

Secretary of State**Proposed Permanent Rules Governing General Safe at Home Program Provisions****8290.0100 DEFINITIONS.**

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

Subp. 2. **Actual address.** "Actual address" means a Minnesota residential street address in Minnesota of an individual, as specified on the individual's application to be a program participant under this chapter. It also means a school or work address of that individual, if specified on the application, 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.

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

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, ~~and that supervision has residency-related conditions~~ or offense.

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

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 ~~(7)~~ (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 ~~actual~~ 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 ~~actual~~ residential address, in which case it means ~~another address designated by the program participant~~ a post office box serviced by the United States Postal Service.

[For text of subps 15 to 22, see M.R.]

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:

[For text of items A and B, see M.R.]

C. a listing of all minor children residing at the ~~actual~~ 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 ~~applicant fears for the eligible person's safety~~ 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;

[For text of items E to H, see M.R.]

I. the number of motor vehicles ~~owned by~~ that will be registered at the eligible persons for whom the applicant is applying person's designated address;

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

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;

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

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;

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

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

[For text of subps 2 to 4, see M.R.]

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.

[For text of subps 6 to 10, see M.R.]

8290.0300 CERTIFICATION OF PROGRAM PARTICIPANT.

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

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

Subp. 3. **Duties of secretary of state and program participant.** Upon certification, the secretary of state shall, within ~~two~~ 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 ~~by telephone or electronic mail~~ 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 ~~within five business days after the secretary of state mails notice of the certification to the program participant~~ shall lead to cancellation pursuant to part 8290.0900.

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

8290.0400 DESIGNATED ADDRESS.

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

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 ~~statement that the participant understands that the participant is personally responsible for any consequences of the delay in mail delivery, and~~ 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.**

[For text of items A and B, see M.R.]

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.

[For text of items D and E, see M.R.]

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

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, ~~a unique identifying service number for the mailing,~~ and whether the mailing was returned to the secretary of state as undeliverable.

8290.0600 ATTAINING AGE OF MAJORITY.

Subpart 1. ~~Certification continued~~ **Notification of option to continue certification.**
When a program participant reaches the age of 18, ~~certification shall not be terminated until the expiration date, unless the certification is canceled or withdrawn before that date~~ 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.

[For text of subps 2 to 4, see M.R.]

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.

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

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.

[For text of subp 5, see M.R.]

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, or if;

C. the program participant has not complied with part ~~8290.0300~~ 8290.0200, subpart 5, ~~within five business days after~~ 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;
~~then~~ the secretary of state must contact the program participant or applicant, if different, to request that the program participant or applicant ~~provide the secretary of state written notice of a change of address, or, where applicable,~~ comply with part ~~8290.0300, subpart 5, and~~ 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 ~~five~~ 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 or applicant fails to provide the secretary of state with an updated address, or to comply with part 8290.0300, subpart 5, within five business days after the written notice is sent, 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.

[For text of subps 3 and 4, see M.R.]

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 or ~~a signed statement that the participant's Safe at Home card has been misplaced.~~

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

~~C. If the program participant is responsible for minor children who are program participants, 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 ~~designate a period during which~~ request mail will be forwarded of 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.

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

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 ~~different~~ 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.

[For text of subp 5, see M.R.]

8290.1100 RENEWAL OF PROGRAM CERTIFICATION.

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

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.

~~A. the full legal name and date of birth of the program participant;~~

~~B. the name and contact data of the applicant, if different;~~

~~C. a listing of any 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 program participant or applicant that the program participant or applicant has good reason to believe that the eligible person is not applying for renewed certification as a program participant in order to avoid prosecution for a crime and either:~~

~~(1) that the eligible person listed on the renewal has survived domestic violence, sexual assault, or stalking; or~~

~~(2) that the program participant or 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 program participant can be contacted by the secretary of state;~~

~~G. the actual address of the eligible person that the program participant or applicant requests not be disclosed for the reason that disclosure shall increase the risk of domestic violence, sexual assault, stalking, or other risks to safety;~~

~~H. an indication that the program participant shall not disclose the 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 eligible person agrees to provide the actual address, upon request, to any supervising person if the eligible person is or becomes subject to criminal justice system management;~~

~~K. a statement that the applicant understands that a program participant's voting record cannot be active in the statewide voter registration system;~~

~~L. 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; and~~

~~M. the signature of the program participant or applicant, if different, and the date signed.~~

[For text of subps 3 to 6, see M.R.]

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 ~~two~~ 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.

[For text of subp 8, see M.R.]

8290.1300 VOTING BY PROGRAM PARTICIPANT.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Return of undeliverable unvoted ballots.** ~~If the absentee ballot of any program participant is returned as undeliverable by the United States Postal Service, The secretary of state must return those materials~~ 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.

[For text of subps 8 to 10d, see M.R.]

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. ~~10e~~ 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. ~~10f~~ 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.

[For text of subps 11 and 12, see M.R.]

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, ~~ballots returned as undeliverable~~ 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.

[For text of subp 14, see M.R.]

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 ~~owned~~ registered at the program

participant's designated address by program participants ~~residing in each county~~. The table must be used only for the purposes of issuing state aid on motor vehicles and wheelage tax administration.

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 ~~the~~ a program participant's responsibilities, and assist applicants in the completion of application materials.

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