

State Register

STATE OF
MINNESOTA



Pages 773-800

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HIGHLIGHTS:

Public Use of State Parks and Campgrounds

—Proposed Rules from the Department of Natural Resources

Voter Registration and Preparation of the White Ballot

—Proposed Rules from the Office of the Secretary of State

Transfer of Campaign Funds

—Outside Opinion Sought by the Ethical Practices Board

Reporting Lobbying Expenses

—Request for Advisory Opinion from the Ethical Practices Board

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PROPOSED RULES

Department of Natural Resources Public Use of State Parks, Recreational Areas, Historic Sites and Forest Campgrounds

Notice of Hearing

Please take notice that hearings on the above entitled matter will be held at the following times and places.

December 6, 1977, St. Paul, MN., Room 83 of the State Office Building which is in the Capitol complex, beginning at 9:30 a.m.

December 8, 1977, Grand Rapids, MN., at Davies Theatre, which is in Davies Hall at Itasca Community College, beginning at 9:30 a.m.

All interested persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearings. In addition, written materials may be submitted to hearing examiner Howard Kaibel at the Office of Hearing Examiners, 1745 University Ave., St. Paul, MN 55104, either before the hearing or within five (5) days after the hearing. The hearing will be conducted as described in Minn. Stat. § 15.0412 and in Minnesota Rules HE 101-109.

The proposed rules are complete revisions of the existing rules, amending the existing rules by replacement. Both revised rules are being considered at the same hearing because their subject matter is quite similar, and they are worded identically as much as possible.

The rules contain regulations which apply to persons using the units of the state's outdoor recreation system listed in the caption of this notice. Violation of the regulations is a misdemeanor. Subjects covered are:

- opening and closing times
- personal behavior, noise, alcohol and drugs
- hunting, possession of weapons
- gathering plants, flowers, berries, wood

- fires, trash disposal
- pets
- use of campsites
- boating, fishing, swimming
- use of horses, bicycles, snowmobiles, aircraft, automobiles, and other motorized vehicles
- peddling and soliciting

A free copy of the proposed rules may be obtained by writing to the Department of Natural Resources, Division of Parks and Recreation, Centennial Building, Saint Paul, Minnesota 55155. Additional copies will be available at the hearings. A "statement of need" explaining why the agency feels the proposed rules are necessary, and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Office of Hearing Examiners twenty-five (25) days before the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five (5) days after he commences lobbying. Lobbying includes attempting to influence rule-making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, phone: (612) 296-5615.

William B. Nye
Commissioner

Rules as Proposed

NR 10 Public use of state forest campgrounds and day use areas.

A. Authority and scope.

1. These rules apply to those state forest campgrounds and state forest day use areas which are under the control of or operated by the Commissioner of Natural Resources.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

3. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03, 89.031, and 89.21.

B. Penalty.

Any person who shall violate any of these rules is guilty of a misdemeanor and subject to immediate removal from the park and/or appropriate legal action.

C. Definitions.

For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

2. "Day Use Area" means a posted area to be used for day time activities such as picnic areas, swimming beaches, boat accesses and the like.

3. "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V of Minn. Stat. § 152.02, and marijuana, as defined in Minn. Stat. § 152.01, subd. 9.

4. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

5. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

6. "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

7. "Person" means any individual, partnership, corporation or association.

8. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

9. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. When open.

1. Forest Campgrounds and Day Use Areas will be open officially from the first Saturday in May through the second Sunday in September. Except for unusual circumstances such as fire emergencies and site rehabilitation, the public shall be allowed access to these areas during the entire year.

2. Day Use Areas will be open from 6:00 a.m. to 10:00 p.m.

E. Personal conduct.

1. No person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(a) Brawling, fighting, or other violent conduct directed toward another; or

(b) Offensive, obscene or abusive language or boisterous or noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds.

3. It is unlawful for any person to consume intoxicating liquors or to be intoxicated.

4. No person shall use, be in the possession of, or be under the influence of drugs unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

F. Public safety; hunting.

1. While in a forest campground or day use area, it is unlawful for any person to

(a) possess explosives of any kind;

(b) possess a firearm, including an air gun,

PROPOSED RULES

unless the firearm is unloaded both in barrel and magazine;

(c) use or display of any other type of weapon including but not limited to slingshots, switchblade knives and bow and arrows.

G. Environmental protection.

1. The forest campground and day use area environments are for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities except edible fruit, mushrooms, and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of the state forest campground or day use area as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

2. No person shall destroy, damage, deface or remove any public property, or private property belonging to another.

H. Fires and refuse.

1. It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the state forest campground or day use area or to others.

2. The Commissioner may limit or ban fires when he declares that a forest fire emergency exists. Such declaration will be posted conspicuously at the entrance of the recreational Forest Campground or Day Use Area affected.

3. Where firewood is provided, its use shall be within reasonable limits.

4. It is unlawful for any person to burn or otherwise dispose of garbage (waste, refuse, sewage, litter or trash) of any kind within a Forest Campground and Day Use Area except to dispose of the same in receptacles provided for that purpose. Such receptacles shall be used only for garbage generated at the area. Garbage is

to be removed from areas where receptacles are not provided.

5. It is unlawful to have glass containers where people swim.

I. Pets and horses.

1. Pets are permitted in state forest campgrounds and day use areas, no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

2. No person shall ride or lead or have a horse within a forest campground or day use area, except where specifically permitted by posted notice.

J. Picnicking. Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping.

1. A nominal charge per campsite per night shall be collected in certain Forest Campgrounds. The determination of camping fees shall be based upon the nature and cost of facilities provided. Campers must pay camping fee immediately upon occupying campsite.

2. Camping is permitted only in designated camping areas within the prescribed limitations for the particular camping area.

3. Each camping party must register. The senior responsible person of a camping party may register for the group giving the number therein.

4. Camping shall be limited to fourteen (14) consecutive days during each official camping season.

5. Only one individual, family or group shall occupy a single campsite. A group other than a family cannot exceed eight people.

6. At all fee camping areas the campsite must be occupied by a member of the party on the first night of the permit.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

7. Camping permits in fee campgrounds shall expire at 4:00 P.M.

8. Setting up camp between the hours of 10:00 P.M. and 6:00 A.M. is prohibited.

9. Placement of tent stakes or anchors in the ground for the erection of tents is permitted, but digging or excavating is prohibited.

10. Any group desiring to occupy more than two campsites must obtain prior approval from the Forest Officer.

11. It shall be unlawful for any person to permanently install or affix in a permanent manner any camping facility, equipment, or structure.

12. A watercraft used for shelter or sleeping which is tied on campground water frontage constitutes camping and is subject to these rules.

13. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating. Boating on waters within or adjacent to state forest campground or day use areas is permitted subject to the following conditions:

1. The operation of watercraft is subject to all state and local water and watercraft safety laws, ordinances, and rules and regulations.

2. Watercraft shall not be operated on any water which is posted prohibiting such use, or in areas designated and posted by buoys as swimming areas.

M. Fishing.

1. Fishing is permitted in the waters of or adjacent to any state forest campground or day use area. All state laws, regulations and orders of the Commissioner of Natural Resources are applicable in these waters as elsewhere.

2. No person shall clean fish and dispose of the remains except at facilities provided for such use.

N. Motor vehicle use; boats, trailers, fish houses.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within a forest campground or day use area. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas when so provided. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

4. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, or boat in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, or winter sport facility.

5. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored or abandoned. This paragraph shall not apply, however, to the temporary storage of such items by a person who remains in the immediate vicinity.

6. Any vehicle, trailer, boat, fish house, or any other equipment or material left for a period longer than thirty days shall be deemed abandoned and shall be transferred to the custody of the Commissioner of Administration for disposal pursuant to Minn. Stat. § 16.0231.

O. Protection from peddling and soliciting.

1. It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors within a Forest Campground or Day Use Area, or advertise without the prior written consent of the forest officer.

P. Suspension of rules. The Commissioner may provide exceptions to the general rules for a specific Forest Campground or Day Use Area by posting notice of such exception at said Campground or picnic area.

Q. Repeal of preceding rule NR 10. All previous rules and regulations governing Campgrounds and Day Use Areas are repealed.

NR 1 Public use of state parks, recreational areas, historic sites, and waysides.

A. Authority and scope.

1. These rules apply to those state parks, recreational areas, historic sites, and waysides which are under the control of or operated by the Commissioner of Natural Resources.

2. The purpose of these rules is to provide for public enjoyment of the same in a way that will leave them unimpaired and minimize conflicts among users.

PROPOSED RULES

3. These rules and regulations shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance and operation of these areas including, but not limited to, the Commissioner of Natural Resources, his agents, employees, those persons operating under contract with the Department of Natural Resources and law enforcement officers.

4. These rules are authorized by Minn. Stat. §§ 84.03 and 85.05.

B. Penalty. Any person who shall violate any of these rules is guilty of a misdemeanor and subject to immediate removal from the park and/or appropriate legal action.

C. Definitions. For the purpose of these rules, unless a different meaning is manifest from the context, the terms defined in this section have the meanings given them.

1. "Beach" means that part of a body of water and shore designated for swimming and sunning.

2. "Commissioner" means the Commissioner of Natural Resources, State of Minnesota, acting directly or through his authorized agents.

3. "Drug" means any drug, controlled substance, or immediate precursor found in Schedules I through V or Minn. Stat. § 152.02, and marijuana, as defined in Minn. Stat. § 152.01, subd. 9.

4. "Intoxicating liquor" means intoxicating liquor as defined in Minn. Stat. § 340.07 and intoxicating malt liquors as defined in Minn. Stat. § 340.401.

5. "Motorboat" means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors.

6. "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes and all terrain vehicles (ATV's), but not including snowmobiles.

7. "Person" means any individual, partnership, corporation or association.

8. "Shelter" means equipment used to sleep in or on, excluding sleeping bags and tents smaller than 60

square feet. Examples are tents 60 square feet or larger, trailers, pick-up campers, buses, station wagons, motor homes and boats.

9. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

10. "State Park" means all of those areas over which the Commissioner of Natural Resources has regulatory authority within the confines of any legislatively designated state park, state recreation area, or state wayside, or state historic site.

11. "Watercraft" means any contrivance used or designed for navigation on water other than (a) duck boats during the duck hunting season, (b) rice boats during the harvest season, or (c) seaplanes.

D. Park hours.

1. State parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., except trails otherwise posted, and during emergencies.

2. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in a state park unless he is a member of a registered camping party, or a registered cabin or lodge guest, except that a visitor of a registered guest may remain after 10:00 p.m. Park managers may, at their discretion, allow entry earlier than 8:00 a.m.

E. Personal conduct.

1. Within a state park, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(a) Brawling, fighting, or other violent conduct directed toward another; or

(b) Offensive, obscene or abusive language or boisterous or noisy conduct which might be reasonably expected to arouse alarm, anger or resentment in others.

2. No person shall use a public address system, amplifier or power equipment, or otherwise make loud sounds, without prior permission from the park manager.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

3. It is unlawful for any person to consume intoxicating liquors or to be intoxicated within a state park.

4. No person shall use, be in the possession of, or be under the influence of drugs within a state park unless such use, possession or influence is pursuant to and in compliance with a prescription from a licensed physician.

F. Public safety; hunting.

1. While in a state park, it is unlawful for any person to

(a) possess explosives of any kind;

(b) possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;

(c) possess a bow and arrows, unless either unstrung and completely contained in a case, or contained in the trunk of a car with the trunk door closed;

(d) use or display any other type of weapon including but not limited to slingshots, switchblade knives, and traps.

2. When hunting or trapping is authorized in a state park, the restrictions of F.1. above on firearms, bows and arrows and traps are waived to the extent necessary to allow the authorized activity.

G. Environmental protection.

1. The park environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any state property including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, geological formations, signs, or facilities except edible fruit, mushrooms, and wild animals legally taken and vegetation unavoidably damaged or destroyed by the ordinary uses of the state park as specifically permitted by these regulations. Collections for scientific and educational purposes may be made with the written consent of the Commissioner previously obtained. Damaging rock with rock-climbing equipment is forbidden.

2. No person shall destroy, damage, deface or remove any public property, or private property belonging to another, within a state park.

H. Fires and refuse.

1. It is unlawful to build a fire within a state park except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or rest area if such use does not create a hazard or danger to the state park or to others.

2. It is unlawful for any person to burn or otherwise dispose of garbage (waste, refuse, sewage, litter or trash) of any kind within a state park except to dispose of the same in receptacles provided for that purpose. Such receptacles shall be used only for garbage generated at the area. Garbage is to be removed from areas where receptacles are not provided.

I. Pets. Pets are permitted in state parks, provided no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach; or permit any dog, cat, or other pet animal to be unrestrained. Such animals shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet and shall be personally attended, and such animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

J. Picnicking. Picnicking is not permitted within state parks except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

K. Camping area.

1. Camping is permitted only at assigned sites in designated camping areas.

2. Camping shall be limited to a total period of two weeks in any one park during the period of June 15 through Labor Day provided, however, that the park manager of any state park may, in his discretion, allow camping for such longer periods as he may prescribe when conditions of nonuse so warrant.

3. Each camping party must register.

(a) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(b) Registration must be in person.

(c) The rental period must begin with the day of registration, and must be paid in full at registration. The registration may be cancelled if the site is not personally occupied the first night.

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(d) Camping permits shall expire at 4:00 p.m.

4. A campsite may be occupied by:

(a) Any group of six or less using one shelter for sleep; or by

(b) A group using more than one shelter if all members of the group are related by blood or marriage and only one shelter is occupied by couples. There may not be more than one camping party at one site.

5. It shall be unlawful in a state park for any person to install or affix in a permanent manner any camping facility, equipment, or structure.

6. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

7. A watercraft used for shelter or sleeping which is tied on park water frontage constitutes camping and is subject to these rules.

8. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it shall be unlawful to make noise at a level above that of a quiet conversation.

L. Boating. Boating on waters within or adjacent to state parks is permitted subject to the following conditions:

1. The operation of watercraft is subject to all state and local water and watercraft safety laws, ordinances, and rules and regulations.

2. Watercraft shall not be operated on any water which is posted prohibiting such use, or in areas designated and posted by buoys as swimming areas.

3. On any lake entirely within a state park, no person shall waterski or surf, or operate a watercraft in excess of 10 miles per hour, unless the lake is otherwise designated and posted.

4. No person shall dispose of garbage, refuse, sewage, or trash of any kind in any waters within the boundaries of a state park.

M. Fishing.

1. Fishing is permitted in the waters of or adjacent to any state park. All state laws, regulations and orders of the Commissioner of Natural Resources are applicable in these waters as elsewhere.

2. No person shall clean fish and dispose of the remains within a state park except at facilities provided for such use.

N. Beaches; swimming.

1. No person shall swim in a state park except at beaches designated for such use, and as directed by the lifeguard, if one is present.

2. It is unlawful on a beach:

(a) To allow any dog or other pet to enter;

(b) To possess glass containers;

(c) To use air mattresses, inner tubes and other flotation devices not approved by the Coast Guard;

(d) To use beach before sunrise or after sunset;

(e) To enter with any boat, canoe or raft;

(f) To fish;

(g) To swim beyond boundary buoy or marker;

(h) To engage in any activity which is hazardous and could cause injury to others.

(i) To use any soap, detergent or shampoo in the beach; and

(j) To change clothes except in structures designated for such use.

O. Motor vehicle permits.

1. No motor vehicle may enter a state park over 50 acres in area without a valid motor vehicle permit affixed to it, except at Fort Snelling Memorial Chapel, and on open house day.

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2. The permit shall be affixed by its own adhesive to the lower right-hand corner of the windshield. The permit is valid only for the vehicle to which it was first affixed.

3. A person obtaining a motor vehicle permit without charge because he or she is 65 years of age or older, shall affix the permit only to a vehicle owned wholly or jointly by that person. The permit is valid only when the vehicle is owned and occupied by that person.

P. Motor vehicle use.

1. Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within a state park. The operator must have a valid driver's license.

2. The motor vehicle may be operated only on designated roads and parking areas, and may be parked only in designated parking areas. It may not be driven on roads which are posted, chained or gated prohibiting motor vehicles.

3. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner.

Q. Snowmobiles.

1. No person shall operate a snowmobile in a state park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the park manager.

2. The operation of snowmobiles is subject to all laws of the State of Minnesota and all rules and regulation promulgated by the Commissioner of Natural Resources.

3. No snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

R. Non-motorized use of park.

1. People on foot may go anywhere in the park that is not posted otherwise.

2. No person shall ride or lead or have a horse within a state park except on trails and areas designated for such use.

3. People riding bicycles may go where motor vehicles are allowed, and on trails and areas designated for such use.

S. Restricted areas. It shall be unlawful to enter by any means a posted restricted area.

T. Air craft. It is unlawful for any person to land any aircraft on lands or waters within the boundaries of any state park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operations, or in conducting or assisting in the conduct of official business of the United States of America, the State of Minnesota, or the county in which the park is located.

U. Protection from peddling and soliciting. It is unlawful for any person to engage in or solicit business of any nature whatsoever from park visitors within a state park, except for authorized concessions.

V. Suspension of rules. The Commissioner may provide exceptions to the general rules for a specific state park by posting notice of such exception at said state park.

W. Repeal of preceding rule NR 1. All previous rules and regulations governing state parks are repealed.

Office of the Secretary of State

Proposed Rules Governing Voter Registration and Preparation of the White Ballot

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1976), as amended by Laws of 1977 ch. 443 § 2, in the Auditorium of the State Office Building, Wabasha Street between Aurora and Fuller Avenues, St. Paul, Minnesota 55155, on Tuesday, November 22, 1977, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have the opportunity to participate. Statements may be made orally, and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail, whether or not an appearance is made at the hearing, to Peter C. Erickson, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone: (612) 296-8118, either before, during or within five working days after the close of the hearing.

Copies of the proposed amendments are now available, and one free copy may be obtained by writing to Secretary

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of State Joan Anderson Growe, Elections Division, 180 State Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

All persons have the right to be notified of the date on which the report of the Hearing Examiner will be available, after which date the agency may not take any final action on the rules for a period of five working days. All persons have the right to be informed of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may do so by so indicating at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

At least 25 days prior to the hearing, a Statement of Need, which will explain why the Secretary of State feels the proposed amendments are necessary and reasonable, and a Summary of Evidence, which will outline the testimony that the Secretary of State will introduce, will be filed with and available for review at the Office of Hearing Examiners. Copies of the statement and summary also may be obtained from the Office of Hearing Examiners at a small charge.

Statutory authority to adopt the proposed amendments is contained in Minn. Stat. §§ 201.221 subds. 1-4 (1976) and § 203A.31 subd. 3a (1976).

The proposed amendments to the rules of the Secretary of State governing voter registration, if adopted, would clarify existing rules that have led to confusion, conform the rules to legislative changes, renumber existing rules, alter the instructions to voter registrants and the form of voter registration cards in order to make the process of registration easier to understand and to assist election officials in obtaining accurate registration information, require a mailing address on registration cards in order to facilitate communication between election officials and registrants, require notation on voter registration cards of the method used to prove residence when registering on election day as a safeguard against fraudulent registration and voting, require random checks of election day registrants as a safeguard against fraud, provide additional methods to prove residence when registering on election day, require the date of new registration in a county auditor's notification to the auditor of a former county of residence in order to improve the capability of election officials to discover fraud, make certain election officials aware of the statutory requirement of training for election judges who register voters on election day, require notation of Minnesota driver's license or identification card number on election day voter registrations in order

to facilitate checks of registrants and prevention of fraud, permit election officials to contact registrants and request the registrants contact the officials to resolve a registration problem, require election officials to report to the Secretary of State on the training of election day registration judges in order to insure that training occurs and require county attorneys to report to the Secretary of State the outcomes of investigations of any alleged violations of voter registration laws in order to assist efforts of the Secretary of State to monitor and improve the effectiveness of voter registration laws.

The proposed amendments to the rules of the Secretary of State governing preparation of the white ballot, if adopted, would clarify existing rules that have led to confusion, conform the rules to legislative changes, improve clarity of the white ballot and specify the costs of preparation of the white ballot for which the Secretary of State will reimburse local units of government.

Please be advised that Minn. Stat. ch. 10A (1976), as amended, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 a year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 a year or five hours a month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

Mark W. Winkler
Deputy Secretary of State

Rules as Proposed

SecStat 301 Specifications.

A. Voter registration cards printed for the purpose of distribution and mailing shall be printed in the following manner:

1. The size shall be 6" × 12¾" (including ¾" stub).
2. The paper shall be approximately white 100 lb. offset.
3. The ink shall be blue **with red X's next to the line**

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indicating the voter's name, address, last previous registration address (if any) and signature.

4. The duplicate card shall have a very light blue screen.

5. The card shall have three 1/16" perforations that result in the three equal size cards 6" x 4".

6. The top stub shall have a substance applied to it so that the card can be sealed when it is folded together for mailing.

B. The original voter registration cards shall be in the following form:

VOTER REGISTRATION CARD

Please type or print in ink

Read instructions before completing

X Name _____
Last First Middle

X Legal Residence _____
Street or Route No.
[(Do not use P.O. Box)]

_____ Apt. No. and Rural Box No.

☐ City or ☐ Township County Zip
(check whichever is applicable)

Mailing Address (if different from above)

_____ Street or Route No. Apt. No. and

_____ Rural Box No. City or Township County Zip

_____ Telephone Number [(optional)]

_____ [Month and Day] Date of Birth (optional)
[Mo.] [Day]

_____ Previous Name
(if changed since last registration)

_____ [Most Recent Prior Residence
Street or Route No. Apt. No.]

_____ [City or Township County State Zip]

X Your Address at Your Most Recent Prior Registration _____
Street or Route No. Apt. No.

_____ City or Township County State Zip

W _____ P _____

S.D. No. _____

OFFICE USE ONLY

Election day voter registration proof:

- ☐ Driver's License
- ☐ Minn. Ident. Card
- ☐ Witness
- ☐ Prior Registration
- ☐ Ineffective Notice
- ☐ Student Identification

_____ Number (if applicable)

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

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I certify that I will be at least 18 years old on election day and the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than 5 years imprisonment and a fine of not more than \$5,000, or both.

____/____/____
Date

X _____
Legal Signature of Voter
Be sure to sign the blue card

In the upper right hand corner of the card there shall be a box marked for "office use only". In the box there shall be: "W_____", "P_____" and "S.D. No._____". (These initials stand for "ward", "precinct" and "school district".) Other information may also be included.

C. The duplicate voter registration card shall be in the following form:

DUPLICATE VOTER REGISTRATION CARD

Sign this card — DO NOT COMPLETE

The information will be typed by the voter registration office.

X Name _____
Last First Middle

X Legal Residence _____
Street or Route No.
[(Do not use P.O. Box)]

Apt. No. and Rural Box No.

☐ City or ☐ Township County Zip
(check whichever is applicable)

Mailing Address (if different from above) _____
Street or Route No.

Apt. No. and Rural Box No. City or Township County Zip

Telephone Number [(optional)] _____

[Month and Day] **Date of Birth** (optional) _____
[Mo.] [Day]

Previous Name _____
(if changed since last registration)

[Most Recent Prior Residence] _____
Street or Route No. Apt. No.

City or Township County State Zip

X Your Address at Your Most
Recent Prior Registration _____
Street or Route No. Apt. No.

W_____ P_____

S.D. No. _____

OFFICE USE ONLY

Election day voter registration proof:

- ☐ Driver's License
- ☐ Minn. Ident. Card
- ☐ Witness
- ☐ Prior Registration
- ☐ Ineffective Notice
- ☐ Student Identification

Number (if applicable)

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City or Township

County

State

Zip

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

____/____/____
Date

X

Legal Signature of Voter (for
identification only)

In the upper right hand corner of the card there shall be a box marked for "office use only". In the box there shall be: "W_____", "P_____" and "S.D. No._____". (These initials stand for "ward", "precinct" and "school district".) Other information may also be included.

D. The instruction card shall be in the following form:

INSTRUCTIONS FOR VOTER REGISTRATION

READ CAREFULLY BEFORE REGISTERING

Lines indicated by an (X) must be completed by the registrant before his or her registration may be accepted.

1. Print in ink or type all information requested on white card.

2. Print or type your legal name — Do not use nicknames.

3. Your residence should be that place where you actually live. [— Post Office Boxes cannot be accepted as legal residence.] **Check the appropriate box indicating whether you live in a city or township.**

4. **Print or type your mailing address if it is different from your residence address.**

5. **Place your telephone number (optional) on the appropriate line.**

6. **Place your date of birth (optional) on the appropriate line.**

[4] 7. If your name has been changed through marriage, divorce or decree or order of court since your last voter registration, print or type your former name on the appropriate line.

[5. Print or type your most recent prior residence. If you have not had a previous residence, print or type "none".]

[6] 8. Address of last previous registration — Print or type the address from which you were last registered to

vote. [If same as last previous address, print or type "same".] If you have never been registered to vote before, print or type "none".

[7] 9. After the white card is completed, sign your full name in ink [on the appropriate line on both the white card and the blue card] **and fill in the date on the white card.**

10. Sign the blue card.

[8] 11. The blue card must be signed in ink on the line where it is required, but do not fill in the blue card. It will be typed in by the voter registration office.

[9] 12. After the white card is completed and both cards are signed, seal using sealing tab attached.

[10] 13. Complete the address on the reverse of the white registration card by filling in the name of the county where you reside and the name of the city which is the county seat. Mail or deliver to the office of the county auditor.

An eligible voter is a person who at the time of any election[:]

(a) is 18 years of age or older,

(b) is a citizen of the United States and

(c) has resided in Minnesota for 20 days.

The following persons are not eligible voters:

(a) any person who has been convicted of a felony or treason, who has not been restored to his civil rights;

(b) any person who is under guardianship over his person;

(c) any person who is adjudicated to be not mentally competent; and

(d) any person who is not properly registered, in areas that provide for voter registration.

E. The reverse side of the original (white) registration card shall be in the following form:

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first
class
postage

F. The reverse side of the duplicate (blue) registration card shall be lined horizontally to create spaces $\frac{1}{4}$ " wide and divided vertically into four sections to allow the judges of election to record the date of the election in which the voter voted.

RETURN TO:
(here the county auditor shall
supply the address)

G.

6"											
(Substance applied here for sealing)											
3/4" 4" 4" 4"	<table border="1"><tr><td>VOTER REGISTRATION CARD</td><td>W _____ P _____ SD _____ For Office Use Only</td></tr><tr><td colspan="2" style="text-align: center;">INSTRUCTIONS FOR VOTER REGISTRATION</td></tr><tr><td colspan="2" style="text-align: center;">OVER</td></tr><tr><td style="vertical-align: top;">4"</td><td><table border="1"><tr><td>DUPLICATE VOTER REGISTRATION CARD</td><td>W _____ P _____ SD _____ For Office Use Only</td></tr></table></td></tr></table>	VOTER REGISTRATION CARD	W _____ P _____ SD _____ For Office Use Only	INSTRUCTIONS FOR VOTER REGISTRATION		OVER		4"	<table border="1"><tr><td>DUPLICATE VOTER REGISTRATION CARD</td><td>W _____ P _____ SD _____ For Office Use Only</td></tr></table>	DUPLICATE VOTER REGISTRATION CARD	W _____ P _____ SD _____ For Office Use Only
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DUPLICATE VOTER REGISTRATION CARD	W _____ P _____ SD _____ For Office Use Only										
12 3/4"											

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H.

PLACE
STAMP
HERE

RETURN: TO:

INSTRUCTIONS FOR VOTER REGISTRATION - Continued

ELECTION DATE	ELECTION DATE	ELECTION DATE	ELECTION DATE

For Office Use Only
Record of Voting

PROPOSED RULES

SecStat 502 Auditor's random notification. Following each election in which voters register on election day, the county auditor shall send a mailed notice of registration to a random sample of 3 percent of the election day registrants within 10 days of the election. This rule shall not relieve the county auditor of the responsibility to send a mailed notice to all registrants.

SecStat [502] **503** Registrations received fewer than twenty days before an election. When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that he must register on election day to vote at the upcoming election. Included in this notification shall be information to the voters concerning the manner in which they may register to vote on election day at the polls. In the notice to the applicant the auditor shall explain that the registration card received by the auditor makes the applicant an eligible voter at the next election following the upcoming election.

SecStat [503] **504** Faulty or deficient registrations. When a person attempts to register prior to election day and the county auditor determines that the registration is faulty or defective, the auditor shall notify the person attempting to register that his registration was not correctly completed. The auditor shall attempt to obtain the needed information by mail or telephone. If a registration card is faulty or defective and the address or the telephone number cannot be determined, the registration card shall be removed from the files and maintained separately for one year. The applicant shall be allowed to vote only after correctly completing a registration card.

When the auditor notifies a person of an incorrectly completed registration, the auditor shall also notify the applicant of the dates on which registrations cannot be accepted for an election and of the procedures for election day registration. In the notice to the applicant the auditor shall explain that a correctly completed registration received by the auditor during the period when registrations cannot be accepted for the upcoming election will make the applicant an eligible voter at the next election following the upcoming election.

When an auditor receives a faulty or deficient registration during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that he must register at the polling place of the precinct in which he resides on election day to vote at the election. The auditor shall also notify the applicant of the procedures for election day registration. In the notice to the applicant the auditor shall explain that a correctly completed registration received

by the auditor during the period when registrations cannot be accepted for the upcoming election will make the applicant an eligible voter at the next election following the upcoming election.

SecStat [504] **505** Wrong county. When a county auditor receives a registration card from a person who he has reason to believe is a resident of another county, he shall within two working days forward the registration card to the auditor of the proper county if it can be ascertained. The auditor shall notify the applicant of the action.

SecStat [505] **506** Ineffective registration. Upon receipt of a voter registration card that is faulty or defective, filed with the wrong office or filed during a period when pre-election day voter registrations cannot by law be accepted, the following notice of ineffective registration shall be mailed to the person requesting to become registered.

NOTICE OF INEFFECTIVE REGISTRATION

IMPORTANT INFORMATION ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

1. ☐ Wrong County. Your registration has been forwarded to _____ County.

2. ☐ Incomplete: _____

3. ☐ Your registration was received fewer than 20 days before the upcoming election. It will be effective on ____/____/____ (day after next election).

4. ☐ Minnesota law provides that pre-election day registration for the upcoming ____/____/____ election be received in this office by ____/____/____. You may register to vote at the polling place on election day by [using] **presenting** either a valid Minnesota Driver's License or receipt thereof, [or] a [non-qualification certificate] **Minnesota Identification Card** or receipt thereof, [or] **a student identification card that contains the student's valid address, a student fee statement that contains the student's valid address or a copy of a student registration card that contains the student's valid address;** by having a registered voter in your precinct witness your registration[,] [or]

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; by having a valid registration in the same precinct under a different address; or by presenting this mailed card [to the election judges on election day].

Your Polling Place is _____

(signature) County Auditor ____/____/____
(date)

SecStat [506] **507** Notification of registration. When a county auditor receives a registration card listing a prior registration in another county [or a prior residence in another county], the auditor shall notify the auditor of the other county. [If the former registration and the former residence are in different counties, the auditor shall notify the auditors of both counties.]

SecStat [507] **508** Auditor's notification form. When a registration is received by a county auditor and the person requesting to register indicates he was previously registered to vote, the county auditor shall notify the county auditor in the county of previous residence that the voter has changed residency. The form for notification shall be as follows:

To the Auditor of _____ County
County Courthouse
_____, Minnesota
(county seat)

The following person has registered to vote in _____
County. You are hereby requested to check your registration files and remove the person's name if it should appear in your file.

Voter's name _____

[Voter's former] Address of voter's former registration _____

Date of voter's new registration ____/____/____

Auditor of _____ County

Copy of original voter registration card enclosed _____
The county auditor who sends the form may attach a reproduction of the original registration card rather than fill in "Voter's name" and "Voter's former address."

SecStat [508] **509** Prior residence outside Minnesota. When a county auditor receives a registration card which lists a former registration [or residence] in a state other than Minnesota, the auditor shall notify the secretary of state of the state of former registration [or residence] that the person has registered to vote in Minnesota.

SecStat [509] **510** Acknowledgement of ineligible applications. Ineligible applicants shall be notified of the reasons for their ineligibility and their cards maintained separately by the auditor for one year.

SecStat [510] **511** Change of residence. Any person previously registered to vote in Minnesota who changes his residence shall be permitted to vote only after reregistering using his new residence.

SecStat [511] **512** Removal of cards. Whenever a registration card is to be removed from the registration files, except that of a deceased person, the county auditor shall notify the person whose card is to be removed of such action and the reason for such action in writing. The cards removed shall be maintained in separate files for one year.

SecStat [512] **513** Name omitted, emergency voting. When any voter who has registered prior to an election day is challenged because his name does not appear in the duplicate registration file of the precinct in which he desires to vote, he may register on that election day by following the election day registration procedures provided by Chapter Six of these rules; or if it appears upon examination that such name was erroneously omitted from the file, he shall be permitted to vote in the precinct, and an emergency voting card shall be signed by the applicant and the judges, containing the following information:

EMERGENCY VOTING CARD

Ward _____ Precinct _____

Voter's name _____

Residence _____

The undersigned judges hereby certify that the above named voter was permitted to vote in this precinct at the election held on _____, 19____ pursuant to instructions from the office of the county auditor.

(Signature of Voter)

(Judge of Election)

(Signature of judge
calling auditor's
office)

(Judge of Election)

(Judges of Election)

(Authorized by)

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SecStat [513] **514-599** Reserved for future use.

SecStat 601 Residence. Any person otherwise qualified but not registered to vote in the precinct in which he resides may register to vote on election day at the polling place of the precinct in which he resides in areas with voter registration. To register on election day a person must complete and sign the original card, sign the duplicate card and provide proof of his residence. A person may prove his residence on election day only by presenting a valid Minnesota Driver's License or a receipt thereof, [or] a valid [non-qualification certificate] **Minnesota Identification Card** issued by the Minnesota Department of Public Safety or a receipt thereof, **a student identification card that contains the student's valid address, a student fee statement that contains the student's valid address or a copy of a student registration card that contains the student's valid address; by having a valid registration in the same precinct under a different address ; [or] by presenting an "ineffective registration notice" mailed by the county auditor ; or by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the following**

oath: I, _____ swear that I am a registered voter in _____

County City or Township Ward

and that I personally know that _____
Precinct Name of person registering
_____ is a resident of this precinct.

Signature of Registered Voter

Subscribed and sworn to before me

Date

Signature of Election Judge

The above oath shall be attached to the voter registration card until the address of the applicant is verified by the county auditor.

The above oaths shall be printed on a 4" × 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

SecStat 604 Notation. When a voter uses either a Minnesota Driver's License or Minnesota Identification Card to prove residence when registering on election

day, the election judge who is registering voters shall write the number on the card and the letters D.L. (Driver's License) or M.I. (Minnesota Identification) in the "office use only" area of original card.

SecStat [604] **605** Registration cards received on election day. Registrations received at polling places on election day, whether in governmental units having pre-election day registration or in governmental units having only election day registration, shall be filed in the same file and in the same manner as registrations received prior to that election day.

SecStat 606 Training. Election judges who will be registering voters on election day shall receive training on election day voter registration procedures from the county auditor or designated municipal clerk at the same time training is provided as provided by Minn. Stat. § 204A.175.

SecStat 607 Notices. A voter registration office may send notices to election day registrants whose cards are found to be faulty or defective and request that the voters contact the registration office.

SecStat [605] **608-699** Reserved for future use.

SecStat 902 Information on the report. In general election years the following information shall be contained on the annual report for the state primary and the state general elections:

1. The number of registered voters.
2. An itemized account of the cost of registering voters.
3. The name of each governmental unit having pre-election day registration.
 - a. the number of persons registered in each.
 - b. the number of persons registered on the days of the state primary and general elections.
4. The name of each governmental unit having only election day registration.
 - a. the number of persons registered in each.
 - b. the number of persons registered on the days of the state primary and general elections.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

PROPOSED RULES

5. a. the name of each governmental unit in which the county auditor has delegated the duty of training election day voter registration judges to the municipal clerk.

b. the name of each governmental unit in which the county auditor trains the election day voter registration judges.

B.1. The number of persons voting in the state primary and general elections.

2. An itemized account of the cost of elections.

3. The number of persons voting in each governmental unit having pre-election day registration on the day of the state primary and general elections.

4. The number of persons voting in each governmental unit having only election day registration on the days of the state primary and general elections.

C.1. The number of requests for copies of lists of registered voters. The cost charged to each person making the request.

2. The number of requests for voter registration cards for the purpose of general distribution. The number given for each request. The total number of cards given out for general distribution.

D.1. The number of persons eligible to register, whether or not registered in each governmental unit (estimated).

2. A narrative description of any registration drives conducted in the county.

SecStat 903 Information on the report compiled during years when there is no state primary or general election.

A. The total number of registered voters in the county.

B. The total cost of registering voters in the county.

C.1. The name of each governmental unit in which the county auditor has delegated the duty of training election day voter registration judges to the municipal clerk.

2. The name of each governmental unit in which the county auditor trains the election day voter registration judges.

SecStat 1002 Compatibility. Any voter registration records maintained on electronic or automatic data processing systems and provided to registered voters within the county shall include, [and be limited to,] in this order, horizontally

across form: registrant name, address (including street or route number, city or township and zip code) and telephone number when provided by the registrant. Each entry in a precinct shall be arranged in alphabetical order by last name of registrant. Each precinct shall be entered in the municipality listing in numerical order by precinct number. Each municipality shall be entered in alphabetical order by municipality name within the county. Standards for data entry shall be compatible with secretary of state standards.

Chapter Eleven: Violations

SecStat 1101 County attorneys to report. County attorneys shall report the outcome of any investigation of alleged violations of voter registration laws to the commissioner within 10 days of the determination.

SecStat 1102-1199 Reserved for future use.

SecStat 2101 Definition. The "[state] white ballot" is the **ballot** used at general elections and is the paper ballot on which are printed the names of the candidates nominated for the offices of senator and representative in Congress, senator and representative in the Legislature, governor and lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and chief justice and associate justice of the Supreme Court.

SecStat 2102 Auditor's duties. The [state] white ballot shall be prepared under the direction of the county auditors and a sufficient number thereof to enable the clerks to comply with the provisions of Minn. Stat. § [203.27] 203A.11, subd. 2. It shall be the duty of the county auditors to prepare and print the [state] white ballot as soon as practicable, but in no event less than 15 days before the election. Two weeks before the general election the auditor shall file sample copies of the [state] white ballot in his office for public inspection. Two weeks before the general election the auditor shall give one week's published notice of the contents of the [state] white ballot.

SecStat 2103 Form of ballots; size, weight and color. The [state] white ballot shall be printed with black ink on white newsprint paper as close as practicable to 30#. The ballot shall be 5¼" wide and printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions and other matter proper to be printed on the ballot. The auditor shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate his choice easily and accurately.

SecStat 2104 Top of ballot. At the top of the [state] white ballot shall be printed in upper and lower case letters the words "Put an (X) opposite the name of each candidate you wish to vote for in the square indicated by the arrow." On the left side of the words and directly above the squares in

PROPOSED RULES

which a voter marks his choices shall be printed a small arrow or point pointing downward.

SecStat 2105 Ballot heading. Below the marking instructions on the [state] white ballot shall be printed the words "STATE BALLOT" in upper case letters.

SecStat 2106 Offices. The offices shall appear on the [state] white ballot in the following order and shall be identified as follows in upper case letters:

"UNITED STATES SENATOR IN CONGRESS"

"UNITED STATES REPRESENTATIVE IN CONGRESS"

"SENATOR IN THE LEGISLATURE"

"REPRESENTATIVE IN THE LEGISLATURE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"STATE TREASURER"

"ATTORNEY GENERAL"

"CHIEF JUSTICE OF THE SUPREME COURT"

"ASSOCIATE JUSTICE OF THE SUPREME COURT"

Any nonpartisan office for which there is no opposition shall appear after any nonpartisan office for which there is opposition. If an office is not to be filled at a general election, the office shall not appear on the ballot. Directly underneath the titles of the offices of representative in Congress and senator and representative in the Legislature shall be printed in upper case letters **and/or numbers** the district (e.g. "SIXTH DISTRICT," "DISTRICT SIX" or "DISTRICT 6") that the person elected will represent. A single vote shall be cast for governor and lieutenant governor. Each justice of the Supreme Court is deemed to hold a separate office. Directly beneath the titles of the offices of justice of the Supreme Court, each office shall be identified in upper case letters as follows:

"FOR THE OFFICE OF ASSOCIATE JUSTICE (or CHIEF JUSTICE) OF THE SUPREME COURT TO WHICH (name of justice) WAS ELECTED FOR THE REGULAR TERM (or WAS APPOINTED)"

The appropriate designation shall be printed on the ballot with the name of the justice whose successor is to be elected printed in the appropriate place. At least 32 days before the general election, the secretary of state shall certify to the county auditors the order in which the offices of associate justice shall appear.

SecStat 2108 Names of candidates. The full name of each

candidate shall be printed in upper case letters and at right angles to the length of the [state] white ballot. At least 32 days before a general election, the secretary of state shall certify to each county auditor the nominations that are required by law to be certified by the secretary and that are required by law to appear on the ballot in the county. Below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom he desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled; the voter's choice may be written in the blanks. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed squares, each square to be of the same size, in which the voter may designate his choice by a mark (X). The name of a candidate may not appear on a ballot in any way which gives the candidate an advantage over an opponent except as provided by law.

SecStat 2109 Designation of candidates. **Above or below** the name of each candidate for a partisan office shall [be followed on the same line] **appear** in upper and lower case letters [by] the designation in not more than three words of the party or principle the candidate represents. [The word "Democratic," "Farmer," "Labor" or "Republican" may not be used in the designation of a candidate representing a party other than the Democratic-Farmer-Labor or Republican.] **Words used in the name of a political party as defined in Minnesota Statutes Section 200.02, Subdivision 7, may not be used to identify the party of a candidate of any other party.** The word "nonpartisan" may not be used in the designation of any candidate. [The name of each candidate for a nonpartisan office shall be followed on the same line in upper and lower case letters by] The words "Nominated Without Party Designation" **in upper and lower case letters shall appear above or below the name of each candidate for a nonpartisan office.** If a justice of the Supreme Court is a candidate to succeed himself, the word "Incumbent" shall be printed in upper and lower case letters on the same line and following the candidate's name; in this situation only, the words "Nominated Without Party Designation" shall be printed in upper and lower case letters directly beneath the word "Incumbent". The words "Nominated by Petition" shall be printed in upper and lower case letters [directly underneath] **on the same line and to the right of** the [designation of party or principle] **name of the candidate.**

SecStat 2110 Order of candidates. At least 32 days before a general election, the secretary of state shall certify to the

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PROPOSED RULES

county auditors the order in which the names of the candidates representing the ["Republican"] [and "Democratic-Farmer-Labor"] **political parties as defined in Minn. Stat. § 200.02, subd. 7**, shall appear for every partisan office on the [state] white ballot. Candidates nominated by petition shall appear on the ballot beneath the names of the candidates of the ["Republican" and "Democratic-Farmer-Labor"] **political parties as defined in Minn. Stat. § 200.02, subd. 7**, and in the order in which the petitions were filed with the filing officer. The names of the candidates for nonpartisan offices shall be rotated on the [state] white ballot so that each name appears substantially an equal number of times at the top, at the bottom and at each intermediate place in the group of candidates for an office.

SecStat 2111 Back of ballot. On the back of the [state] white ballot shall be printed the words "OFFICIAL BALLOT," the date of the election, a facsimile of the official signature of the county auditor under whose direction the ballot is printed and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

SecStat 2113 Binding of ballots. The [state] white ballots shall be bound in blocks of 50, and there shall be a band around each block of 50 ballots. The band around the block of ballots shall contain a facsimile of the state seal, the words "50 State Ballots," the official signature of the county auditor preparing the ballots and the date of the election. The band shall also contain the following instructions to the election judges:

"Instructions to Judges of Election

The Judge of Election receiving the ballots for delivery

to the Election Board must not remove this slip or withdraw a ballot from the package, but must deliver it as he receives it to the Election Board.

Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, directly under or opposite the facsimile of the signature of the officer under whose direction the ballots were printed, and shall not otherwise mark the same.

No official ballot shall be distributed except in the voting room to voters about to vote, and no ballot which is not officially endorsed in the handwriting of such judges shall be placed in the box.

Having withdrawn from the voting booth with his ballots, the voter shall hand them to the judge in charge of the ballot boxes. The judge immediately shall deposit each ballot in the proper box."

SecStat 2115 Reimbursement of costs. **The secretary of state shall reimburse counties for the cost of printing the white ballot, the white sample ballot and the summary statement for white ballot offices and constitutional amendments.** On or before December 31 of every general election year and within 45 days of a special election, the county auditor shall submit to the secretary of state a statement of the costs of preparation of [the state white ballot] **these supplies.** [The statement shall be submitted in triplicate and shall be accompanied by one copy of the printer's invoice.] The statement shall contain the name and address of the printer, the number of white ballots printed, the cost to the county of printing and an itemization of [any other] costs.

OFFICIAL NOTICES

Ethical Practices Board

Outside Opinion Sought on Advisory Opinion Concerning Transfer of Campaign Funds

The Ethical Practices Board solicits opinions regarding the following requests for advisory opinions prior to approving and issuing the advisory opinion:

Winston W. Borden
Assistant Majority Leader
Room 208
State Capitol
St. Paul, Minnesota 55155

September 30, 1977

Mr. Allen Clutter
Executive Director
Ethical Practices Board
Room 41
State Office Building
St. Paul, Minnesota 55155

Dear Mr. Clutter:

I would appreciate it if at the next Ethical Practices Board meeting that the following questions be discussed and an advisory opinion be given by the Board.

1) Under state law can a committee for a Congressional candidate that was used for the endorsement campaign transfer funds from that committee to a committee set up for a statewide office if the money is excess campaign funds and is registered under federal law?

2) Under state law can a committee established for a legislative race, raise campaign funds and later transfer those funds to a committee set up primarily for a statewide office?

3) If the answer to the above question is yes, what are the transfer limits for a non-election year and also for an election year transfer?

4) If campaign funds can be transferred from a Congressional or legislative committee is it necessary to disclose the names of the contributors of the transferring committee?

I would hope that this will be discussed at your next meeting and the proper advisory opinions given.

Sincerely,
Winston W. Borden

Request for Advisory Opinion on Reportable Lobbying Expenses

Wyman L. Spano Public Relations, Inc.
Fifth Floor West
Butler Square
Minneapolis, Minnesota 55403

State Ethical Practices Board
State of Minnesota
101 State Office Building
St. Paul, MN 55155

In re request for advisory opinion:

After perusing EC Form 5 and the advisory opinions listed on the reverse thereof, and after telephone conversations with your staff, I continue to be somewhat confused on what is and what is not reportable as lobbying expense. Permit me to describe certain situations. Perhaps you could then respond with instructions as to whether to report or not to report the various dollar amounts.

The facts are these:

Wyman L. Spano Public Relations, Inc. is wholly-owned by me. It is a firm which does general public relations with a specialty in the field of public affairs. A company contracts with my organization to provide public relations services. It is clear that the intent of the contract is to have my organization provide strategic consulting, drafting of various position papers, news releases, etc. relative to a specific piece of legislation which affects the company. I do not, however, engage in lobbying activity, that is, except in rare instances, I do not contact legislators individually. The company belongs to an association which employs lobbyists who do make direct contact with legislators.

The company agrees to pay me a monthly fee. Let us say \$2,000 per month. The fee, in effect, is my salary less overhead and expenses of my office. In the conduct of what I feel are my responsibilities to the client we do recommend and actually send, let's say, telegrams to all legislators, and pieces of mail to legislators. We prepare visual charts which members of the company use in making presentations to legislative committees, etc.

My questions are these:

1. I think it is clear that my firm is required to report the expenses for mailings, charts, etc. Am I correct in assuming that?

2. The \$2,000 monthly fee mentioned is essentially my salary, even though I am not directly employed by the organization which hired me. Must I report that fee or have I

OFFICIAL NOTICES

satisfied the requirements of your commission by checking "yes" on box 11 on the Lobbyist Disbursement Report, "check here if you received more than \$500 in this calendar year including salary, expenses, reimbursements or fees for lobbying purposes."

3. Must the company which hired me register one of its officers and report the fee paid me, even if no officer spent more than five hours at the legislature?

4. I have from time to time people working for my firm. Occasionally they may aid me in the preparation of materials aimed at legislators. Should their time be reported as lobbying expense? It is covered in the basic fees so no additional dollars are spent. It's simply a way for me to use lower priced people to do some activities.

5. My agency from time to time will prepare general news releases or we will contact members of the news media relative to activities concerning the passage or repeal of a bill. If done during the legislative session, is this "lobbying?" Is it lobbying if done between sessions pointing toward next year?

Suppose that we change the legal relationships. In the previous example, my agency worked for a company. The company was a member of a group which hired a lobbyist. Now let's assume my agency works for the group. Our job is public opinion relative to a particular bill. A lobbyist is also employed. His/her job is contacting legislators directly and testifying. I will contact some legislators because I happen to know them personally.

Questions:

1. Is the fee (again, say, \$2,000 per month) reportable under these circumstances?

2. Is the expense of distributing news releases reportable?

3. Do I have to somehow figure out how much time is actually spent talking to legislators and allocate that as reportable with the rest not being reportable?

Let me comment, in closing, that the questions related here touch especially those in the public relations business. Should you wish to discuss these matters I would be happy to do so, as would others in that field.

Very truly yours,

Wyman L. Spano

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion on Rules Governing Management of Developmental Achievement Center Grant

Notice is hereby given that the Minnesota Department of Public Welfare is seeking information or opinions from sources outside the Department of Public Welfare in preparing rules relating to the management of developmental achievement center's grant in aid (Rule 31) as authorized by Minn. Stat. §§ 252.21-252.26. Rule 31 indicates requirements centers must meet in order to obtain grant-in-aid. These requirements are *in addition* to those a center must meet for licensure.

All interested parties desiring to submit information and comments on the subject matter of the proposed rule should address their statements to:

B. Ramona Jung
Community Programs Division
Community Services Bureau
Department of Public Welfare
4th Floor, Centennial Building
St. Paul, Minnesota 55155

All written material received by the Department of Public Welfare will become part of the hearing record for the rule. All statements must be received by November 10, 1977.

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Attn: Patrick Flahaven
Room 231 Capitol Building
St. Paul, Minnesota 55155

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