352, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Subp. 22. **Stalking.** "Stalking" means acts criminalized under Minnesota Statutes, section 609.749, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

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

**History:** *34 SR 819; 39 SR 392; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

## **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 residential 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 eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made;
- 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 that will be registered at the eligible person's designated address;

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, adjudicative authority, or probation authority, and consent for the secretary of state to forward notice of the participant's designated address, to the prosecuting authority, adjudicative authority, or probation 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 with specific conditions related to the program participant's actual address;

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. a statement that the eligible person understands that the eligible person is personally responsible for any consequences of a delayed mail delivery if the eligible person requests a short-term mail hold pursuant to this chapter;

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

P. 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, adjudicative authority, and probation 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, adjudicative authority, and probation 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; 39 SR 1378*

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#### **8290.0300 CERTIFICATION OF PROGRAM PARTICIPANT.**

Subpart 1. **Certification.** An eligible person or a minor child residing at the residential address for whom a properly completed application or renewal is filed shall be certified by the secretary of state as a program participant.

Subp. 2. **Duration.** A program participant is certified for four years following the date the application or renewal is certified unless the certification is canceled or withdrawn before that date.

Subp. 3. **Duties of secretary of state and program participant.** Upon certification, the secretary of state shall, within three business days, issue and mail a Safe at Home card to the program participant's mailing address with instructions on how to use the Safe at Home card. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for the participant.

Subp. 4. **Communication; verification of identity.** The secretary of state must verify the identity of the applicant or program participant before discussing any data related to certification or otherwise related to the applicant or program participant.

Subp. 5. **Notification to other parties.** If an application submitted to the secretary of state discloses that the eligible person is the subject of a pending or ongoing criminal legal action, the applicant or eligible person must have completed and submitted with the application the form letter referenced in part 8290.0200, subpart 5. The secretary of state must mail the letter to the appropriate prosecuting authority, probation authority, and adjudicative authority. If compliance with this subpart is necessary and the letters have not been submitted to the secretary of state, the secretary of state shall certify the program participant, and provide the program participant with new form letters and instructions on how they must be used. Failure by the applicant to provide these letters to the secretary of state shall lead to cancellation pursuant to part 8290.0900.

Subp. 6. **Lost or stolen card.** A program participant shall contact the secretary of state whenever a Safe at Home card is lost or stolen. The secretary of state shall issue a replacement Safe at Home card to the program participant. If a card is found by a program participant after being reported lost or stolen, the program participant shall return the card to the secretary of state.

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

**History:** *34 SR 819; 39 SR 1378*

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#### **8290.0400 DESIGNATED ADDRESS.**

Subpart 1. **Address and program status.** Every public or private person or entity shall accept the designated address as the true address of the program participant. Presentation of the Safe at Home card creates a rebuttable presumption that the individual listed on the card is a program participant. A program participant is not required to respond to any question a public or private person puts to the program participant about the details or circumstances of the person's inclusion in the program. The public or private person or entity may contact the secretary of state for information on the program.

Subp. 2. **Request.** The program participant, and not the secretary of state, is responsible for requesting the use of the designated address by any public or private person or entity as the address of the program participant.

Subp. 3. **Secretary of state as agent.** The secretary of state is the agent for receipt of all mail sent by public and private persons and entities to the program participants at the designated address.

Subp. 4. **Mail to be forwarded.** All mail specifically addressed to the program participant at the designated address must be forwarded at least every second business day to the participant at the participant's mailing address. Envelopes containing the mail being forwarded must be marked "Return Service Requested." The secretary of state is not required to forward mail if the mail is not specifically addressed to a program participant.

Subp. 5. **Short-term mail hold.** The secretary of state may hold a participant's mail for up to three days upon request of the program participant. The secretary of state may hold a participant's mail for up to a total of three weeks if the participant has sent a signed, written mail hold request to the secretary of state that includes a telephone number at which the participant can be reached. Upon receipt of a written request, the secretary of state must compare the signature of the program participant or applicant on the request with the signature on the original application or on any other document on file with the secretary of state and conclude that the signatures are the same. The mail hold is effective the date the secretary of state receives the request, unless the participant has indicated an alternate effective future date.

#### Subp. 6. **Limited circumstances of use of actual address.**

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

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

C. A program participant who is subject to criminal justice system management must, upon request, supply the program participant's actual address to the participant's supervising person, in addition to the designated address, if there are specific court-ordered conditions related to the participant's actual address as part of the supervision.

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

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

Subp. 7. **Availability to law enforcement.** The secretary of state shall be available at all times to fulfill the requirements of Minnesota Statutes, section 5B.07, subdivision 2, in exigent circumstances.

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

**History:** *34 SR 819; 39 SR 1378*

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#### **8290.0500 SERVICE OF PROCESS.**

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

Subp. 2. **Service by mail.** Service on the secretary of state of any such summons, writ, notice, demand, or process must be made by mailing the summons, writ, notice, demand, or process to the participant, including the participant's first and last name, at the participant's designated address. If an envelope enclosing the summons, writ, notice, demand, or process is clearly labeled as service of process on the outside of the envelope and is served by first class or certified mail on the secretary of state, the secretary of state shall forward the service to the program participant no later than the next business day unless the program participant has requested a mail hold or is in a pending cancellation status due to undeliverable mail. If the secretary of state receives service for a program participant in pending cancellation status due to undeliverable mail, the secretary of state must attempt to contact the participant through alternative means and obtain a current mailing address. If the secretary of state cannot obtain an alternative mailing address within two business days of the receipt of service, the secretary of state must forward the service to the program participant at the address on file with the secretary of state. As the secretary of state is the agent for service of process, the signed receipt of certified mail by the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 3. **Service in person.** In the event that personal service of any document is required by law, that document may be served by delivering the document to any public counter of the Office of the Secretary of State. In order for the secretary of state to accept service on a participant, the service documents must indicate the program participant's first and last name and lot number. The secretary of state must forward the service to the program participant no later than the next business day unless the program participant has requested a mail hold or is in a pending cancellation status due to undeliverable mail. If the secretary of state receives service for a program participant in pending cancellation status due to undeliverable mail, the secretary of state must attempt to contact the participant through alternative means and obtain a current mailing address. If the secretary of state cannot obtain an alternative mailing address within two business

days of the receipt of service, the secretary of state must forward the service to the program participant at the address on file with the secretary of state. As the secretary of state is the agent for service of process, an affidavit of service on the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

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

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

**History:** *34 SR 819; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

#### 8290.0600 ATTAINING AGE OF MAJORITY.

Subpart 1. **Notification of option to continue certification.** When a program participant reaches the age of 18, the secretary of state shall inform the program participant of the option of continuing certification in Safe at Home by sending a certification continuance form by first class mail to the program participant's mailing address. The notice must provide instructions to the program participant on what actions to take upon attaining the age of majority if the program participant does not submit a certification continuance form, including the return of the Safe at Home card and notification to public and private persons of the actual address, and that the designated address is no longer the address of the program participant. If the secretary of state has not received a certification continuance form within 30 days after the program participant reaches the age of 18, the secretary of state must mail a notice to the program participant stating that the program participant is in pending cancellation status and the program participant's certification shall be canceled if the participant fails to submit the certification of continuance within ten days.

Subp. 1a. **Voter registration information.** Along with the certification continuance form sent 30 days prior to expiration, the secretary of state must also offer the program participant the opportunity to register to vote as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06.

Subp. 1b. **Certification continuance.** The secretary of state shall renew the certification of a program participant when the secretary of state receives a certification continuance from that program participant. The certification continuance must contain the same information required in the application as specified in part 8290.0200, subpart 1, except the certification continuance need not contain the signature of an application assistant.

Subp. 2. **Responsibility for information changes.** An individual who became a program participant as a minor child assumes responsibility for information changes pursuant to part 8290.0700 and renewal pursuant to part 8290.1100 when the individual reaches the age of 18.

Subp. 3. **Address change; reapplication or withdrawal.** A program participant who reaches the age of 18 must reapply or withdraw if the participant establishes a new residence separate from the adult participant who applied for certification on the participant's behalf when the program participant was a minor.

Subp. 4. **Reapplication.** Program participants who reach the age of 18 who have withdrawn or whose certification expires or has expired may reapply on their own behalf.



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

**History:** *34 SR 819; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

#### **8290.0700 CHANGES IN PROGRAM PARTICIPANT INFORMATION.**

Subpart 1. **Notification of personal contact changes.** A program participant or applicant shall send signed, written notification of a change of mailing or actual address, telephone number, legal name, or permanent contact data to the secretary of state.

Subp. 2. **Additional minor children.** If a program participant sends signed, written notification to the secretary of state that the program participant is now responsible for additional minor children, the secretary of state must certify the minor children as program participants and issue them Safe at Home cards.

Subp. 3. **Notification of name changes.** If the legal name of a program participant changes, the program participant or applicant shall send signed, written notification to the secretary of state along with a copy of the court order or other formal documentation indicating the legal name change and the program participant's Safe at Home card or a statement that the program participant has misplaced the Safe at Home card. The program participant must also provide the secretary of state the new signature for the purpose of future changes according to this part. The secretary of state must send a Safe at Home card with the participant's new legal name to the participant within two business days of receiving notification under this subpart and conducting the verification required by subpart 4.

Subp. 4. **Signature verification.** Before making changes in information effective, the secretary of state must compare the signature of the program participant or applicant on the notification of the change with the signature on the original application, or on any other document on file with the secretary of state, and conclude that the signatures are the same.

Subp. 5. **Change in identity.** On or before the effective date of a change in identity, a program participant or an applicant, if different, must withdraw from Safe at Home pursuant to part 8290.1000. The program participant or applicant may apply for recertification in Safe at Home under the new identity.

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

**History:** *34 SR 819; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

#### **8290.0800 TRANSFER OF SCHOOL RECORDS.**

Subpart 1. **Participant request.** A parent or guardian of a program participant who is a student in an elementary or secondary school in Minnesota, or a student in a secondary school in Minnesota who is a program participant who has reached the age of majority, may submit a records transfer request to the secretary of state which shall consist of written consent for: (1) the secretary of state to request the student's records from the student's previous school; (2) the student's previous school to provide the student's records to the secretary of state; and (3) the secretary of state to send the records to the student's new school. If it is in receipt of a records transfer request, the secretary of state must request the student's records from the student's previous school and provide the student's previous school with the parent's, guardian's, or student's written consent for the school to provide the student's records to the secretary of state. A school that receives such a request must send the student's records to the secretary of state within the time frame required by

Minnesota Statutes, section 120A.22, subdivision 7. The secretary of state must forward the records to the student's new school as soon as practicable after receipt.

Subp. 2. **School request.** If a school makes a request of the secretary of state to facilitate the transfer of records for a student who is a program participant, the secretary of state must provide the program participant's parent or guardian or the program participant, if the program participant has reached the age of majority, with the opportunity to provide a records transfer request to the secretary of state, in accordance with subpart 1.

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

**History:** *34 SR 819*

**Published Electronically:** *December 14, 2009*

### **8290.0900 FAILURE TO NOTIFY SECRETARY OF STATE OF CHANGES IN INFORMATION; CANCELLATION.**

Subpart 1. **Warning by secretary of state.** If:

A. the secretary of state learns that a program participant has failed to provide prior notification about a change in the participant's mailing or residential address, telephone number, legal name, or permanent contact data, as required by part 8290.0700, subpart 1;

B. mail forwarded by the secretary of state to the program participant is returned as undeliverable;

C. the program participant has not complied with part 8290.0200, subpart 5, if required, at the time the secretary of state mails notice of the certification to the program participant; or

D. the program participant has not complied with part 8290.0600 after 30 days of reaching the age of 18;

the secretary of state must contact the program participant or applicant, if different, to request that the program participant or applicant comply with part 8290.0200, subpart 5, 8290.0600, or 8290.0700, subpart 1. The notice must state that if the program participant or applicant fails to comply within ten business days, the program participant's certification shall be canceled and the former program participant must return any Safe at Home cards in the participant's possession.

Subp. 1a. **Participant no longer eligible.** If the secretary of state learns that a program participant is no longer eligible, the secretary of state must provide the program participant with the opportunity to submit a withdrawal request in accordance with part 8290.1000.

Subp. 1b. **Pending cancellation status.** After the secretary of state has provided notice as required by subpart 1 or 1a, the program participant is in pending cancellation status. While in this status, the secretary of state must hold the program participant's mail and must not forward it to the program participant. Pending cancellation status ends after ten business days, or upon the program participant's compliance with part 8290.0200, subpart 5, 8290.0700, subpart 1, or 8290.1000, whichever occurs first. This subpart does not prevent the secretary of state from forwarding correspondence marked "service of process" pursuant to part 8290.0500.

Subp. 2. **Cancellation.**

A. If the program participant's pending cancellation status expires, the secretary of state must cancel the certification of the program participant.

B. If a program participant or applicant provides false information when applying for certification or renewal, or on a change of information notice, the secretary of state must cancel the certification of the program participant.

Subp. 3. **Cancellation of program certification without recourse.** The secretary of state must cancel a program participant's certification if a program participant or applicant is found by a court to have knowingly provided false information when applying for certification or renewal, or on a change of information notice. The court may include in the finding a restriction or prohibition on reapplication to Safe at Home. The secretary of state shall inform the former program participant that the Safe at Home card must be returned immediately. Upon receiving the court findings and sending the notice, the secretary of state shall execute these actions.

Subp. 4. **Return of mail.** If the certification of the program participant is canceled, mail addressed to the program participant must be returned to the sender.

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

**History:** *34 SR 819; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

**8290.1000 WITHDRAWAL OF PROGRAM CERTIFICATION.**

Subpart 1. **Withdrawal request.**

A. A program participant or an applicant, if different, may withdraw from Safe at Home by submitting a signed withdrawal request along with any Safe at Home cards.

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

- (1) wants to withdraw from Safe at Home; and
- (2) understands that it is the responsibility of the program participant or applicant, if different, to notify all persons of a new mailing address at which the participant can be contacted.

C. The program participant shall list the names of any minor children who are being withdrawn from the program on the withdrawal request.

D. The program participant or applicant may request mail be forwarded up to 30 days immediately following the date on which the withdrawal is effective and may provide an address to which mail should be forwarded for this period, if different than the mailing address on record. The secretary of state may only forward mail within the United States.

E. The program participant or applicant may include the date on which the participant would like the withdrawal to be effective.

Subp. 2. **Signature verification.** Before terminating a program participant's certification, the secretary of state must compare the signature of the program participant or applicant on the withdrawal request with the signature on the original application or on any other document on file with the secretary of state and conclude that the signatures are the same.

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

Subp. 4. **Mail forwarding.** Mail received at the designated address for the program participant other than mail designated "Do Not Forward," "Return Service Requested," "Service of Process," or similarly designated, must be forwarded to the program participant for 30 days after the effective date of withdrawal, unless the program participant or applicant has designated a shorter period. After 30 days mail must be returned to the sender.

Subp. 5. **Reapplication.** A program participant whose certification is withdrawn may reapply or have an applicant reapply on the program participant's behalf pursuant to part 8290.0200.

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

**History:** *34 SR 819; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

## 8290.1100 RENEWAL OF PROGRAM CERTIFICATION.

### Subpart 1. Notification of option to renew.

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

B. Along with the renewal form sent 30 days prior to expiration, the secretary of state must also offer the program participant the opportunity to register to vote as a permanent absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06, if the program participant has not already done so.

Subp. 2. **Application.** The secretary of state shall renew the certification of a program participant when the secretary of state receives a certification renewal form from that program participant or applicant, if different. The application must contain the same information required in the application as specified in part 8290.0200, subpart 1, except the renewal need not contain the signature of an application assistant.

Subp. 3. **Duties of applicant.** The program participant or applicant, if different, must provide all the information required by subpart 2 in the renewal, and date and sign the renewal.

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

Subp. 5. **Missing information.** If the completed renewal does not meet the requirements of this part, the secretary of state shall contact the program participant or applicant to obtain the missing information.

Subp. 6. **Effective date.** A properly completed renewal postmarked on or before the expiration date is effective on the day it is reviewed and certified by the secretary of state.

Subp. 7. **Duties of secretary of state and program participants.** The secretary of state must send new Safe at Home cards with updated expiration dates within three business days of renewing a program participant's certification. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for that person.

Subp. 8. **Penalties.** A person who falsely attests in a renewal or who knowingly provides false information upon making an application for renewal is subject to penalties under Minnesota Statutes, section 5.15, cancellation of program certification, or both.

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

**History:** *34 SR 819; 39 SR 392; 39 SR 1378*

**Published Electronically:** *March 30, 2015*

#### **8290.1200 EXPIRATION OF PROGRAM CERTIFICATION.**

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

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

**History:** *34 SR 819*

**Published Electronically:** *December 14, 2009*

#### **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. **Permanent absentee voter status.** A program participant who is eligible to vote may register to vote with the secretary of state as a permanent 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 a permanent absentee voter. If a program participant withdraws or is canceled from the program, the individual loses eligibility to vote through Safe at Home. In order to comply with the Help America Vote Act when registering to vote, the program participant must provide a copy of a photo identification with the combined voter registration and permanent absentee ballot request form if:

- A. it 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 already provided the secretary of state with a photocopy of photo identification.

Subp. 2a. **Review and removal from voter registration system.** Upon certification of an application, the secretary of state must suppress any record for a program participant found in the system.

When a program participant withdraws or is canceled from the program, the secretary of state must suppress any voter record for the program participant in the statewide voter registration system.

Subp. 2b. **Challenging voter records.**

A. If a program participant or applicant provides information to the secretary of state that indicates that a program participant voter is not eligible to vote, or if the secretary of state is able to determine from information provided by the commissioner of corrections, the state court administrator, or the Department of Public Safety that the program participant voter is not eligible to vote, then the secretary of state must mark the voter's record as challenged.

B. If the secretary of state is able to determine from information provided by any of the sources in item A that a program participant whose voter record was challenged has become eligible to vote, the secretary of state must remove the challenge from the program participant's voter record.

Subp. 2c. **Updates to voter records.** If a program participant or applicant submits notification in accordance with part 8290.0700 that the program participant voter has moved or the voter's name has changed, the secretary of state must update the program participant's voter record.

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 60 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. [Repealed, 39 SR 392]

Subp. 5. **Requesting absentee ballots.** The secretary of state must communicate to the appropriate election administrator of each jurisdiction the number of ballots necessary for each jurisdiction to provide ballots to program participant voters whose records are not challenged. Notwithstanding part 8210.0200, 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 ballots to each program participant whose voter record is not challenged by first class mail, accompanied by a notice of the criteria for being eligible to vote in Minnesota, absentee ballot instructions, a ballot envelope, a signature envelope, and a return envelope addressed to the secretary of state.

Subp. 6a. **Notice to challenged voters.** The secretary of state must send a notice to program participants whose voter records are challenged to explain the basis of the challenge and that the program participant will not be provided with a ballot unless the program participant returns a signed statement swearing or affirming that the program participant is eligible to vote. If the program participant returns the signed statement, the secretary of state must remove the challenge from the program participant's voter record, request a ballot for the program participant, and forward it to the program participant by first class mail.

Subp. 7. **Return of unvoted ballots.** The secretary of state must return unvoted absentee ballots to the appropriate county auditor in cases in which:

- A. they are returned by the United States Postal Service; or
- B. the program participant is canceled or withdraws from the program after the ballots were requested, but before they were mailed; or
- C. the program participant's residential address is updated on the program participant's voting record in accordance with subpart 2c after the ballots were requested, but before they were mailed; or

D. the program participant's voter eligibility is challenged in accordance with subpart 2b after the ballots were requested, but before they were mailed; or

E. the program participant dies after the ballots were requested, but before they were mailed.

Subp. 8. **Ballot handling.**

A. Notwithstanding part 8210.0500, program participants must submit their return envelopes to the secretary of state.

B. If the program participant submits a signature envelope, the secretary of state must review the signature envelope and the program participant voter's record to determine whether the secretary of state is satisfied that:

(1) the individual has not withdrawn or been canceled from Safe at Home;

(2) the program participant's voter record is not challenged;

(3) the program participant's name and identification number or signature on the signature envelope appear in substantially the same form as on the absentee ballot request form described in subpart 2; and

(4) the certificate on the signature envelope is properly executed.

C. The secretary of state must remove the ballot envelope from the signature envelope received from the program participant and transfer the ballot envelope to an 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, and whether or not all of the following are true:

(1) the individual is an active program participant;

(2) the program participant's voter record is not challenged;

(3) the secretary of state is satisfied that the program participant's name and identification number or signature on the signature envelope appear in substantially the same form as on the permanent absentee ballot request form described in subpart 2; and

(4) whether the certificate on the signature envelope is properly executed. The secretary of state must then forward these materials to the county auditor by first class mail.

Subp. 9. **County auditor to forward ballot.** The county auditor shall forward the envelope bearing the verification certificate to the appropriate absentee ballot board.

Subp. 10. **Receipt and counting of ballots.** The absentee ballot board 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 met the requirements of this part or if the secretary has subsequently notified the county auditor that the ballot should be rejected, in accordance with subpart 10e. If the absentee ballot board accepts the ballot, the election judges 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 as any other registered absentee ballot for statistical purposes.

Subp. 10a. **Replacement ballots.** If the secretary of state forwards a certification envelope to a county auditor at least five days before the election that indicates that the ballot should be rejected because of reasons identified in subpart 8, item C, subitem (3) or (4), the secretary of state must request a replacement

ballot from the county auditor for the program participant. The county auditor must promptly fulfill this request and the secretary of state must forward it to the program participant by first class mail.

Subp. 10b. **Notice of rejected ballot.** If within five days before the election the secretary of state forwards a certification envelope to a county auditor that indicates that the ballot should be rejected because of reasons identified in subpart 8, item C, subitem (3) or (4), the secretary of state must attempt to contact the program participant by telephone to notify the program participant that the ballot will be rejected.

Subp. 10c. **Notice to canceled or withdrawn program participants who were sent ballots.** If, after a ballot was sent to a program participant for an upcoming election, the program participant withdraws or is canceled from the program, the secretary of state must inform the former program participant that the former program participant is no longer eligible to vote through Safe at Home. If the program participant was canceled from the program due to mail returned as undeliverable, the secretary of state is exempt from the requirement to provide the former program participant with the written notice required by this subpart or any other written notice required by this part.

Subp. 10d. **Challenges after ballots were sent.**

A. If, after a ballot was sent to a program participant for an upcoming election, the program participant's voter record is challenged in accordance with subpart 2b, the secretary of state must notify the program participant in writing that the ballot will not be counted unless the program participant returns a signed statement swearing or affirming that the program participant is eligible to vote.

B. If the challenged program participant returns the signed statement swearing or affirming that the program participant is eligible to vote, the secretary of state must remove the challenge from the program participant's voter record and process any returned ballot in accordance with subpart 8.

C. If the secretary of state has already forwarded the challenged program participant's ballot to the county auditor when the secretary of state receives a signed statement swearing or affirming that the program participant is eligible to vote and the verification certificate indicates that the ballot should be rejected, the secretary of state must provide the county auditor with a replacement verification certificate. The absentee ballot board must review the replacement verification certificate to determine whether the program participant's ballot should be accepted.

Subp. 10e. **Participant moved after ballots were sent.** If, prior to the time frame for processing ballots in accordance with Minnesota Statutes, section 203B.121, subdivision 4, a program participant's residential address is updated on the program participant's voting record in accordance with subpart 2c, then the secretary of state must mark the voter's record of the ballot as "spoiled."

If the secretary of state has not received the voted ballot from the program participant, the secretary of state must notify the program participant that the program participant should destroy the ballot and dispose of the other ballot materials and that the ballot will not be counted if it is returned.

If the program participant's ballot was forwarded to the county auditor and otherwise would have been accepted, then the secretary of state must promptly notify the county auditor in writing that the ballot board should reject the ballot.

The secretary of state must request a replacement ballot for the voter from the appropriate county auditor. Before sending the new ballot to the participant, the secretary of state must print the words "Replacement Ballot" on the signature envelope.

Subp. 10f. **Ineligibility after ballot is forwarded to county.** If, after a ballot was forwarded to the county auditor that otherwise would have been accepted,



- A. a program participant withdraws or is canceled from the program; or
- B. the program participant's voter record is challenged in accordance with subpart 2b; or
- C. the program participant dies,

then the secretary of state must promptly notify the county auditor in writing that the ballot board should reject the ballot if the ballot board has not already processed the ballot in accordance with Minnesota Statutes, section 203B.121, subdivision 4.

Subp. 10g. **Notice of ballot disposition.** Within six to ten weeks after the election, the secretary of state must send a notice to a program participant if the absentee ballot board was instructed to reject the program participant's ballot.

Subp. 11. **Review and determination by secretary of state.** By March 31 of each year, the secretary of state must determine whether any program participants 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 permanent absentee voter status.** The secretary of state must revoke the program participant's permanent absentee voter 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 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 participants, unvoted ballots returned to the county auditors, ballot envelopes returned by program participants to the secretary of state, and certification envelopes forwarded to county auditors.

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 participants 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; 39 SR 392; 39 SR 1378*

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## **8290.1400 SUMMARY DATA.**

For purposes of collecting state aid on motor vehicles pursuant to Minnesota Statutes, section 163.051, the secretary of state shall issue to the Department of Public Safety and to the Minnesota Department of Transportation a table containing summary data by county on the number of motor vehicles reported as registered at the program participant's designated address by program participants. The table must be used only for the purposes of issuing state aid on motor vehicles and wheelage tax administration.

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

**History:** *34 SR 819; 39 SR 1378*

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### 8290.1500 APPLICATION ASSISTANT ACCREDITATION.

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

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

A. the prospective application assistant:

(1) completes an application that includes the prospective application assistant's name, business mailing address, business telephone number, and business e-mail address, if available; the community-based program at which the application assistant is employed and a contact name for the community-based program; a statement that the application assistant provides direct advocacy services to victims as a substantial part of the application assistant's current job duties; an agreement to adhere to the instructions and terms provided in the application assistant agreement; and an agreement not to discriminate against any applicant or program participant because of race, creed, religion, color, national origin, gender, marital status, sexual orientation, status with regard to public assistance, age, or mental, physical, or sensory disability;

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

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

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

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

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

Subp. 5. **Termination.** An application assistant's accreditation may be terminated by the secretary of state for failing to abide by any requirement in this chapter or for failing to act in accordance with requirements of the secretary of state. An application assistant's accreditation must be terminated if the application assistant is no longer employed by the community-based organization with which the person applied.

Subp. 6. **Employment with another community-based organization.** If an application assistant changes employment, leaving employment at one community-based organization and gaining employment at another, the application assistant may apply to become accredited again after the new community-based organization confirms the person is an employee and agrees to designate a contact for the community-based program. The new organization must have a person authorized to act on behalf of the organization execute a new application. The secretary of state will determine what training, if any, is necessary to fully renew the application assistant's accreditation status.

Subp. 7. **Access to application assistants.** The secretary of state shall make available a list of the names and telephone numbers of community-based programs at which accredited application assistants may be found.

Subp. 8. **Records.** An application assistant shall forward the completed application materials required by this chapter to the secretary of state. If the applicant so directs, an application assistant may mail any optional notices that are generated as a part of the application process to the appropriate party. Any remaining application materials must be given to the applicant or securely disposed of by the application assistant.

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

**History:** *34 SR 819; 39 SR 1378*

**Published Electronically:** *March 30, 2015*