

Secretary of State**Proposed Permanent Rules Relating to Elections Administration and the Presidential Nomination Primary****8200.1100 PRINTING SPECIFICATIONS.**

Subpart 1. **Applications returned by mail.** Voter registration applications printed for the purpose of distribution and mailing may be printed pursuant to items A to D.

[For text of items A to D, see M.R.]

~~E. County auditors may consume the existing stock of voter registration applications on hand as of January 1, 2008, through the 2008 general election and on election days thereafter.~~

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

8200.7200 COUNTY ATTORNEY REPORT.

Subpart 1. **Report.** By October 1, county attorneys shall report the outcome of any charging decision based on an investigation of alleged violations of voter registration or voting laws from the previous calendar year to the secretary of state within ten days of the determination. The report must contain either the name or initials of the individual under investigation, a brief description of the allegation, the voting precinct if applicable, and the outcome of the charging decision. If the county has not completed all investigations of alleged violations of voter registration or voting laws by October 1, the county attorney must provide a summary of any pending investigations of alleged violations of voter registration or voting laws that have not reached a charging decision.

Subp. 2. **Data classification.** Pursuant to Minnesota Statutes, section 13.03, subdivision 4, the data provided to the secretary of state by a county attorney maintains the same data classification as the data maintained at the entity providing the data.

8200.9939 FORM OF OATH, SPECIFIED BY PART 8200.5100.

Use this form only if you are registering to vote with a voucher as your proof of residence.

I, _____ (Name of Voucher) swear or affirm that (Check one):

I am pre-registered to vote in this precinct

Voter ID # _____

(to be completed by the election judge)

I registered in this precinct today and did not have another person vouch for me

I am an employee of a residential facility

(Name of residential facility)

Residential Address of Voucher or Address of Residential Facility

Street Address City

Telephone number _____

E-mail address (optional) _____

I personally know that _____
(Name of person registering)

is a resident of this precinct.

Signature of Voucher

Election Judge Official Use Only:

Subscribed and sworn to before me

____ / ____ / ____
Date

Signature of Election Judge

The above oath shall be attached to the voter registration card and retained for at least 22 months.

8205.1050 VERIFYING PETITIONS.

Subpart 1. **Applicability.** This part does not apply to proposed recall and recall petitions. The verification processes for proposed recall and recall petitions are located in parts 8205.2010 and 8205.2120. This part does not apply to statewide Major Political Party Recognition Petitions or statewide Minor Political Party Recognition Petitions. The verification processes for Major Political Party Recognition Petitions and Minor Political Party Recognition Petitions are located in parts 8205.3000, ~~8205.3100~~, and 8205.3200, ~~and 8205.3300~~.

[For text of subps 2 and 3, see M.R.]

8210.0710 FORMAT AND INSTRUCTIONS FOR ABSENTEE BALLOT RETURN ENVELOPES.

Subpart 1. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

Subp. 2. **Form.** Absentee ballot return envelopes must be printed according to the following specifications:

~~A. The envelope must be no smaller than 10-3/8 inches by 4-1/2 inches.~~

~~B.~~ A. Envelopes prepared with the certificates prepared according to part 8210.0600 must be white in color with black ink. Envelopes with certificates prepared according to part 8210.0800 must be white in color with Pantone 194 U red ink or darker used for all printing.

~~C.~~ B. The following must be printed at the bottom of the envelope on the same side as the voter's certificate:

For Official Use Only

() Accepted () Rejected (reason:) _____

[For text of subps 3 to 8, see M.R.]

8210.2900 VOTING BY ABSENTEE BALLOT IN A HEALTH CARE FACILITY OR HOSPITAL.

A voter in a health care facility or hospital who receives an absentee ballot in person from an election judge visiting the facility may request the assistance of two election judges who are not affiliated with the same political party or another person eligible to provide assistance, as provided in Minnesota Statutes, section 204C.15, subdivision 1. No person shall assist a voter in a health care facility or hospital without the consent of the voter.

PRESIDENTIAL NOMINATION PRIMARY

8215.0100 SCOPE.

Except as provided in this chapter, the presidential nomination primary must be conducted and the results canvassed and returned in the manner provided by law for the state primary.

8215.0200 BALLOTS.

Subpart 1. **Form.** Except as provided in this part, presidential nomination primary ballots must be printed in the same manner as state primary ballots as far as practicable. There must be separate ballots for the names of the candidates of each major political party.

Subp. 2. **Ballot heading.** At the top of the ballot, the words “Presidential Nomination Primary Ballot” followed directly below by “(party name) Party” must be printed.

Subp. 3. **Candidates.** The chair of each major political party must submit to the secretary of state the names of the candidates to appear on that party’s ballot. Any candidate name submitted by a chair of a major political party must:

A. be the candidate's true name or the name by which the candidate is commonly and generally known in the community; and

B. meet the requirements of Minnesota Statutes, section 204B.35.

Subp. 4. **Order of candidates' names.** If a party chair has requested that its party ballot contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted, the party must submit a phrase of no more than three words to be used on the ballot to represent this choice, and this choice must be rotated as a choice with candidate names.

8215.0300 POLLING PLACE VOTING.

Subpart 1. **Form of roster.** At the presidential nomination primary, the polling place roster must also state: "I am in general agreement with the principles of the party for whose candidate I intend to vote, and I understand that my choice of a party's ballot will be public information." This statement must appear separately from the statement certification included in part 8200.9115, subpart 1.

Subp. 2. **Recording of political party.** The election judge must instruct each voter to read the statement required by Minnesota Statutes, section 204C.10, paragraph (b), on the presidential nomination primary polling place roster. After the voter has read the statement, the election judge must ask the voter the name of the major political party whose ballot the voter is requesting. The polling place roster must include a place for the voter to indicate the voter's party choice. The election judge or voter must record in the polling place roster or electronic roster the name of the major political party whose ballot the voter requested. After the voter's major political party choice has been recorded, the election judge shall instruct the voter to sign the polling place roster. The county auditor must include the major political party choice recorded on the roster when posting voting history for every person who voted in the presidential nomination primary in the statewide registration system.

Subp. 3. **Refusal to indicate a major political party.** If a voter refuses to request the ballot of a single major political party, the election judge may refer the voter to instruction posters prepared for the presidential nomination primary by the secretary of state pursuant to Minnesota Statutes, section 204B.27. A voter who refuses to indicate a major political party must not be allowed to sign the polling place roster or cast a ballot.

Subp. 4. **Voter receipts.** A voter's receipt must identify the major political party choice of the voter but may not distinguish the voter's major political party choice by color, shape, or size.

8215.0400 ABSENTEE VOTING.

Subpart 1. **Scope.** Except as provided in this part, absentee voting for the presidential nomination primary must be conducted in the manner provided by chapter 8210 and Minnesota Statutes, chapter 203B, for the state primary.

Subp. 2. **Application form.**

A. The absentee application form prepared by the secretary of state for the presidential nomination primary must:

(1) contain the following heading "For Presidential Nomination Primary Use Only;"

(2) provide a place for the voter to indicate which major political party ballot the voter is requesting; and

(3) contain the following instruction: "A presidential nomination primary ballot cannot be sent to you unless you indicate on this application which major political party ballot you wish to receive. You may receive the ballot of only one major political party."

B. The absentee ballot oath must also contain the following statement: “I am in general agreement with the principles of the party for whose candidate I intend to vote, and I understand that my choice of a party's ballot will be public information.”

Subp. 3. **Receipt of application.** Upon receipt of an absentee ballot application for the presidential nomination primary meeting the requirements of subpart 2, the county auditor or municipal clerk shall immediately verify that the voter has indicated the major political party whose ballot the voter is requesting. If the voter has not indicated a major political party choice, the application must be returned to the voter. A presidential nomination primary absentee ballot must not be transmitted to any voter who has not indicated which major political party’s ballot the voter has requested to receive.

Subp. 4. **Uniformed and overseas citizens.** For voters with a current Federal Post Card Application or other absentee application pursuant to the Uniformed Overseas Citizens Absentee Voting Act, United States Code, title 52, sections 20301 to 20310, which does not contain the voter’s major political party choice, the county auditor must contact the voter by electronic mail, United States mail, or phone between 63 and 48 days before the presidential nomination primary and attempt to collect the voter’s political party choice for purposes of the presidential nomination primary. A voter must not be sent a presidential nomination primary ballot until the voter has communicated a party choice by electronic mail, United States mail, or phone.

Subp. 5. **Receipt of Federal Write-in Absentee Ballots.**

A. If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application containing the voter’s major political party choice was received, the county auditor must accept or reject the ballot in accordance with Minnesota Statutes, section 203B.24.

B. If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application containing the voter’s major political party choice was not received, and

a major party candidate or major party write-in candidate can be ascertained, and the voter has not already voted, the county auditor must accept the Federal Write-in Absentee Ballot.

C. If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application containing the voter's major political party choice was not received, and a major party candidate or major party write-in candidate cannot be ascertained, or the voter has already voted, the county auditor must reject the ballot.

Subp. 6. **Using the registration system.** Upon accepting an application for the presidential nomination primary, the county auditor or municipal clerk shall record in the statewide voter registration system the voter's name, date of birth, address of residence in Minnesota, mailing address, Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security number, if provided by the voter, and the voter's major political party choice. When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted in the statewide registration system.

Subp. 7. **Change of major party choice.** Until the close of business on the seventh day before the election, a voter may change the voter's choice of which major political party ballot the voter wishes to receive by spoiling the voter's ballot and submitting an application indicating the major political party ballot the voter is requesting. An absentee ballot cast under the alternative procedures provided in Minnesota Statutes, section 203B.081, subdivision 3, cannot be spoiled after it has been deposited in the ballot box.

Subp. 8. **Notation on polling place roster.** When marking rosters to indicate that a voter has already cast a presidential nomination primary ballot pursuant to Minnesota Statutes, section 203B.121, subdivision 3, paragraph (b), the voter's major political party choice must be recorded on the polling place roster at the same time.

Subp. 9. **Instructions for voters.** In addition to instructions provided in part 8210.0500, the following instruction must be included in instruction "1 Vote!": "The party ballot you

received is based on the party you selected on the application form. You may receive the ballot of only one major political party. If you received the incorrect ballot, contact your election office at (e-mail) or (phone number)."

8215.0500 MAIL BALLOTING.

Subpart 1. **Scope.** Except as provided in this part, a precinct authorized under Minnesota Statutes, section 204B.45, to provide balloting by mail must conduct the presidential nomination primary in the same manner as the state primary as provided in chapter 8210 and Minnesota Statutes, section 204B.45.

Subp. 2. **Mailing ballots.** The county auditor shall mail the ballots of each major political party to applicable registered voters. A voter may return only one major party ballot. The mail voter's certificate on the return envelope must provide a place for the voter to indicate the major political party whose ballot the voter has enclosed in the secrecy envelope.

Subp. 3. **Form of instructions to mail voters.** Notwithstanding part 8210.3000, subpart 4a, the form of instructions to mail voters to be used in a presidential nomination primary must substitute the following instructions:

How to vote by mail ballot

You will need:

- Ballot*
- Tan ballot envelope*
- White signature envelope*
- Pen with black ink
- Witness

Anyone registered to vote in Minnesota,
including your spouse or relative,

or a notary public,

or a person with the authority to administer oaths

*If any of these items are missing, please contact your local election official.

1 Vote!

- Choose the ballot of the party that you are in general agreement with the principles of.
- Show your witness that party's blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on your ballot.
- Do not vote for more than one candidate. If you do, your vote will not count.
- Do not vote the ballot of more than one party. Only return one ballot.
- Destroy and discard the extra blank ballot. You can destroy the ballot by shredding or tearing the extra ballot in half. Do not return the extra ballot.

See the other side if you make a mistake on your ballot.

2 Seal only one voted ballot in the tan ballot envelope

- Do not write on this envelope.

3 Put the tan ballot envelope into the white signature envelope

4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- In the oath, print the name of the political party ballot that you chose. If you do not print a party name, your vote will not count. If you return a different ballot than you indicate in the oath, your vote will not count.
- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a PO Box), and sign their name.

If your witness is an official or notary, they must print their title instead of an address.

Notaries must also affix their stamp.

- Seal the envelope.

5 Return your ballot by Election Day to the address on the signature envelope

You have three options:

- Send it so it arrives by Election Day, using United States mail or a package delivery service,
- Deliver it in person by 8:00 p.m. on Election Day, or
- Ask someone to deliver it by 8:00 p.m. on Election Day.

This person cannot deliver more than 3 ballots.

If you have questions, please call (...) ...-.... .

See other side for special instructions if you have a disability

Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

If you have a disability:

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)

- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Subp. 4. **Additional instructions for mail voters where an additional mailing envelope is used.** In those precincts where an additional white return envelope is used to protect from view the information contained on the signature envelope, the list under “You will need” in subpart 3 must also include:

- Large white return envelope*

A new instruction 5 must be inserted and subsequent instructions renumbered. The new instruction 5 must read:

5 Put the signature envelope into the large white return envelope to protect your information from view

The heading of renumbered instruction 6 must now read:

6 Return your ballot by Election Day to the address on the return envelope

Subp. 5. **Form of mail voter's certificate.** Notwithstanding part 8210.3000, subpart 4b, the form of the mail voter’s signature certificate to be used in a presidential nomination primary must be as follows:

Signature Envelope

Voter must complete this section

please print clearly

Voter name

Voter MN Address

MN

I certify that on Election Day I will meet all the legal requirements to vote. I am in general agreement with the principles of the _____ Party, and I understand that my choice of a party's ballot will be public information.

Voter Signature X

Witness must complete this section

Witness name

MN street address

(or title, if an official or notary)

Street Address

MN

City

I certify that:

- the voter showed me the blank ballot before voting;
- the voter marked the ballot in secrecy or, if physically unable to mark the ballot, the ballot was marked as directed by the voter;
- the voter enclosed and sealed the ballot in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or I am a notary, or I am authorized to give oaths.

Witness Signature X

If notary, must affix stamp

Subp. 6. Checklist for mail voters. Jurisdictions choosing to use an additional white return envelope to protect from view the information contained on the signature envelope must have the following words printed on the exterior of the white return envelope:

"Have you . . .

- Included only your voted ballot and destroyed the ballot you did not vote?
- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in the white signature envelope?
- Filled out the white signature envelope completely and signed it?
- Asked your witness to complete their section and sign their name?
- Put the white signature envelope into this envelope?

Return your ballot so it is received by Election Day."

Subp. 7. **Change of major party choice.** Until the close of business on the seventh day before the election, a voter may change the voter's choice of which major political party ballot the voter requested by spoiling the voter's ballot and requesting that the county transmit to the voter replacement ballots.

Subp. 8. **Receiving and counting ballots.** The ballot board must examine the mail voter's certificate to verify the voter has indicated the major political party whose ballot the voter has enclosed in the secrecy envelope, record that party in the statewide voter registration system, and sort the ballots by political party. If a major political party was not indicated, or more than one party was indicated, the ballot board must reject the ballot. If a voter voted on and returned a major political party ballot different than the major political party that the voter indicated on the voter's certificate, or if the voter voted on and returned more than one major political party ballot, the ballot board must spoil and must not count the ballot or ballots.

8215.0600 ELECTION JUDGE TRAINING.

Subpart 1. **Election judge training.** To serve as an election judge in a presidential nomination primary, an individual must meet the requirements of part 8240.1300 and within 60 days of the presidential nomination primary successfully complete a one-hour training course that includes content on presidential primary procedures.

Subp. 2. **Head election judge training.** To serve as a head election judge in a presidential nomination primary, an individual must meet the requirements of part 8240.1350 and within 60 days of the presidential nomination primary successfully complete a one-hour training course that includes content on presidential nomination primary procedures.

Subp. 3. **Health care facility absentee voting training.** To serve as a health care facility election judge in a presidential nomination primary, an individual must meet the requirements of part 8240.1400 and within 60 days of the presidential nomination primary successfully complete a one-hour training course that includes content on presidential nomination primary procedures.

8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

Subpart 1. **Requirement.** Trainee election judges appointed under Minnesota Statutes, section 204B.19, must meet the requirements of this part.

Subp. 2. **Training.** A trainee election judge must successfully complete the basic election judge training course as defined in part ~~8240.1650~~ 8240.1600 before serving in a special, primary, or general election.

[For text of subps 3 to 5, see M.R.]

Subp. 6. **Number of trainee election judges allowed per precinct.** No more than one-third of the election judges at a precinct may be trainees. ~~The appointment of trainee election judges may count toward meeting the minimum number of election judges required by Minnesota Statutes, section 204B.22.~~

8240.2700 MUNICIPAL CLERK TRAINING REQUIREMENT.

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

Subp. 5. **Training content.** An election administration training course for municipal clerks must include training on:

- A. candidate filings;
- B. campaign practices;
- C. campaign finance requirements;
- D. the election calendar;
- E. ballot preparation;
- F. election judge recruitment and duties;
- G. notice requirements;
- H. voting systems, if used in the municipality;
- I. mail elections;
- J. absentee voting; ~~and~~
- K. security practices; and
- ~~K.~~ L. post-election duties.

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

8240.2800 SCHOOL DISTRICT CLERK TRAINING REQUIREMENT.

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

Subp. 5. **Training content.** An election administration training course for school district clerks must include training on:

- A. candidate filings;
- B. campaign practices;
- C. campaign finance requirements;
- D. the election calendar;

- E. ballot preparation;
- F. election judge duties;
- G. notice requirement;
- H. voting systems, if used in the school district;
- I. mail elections;
- J. absentee voting; ~~and~~
- K. security practices; and
- ~~K.~~ L. post-election duties.

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

8240.2900 COUNTY AUDITOR ELECTION ADMINISTRATION CERTIFICATION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Training content.** An election administration training course for county auditors must include training on:

- A. the voter registration system;
- B. candidate filings;
- C. campaign practices;
- D. campaign finance requirements;
- E. the election calendar;
- F. ballot preparation;
- G. election judge recruitment and duties;

- H. mail elections;
- I. absentee voting;
- J. the election night reporting system;
- K. security practices;
- ~~K. L.~~ post-election duties; and
- ~~L. M.~~ the duties performed by municipal and school district clerks.

[For text of subps 5 to 9, see M.R.]

8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.

[For text of subps 1 to 15, see M.R.]

Subp. 16. **Order and form of special election ballot.** The names of candidates to fill vacancies at a special election for county ~~and~~₂ municipal, and school district offices must be listed under the heading "Special election for (name of office)," followed by "To fill vacancy in term expiring (date)" with the name of the office, the date of expiration of the term, and any other information necessary to distinguish the office. For state offices, immediately following the title of the office shall be printed "To fill vacancy in term expiring (date)." Vacant offices being filled by special election must be listed with other offices of that type but after any offices for which a candidate will be elected for a full term, except as required by Minnesota Statutes, section 204D.25, subdivision 1.

[For text of subps 17 and 18, see M.R.]