

Office of the Secretary of State**Proposed Permanent Rules Relating to Election-Related Safe at Home Program Provisions****8290.0200 APPLICATION.**

[For text of subps 1 to 8, see M.R.]

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 ~~an ongoing~~ 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.

[For text of subp 10, see M.R.]

8290.1100 RENEWAL OF PROGRAM CERTIFICATION.

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

[For text of item A, see M.R.]

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 ~~an ongoing~~ 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.

[For text of subps 2 to 8, see M.R.]

8290.1300 VOTING BY PROGRAM PARTICIPANT.

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

Subp. 2. **Permanent absentee ~~ballot-recipient~~ voter status.** A program participant who is eligible to vote may register to vote with the secretary of state as ~~an ongoing~~ 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 an ongoing 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 unsuppress 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 45 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. [See repealer.]

Subp. 5. **Requesting absentee ballot request form ballots.** 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 to provide ballots to program participant voters whose records are not challenged. Notwithstanding parts part 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 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 seereey 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 undeliverable ballots.** If the absentee ballot of any program participant is ~~declared~~ returned as 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, part 8210.0500, and 8210.0700,~~ program ~~participant voters~~ participants must submit their return ~~ballot~~ envelopes to the secretary of state.

B. If the program participant ~~voter~~ submits a ~~return ballot~~ signature envelope, the secretary of state must review the ~~original return~~ 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 voter's~~ participant's name and identification number or signature on the ~~original return~~ signature envelope appear in substantially the same form as on the absentee ballot request form described in subpart ~~5 2;~~ and

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

C. The secretary of state must remove the ~~secrecy~~ ballot envelope from the ~~return~~ signature envelope received from the program participant ~~voter~~ and transfer the ~~secrecy~~ ballot envelope to a ~~blank, unused return~~ 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 ~~voter,~~ 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 voter's~~ participant's name and identification number or signature on the ~~return~~ signature envelope

appear in substantially the same form as on the permanent absentee ballot request form described in subpart ~~5~~, 2; and

(4) whether the certificate on the ~~return~~ 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 ~~substituted return~~ envelope bearing the verification certificate to the ~~municipal or school district clerk~~ appropriate absentee ballot board.

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~~ 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 ~~voter~~ 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 ~~election judges accept~~ absentee ballot board accepts the ballot, ~~they~~ 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 ~~in the polling place~~ 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. **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. 10f. **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 ~~participant voters~~ 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 ~~ongoing permanent absentee ballot voter~~ status.** The secretary of state must revoke the program ~~participant voter's ongoing ballot~~ 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 ~~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~~ participants, ballots returned as undeliverable, ballot envelopes returned by program ~~participant voters~~ participants to the secretary of state, and ~~substituted return envelopes created by the secretary of state~~ 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 ~~participant voters~~ participants during the period of two calendar years ending on December 31 preceding the report date.

REPEALER. Minnesota Rules, parts 8290.0100, subpart 17; and 8290.1300, subpart 4, are repealed.