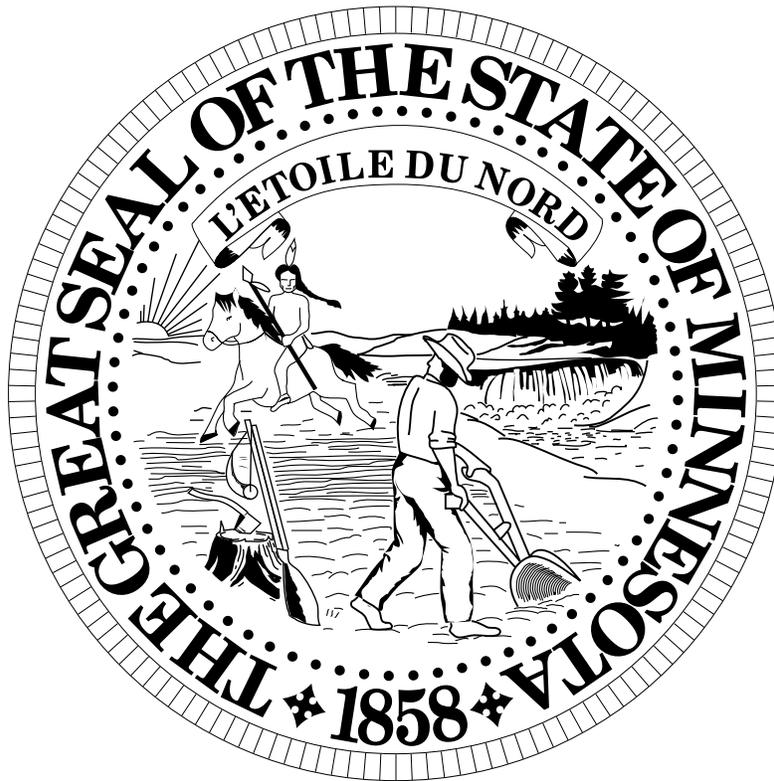


State of Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Tuesday 5 September 2000
Volume 25, Number 10
Pages 611-658

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

Jesse Ventura, Governor (651) 296-3391	Mike Hatch, Attorney General (651) 297-4272	Mary Kiffmeyer, Secretary of State (651) 296-2079
Mae Schunk, Lt. Governor (651) 296-3391	Judi Dutcher, State Auditor (651) 297-3670	Carol Johnson, State Treasurer (651) 296-7091
Department of Administration: David F. Fisher, Commissioner (651) 296-1424 Kent Allin, Asst. Commissioner (651) 297-4261	Communications Media Division: Mary Mikes, Director (651) 297-3979 Jan Preglo, Acting Manager (651) 296-8233	Robin PanLener, Editor (651) 297-7963 Jane Schmidley, Assistant Editor (651) 296-4273 Jessie Rahmeyer, Subscriptions (651) 297-8774

Printing Schedule and Submission Deadlines

Vol. 25 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#10	TUESDAY 5 SEPTEMBER	Noon Wednesday 23 August	Noon Tuesday 29 August
#11	Monday 11 September	Noon Wednesday 30 August	Noon Tuesday 5 September
#12	Monday 18 September	Noon Wednesday 6 September	Noon Tuesday 12 September
#13	Monday 25 September	Noon Wednesday 13 September	Noon Tuesday 19 September

Copyright © 2000 Communications Media Division, Department of Administration, State of Minnesota.
Publication Number: 326630 (ISSN 0146-7751)

SUBSCRIPTION SERVICES: Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*. See the *State Register* and the *Solicitation Announcements* on our website: <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00.
- *Solicitation Announcements* (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Solicitation Announcements* \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$1.00. Shipping is \$3.00 per order.

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "**Affidavit of Publication**" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

The *State Register* is published by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media.

To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

Minnesota Rules: Amendments & Additions		Minnesota Historical Society	
Volume 25, Issue #1-10	614	Request for proposals for owner's representative services for Northwest Company Fur Post, Pine City, Minnesota	651
Adopted Rules		Transportation Department	
Public Safety Department		Contract available for final design for reconstruction of I-94 first segment	652
Identification documents.....	616	Non-State Public Bids, Contracts & Grants	
Secretary of State		Metropolitan Council	
Elections.....	616	Request for proposals for architectural/engineering services.....	652
Official Notices		Request for proposals for consulting engineering services for East Area and West Area planning	653
Administrative Hearings Office		Request for proposals for engineering services for design and preparation of contract drawings and specifications....	654
Request for comments on planned amendments to rules for rulemaking proceedings; contested case hearings; and revenue recapture act hearings.....	648	Request for proposals for project management services for the Hiawatha corridor light rail transit system.....	654
Agriculture Department		Request for proposals for various professional and technical community development support services.....	655
Special local need registration for Assure II herbicide.....	649	University of Minnesota	
Transportation Department		Bid Information Service (BIS) available for all potential vendors.....	656
Petition of the City of St. Paul for variance from state aid requirements for design speed	649	Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the <i>Solicitation Announcements</i> . Award results are available from the Materials Management Helpline (651) 296-2600. Web-site: www.mmd.admin.state.mn.us	
State Grants & Loans		Individual copies and subscriptions or the <i>State Register</i> and <i>Solicitation Announcements</i> are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.	
Economic Security Department			
Minnesota Job Skills Partnership grant proposal deadlines for training programs designed for specific businesses	650		
Contracts: Professional, Technical, Consulting			
Perpich Center for Arts Education			
Request for proposals to develop an arts and schools as partners program in school districts outside the immediate Minneapolis-St. Paul metropolitan area.....	650		
Electricity Board			
Request for proposals for providing electrical inspection service for fiscal year 2001 (July 1, 2000 - June 30, 2000).....	651		

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

Volume 25, Issues # 1-10

Agriculture Department

1562.0800 (adopted) 30

Chiropractic Examiners Board

2500.1110; .1900 (proposed) 544

2500.1150; .2515 (proposed) 109

2500.2530 (proposed) 110

Children, Families and Learning Department

3501.0320; .0330; .0370; .0400; .0420 (proposed) 5

3501.0360; .0370 s.1, 2, 4; .0420 s.4; .0430 (proposed repealer) ... 5

Health Department

4600.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700 (repealed) 487

4600.0100 (errata) 588

4601.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2525; .2550; .2600; (adopted) 487

4617.0002 (proposed) 137

4617.0002; .0065; .0066; .0067; .0068; .0070; .0084; .0100; .0121; .0176 (adopted) 555

4617.0002 s.21a, 28c, 44c; .0059; .0068 s.8; .0069; .0086; .0120 (repealed) 555

4615.0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200 s.1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .6000; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7000; .7100; .7200; .7300; .7400; .7500; .7600; .7700; .7800; .7900; .8000; .8100; .8200; .8300; .8400; .8500; .8600; .8700; .8800; .8900; .9000; .9100; .9200; .9300; .9400; .9500; .9600; .9700; .9800; .9900; (adopted) 487

4617.0002 s.6, 13, 20, 33; .0035; .0044; .0045; .0049; .0050; .0052; .0054; .0056; .0058 (proposed repealer) 137

4670.1320; .2670; .2900; .2910; .2920; .2930; .3530; .4210; .4220; .4230 (adopted) 142

4670.2940; .3100; .4240 (repealed) 142

4763.0110; .0125; .0135; .0140; .0160; .0190; .0205; .0215; .0220; .0240; .0270; .0285; .0295; .0300; .0320 (adopted) 487

4763.0120; .0130; .0140 s.2, 4; .0193 s.3; .0200; .0210; .0220 s.2; .0270 s.2; .0280; .0290; .0300 s.2 (repealed) 487

Housing Finance Agency

4900.0010 (proposed) 59

Labor and Industry Department

5208.1500 (adopted exempt) 31

5220.1900 (adopted) 81

5221.0100; .0405; .0410; .0420; .0430; .0500; .0600; .0700; .4000; .4020; .4030; .4032; .4033; .4035; .4040; .4041; .4050; .4051; .4060; .4061; .4062; .4070 (proposed) 212

5221.4030 s. 2a; .4033 s. 2a; .4034; .4040 s. 2a; .4050 s. 2a; .4060 s. 2a (proposed repealer) 212

5221.4030 s.2 (errata) 560

Pharmacy Board

6800.0400; .1150; .1300; .1400; .3850 (adopted) 81

Natural Resources Department

6115.0150; .0160; .0170; .0190; .0200; .0210; .0211; .0221; .0230; .0231; .0240; .0250; .0255; .0260; .0270; .0271; .0280 (adopted exempt) 143

6230.0400; .0600; .0700; .0800; .1100; 6232.0900; 6234.1700; .1800; 6240.0610; .1000; .1200; .1500; .1600; .1700; .1750 (adopted expedited emergency) 557

6230.0400 s.29; .0600 s.7 (24 SR 275 - August 30, 1999) (repealed expedited emergency) 557

6236.0300; .700 (adopted expedited emergency) 183

Pollution Control Agency

7001.0020; .0050; .4215; .4230; 7150.0030; 7151.1100; .1200; .1300; .4100; .5100; .5200; .5600; .5700; .6100; .6200; .6400; .6600; .6700; .7100; .7200; .8200; .8400 (adopted) 556

Public Safety Department

7410.0400; .0450; .0500 (adopted) 616

7520.0650; .1000; .1100 (adopted) 487

Public Utilities Commission

7811.0700; .1900; .2210; 7812.0700; .1900; .2210 (proposed) 546

7811.2200; 7812.2200 (proposed repealer) 546

Minnesota Rules: Amendments and Additions

Revenue Department		Teaching Board	
8160.0500 (proposed)	584	8700.1100; .1300; .1400; .1600; .1700; .1800; .1900; .1910; .2100; .2200; .2300; 8710.7000; .7100; .7200 (proposed)	8
Secretary of State		8700.0900; .1000; .1200; .2000; 8750.7000; .7100; .7200; .7300; .8000; .8100; .8200; .8300; .8400 (proposed repealer)	
8200.0300; .1100; .1200; .2600; .2800; .2900; .2950; .3000; .3100; .3500; .3700; .5100; .5400; .5500; .5700; .6400; .9120; 8205.1010; .1020; .1030; .1040; .1050; .1060; .2000; .2010; .2110; .2120; 8210.0200; .0500; .0600; .0700; .2200; .3000; 8220.0050; .0150; .0250; .0350; .0450; .0650; .0700; .0750; .0800; .1050; .1350; .1450; .1550; .2050; 8230.0050; .0150; .0250; .0560; .0570; .0580; .0650; .1850; .3950; .4050; .4360; .4365; .4390; 8250.0200; .0300; .0365; .0370; .0385; .0390; .0395; .0397; .0398; .0500; .1000; .1800; 8255.0010; .0015 (adopted)	616	Teaching Board	
8200.3800 s.1; .6300; 9115 s.2; 8205.1000; .2000 s.2; .2100 s.2; .2110 s.2; 8210.0200 s. 1e, 1f, 5; .0250; .3000 s.4c; 8220.0250 s. 2, 2a, 7, 10, 17, 20, 23, 25a, 27, 31, 32, 34, 36, 38; 8250.0360; .1550 (repealed)	616	8700.1100; .1300; .1400; .1600; .1700; .1800; .1900; .1910; .2100; .2200; .2300; 8710.7000; .7100; .7200 (proposed)	
8240.0100; .0200; .0300; .1050; .1100; .1200; .1300; .1350; .1400; .1500; .1600; .1655; .1750; .1800; .1900; .1950; .2000; .2100; .2200; .2300; .2400; .2500; .2700; .2800; .2850; .2900 (adopted)	112	.2200; .2300; 8710.7000; .7100; .7200 (proposed)	
8240.1650; .1655 s.5; .1700 (repealed)	112	8700.0900; .1000; .1200; .2000; 8750.7000; .7100; .7200; .7300; .8000; .8100; .8200; .8300; .8400 (proposed repealer)	
8280.0500; .0510 (adopted exempt)	114	8710.0300; .0400; .0500; .0550; .0600; .0700; .0800; .0850; .0900; .1000; .1050; .1250; .1400; .3300; .6000; .6100; .6200; .6300; .6400 (proposed)	
Water and Soil Resources Board		8710.0300 s.4; .0350; .1100; .1200; .1300; .6000 s.3; .6100 s.3; .6200 s. 3; .6300 s. 3; .6400 s. 4 (proposed repealer)	
8420.0100; .0102; .0103; .0105; .0110; .0112; .0115; .0122; .0200; .0210; .0220; .0225; .0230; .0240; .0250; .0260; .0290; .0300; .0350; .0505; .0510; .0520; .0530; .0540; .0650; .0720; .0730; .0740; .0750; .1070 (adopted exempt)	152	8710.0500 (proposed)	
8420.0730 s.3 (repealed)	152	8710.0500 s.9 (proposed repealer)	
		Transportation Department	
		8835.0110; .0210; .0220; .0230; .0240; .0265; .0270; .0320; .0710; .0720; .0820; .0830; .0840; .0850; .0860; .0870; .0910; .1500; .1700; .1720; .1730; .1760; .1900 (adopted)	
		8835.0110 s.2, 3, 4, 5, 8, 9, 11, 12, 13, 14; .0610; .0730; .0740; .1600; .1800; .2300; .2400; .2500; .2600; .2700; .5700; .5800 (repealed)	
		Human Services Department	
		9575.0350; .0780; .0900; .0920; .0930; .1180; .1500 (adopted)	
		9575.0900 s.2; .0910 s.1; .0940; .1250 (repealed)	

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Public Safety

Adopted Permanent Rules Relating to Identification Documents

The rules proposed and published at *State Register*, Volume 24, Number 43, pages 1527-1532, April 24, 2000 (24 SR 1527), are adopted as proposed.

Secretary of State

Adopted Permanent Rules Relating to Elections

ORDER ADOPTING RULES

Adoption of Rules Governing Voter Registration; Petitions; Absentee and Mail Voting; Voting Systems; Ballots; Redistricting; and Precinct Boundary Changes; *Minnesota Rules*, chapters 8200; 8205; 8210; 8220; 8230; 8250; and 8255.

WHEREAS:

1. All notice and procedural requirements in *Minnesota Statutes*, chapter 14, *Minnesota Rules*, chapter 1400, and other applicable law have been complied with.

2. The Secretary of State adopts the Administrative Law Judge's Report dated August 11, 2000 and incorporates the Report into this Order, except as described below in paragraph 3 R.

3. The Secretary of State has taken the actions recommended by the Administrative Law Judge to correct each of the defects enumerated by the Administrative Law Judge in the Report. In each of the Findings referenced below, Judge Neilson found that the modification suggested would be needed and reasonable and would not render the final rule substantially different from the rules as originally proposed.

- A. In accordance with Finding 48 of the Report, the Secretary has adopted the language recommended by the Administrative Law Judge for item C of 8200.1100: "C. The secretary of state may approve alternate forms of voter registration cards to be attached to or included in tax booklets and forms used by state agencies, and other forms deemed appropriate by the secretary of state if the forms have spaces for the information required in *Minnesota Statutes* 201.071."
- B. In accordance with Finding 53 of the Report, the Secretary has adopted the language recommended by the Administrative Law Judge for subpart 1, item B of 8200.1200: "maintain residence at the address given on the registration form."
- C. In accordance with Finding 68 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by withdrawing the proposed deletion of the last two paragraphs of 8200.2900, with those paragraphs remaining in the rules. Based upon a stylistic recommendation from the Office of the

Revisor, the Secretary has modified the first word of both of these two paragraphs by replacing the word “When” with the word “If.”

- D. In accordance with Finding 87 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge for the last sentence of 8200.9120 by deleting the reference to challenge status.

The Secretary of State has also taken each of the actions suggested by the Administrative Law Judge to clarify certain proposed rules. In Conclusion 9 of the Report, Judge Neilson stated that a “Finding or Conclusion of need and reasonableness does not preclude and should not discourage the Office of the Secretary of State from further modification of the proposed rules...provided that the rule finally adopted is based upon facts as appearing in this rule hearing record.” Based on this Conclusion, the Secretary has accepted each of the suggestions by the Administrative Law Judge regarding the text of proposed rules with the understanding that the suggested modification would not render the final rule substantially different from the rules as originally proposed.

- E. In accordance with Finding 43 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding the following sentence to item C of 8200.1100: “The secretary of state may also approve the county use of a card of a size other than the dimensions prescribed by item A.” The Administrative Law Judge stated in Finding 43 that such a modification would not render the final rule substantially different from the rules as originally proposed.
- F. In accordance with Finding 99 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.1010 reading “Applicability. This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.” To implement this recommendation, the Secretary has also redesignated the remaining text of 8205.1010 as “Subpart 2. General form requirements.”
- G. In accordance with Finding 99 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.1020 reading “Applicability. This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.” To implement this recommendation, the Secretary has also redesignated the remaining text of 8205.1020 as “Subpart 2. Photocopies.”
- H. In accordance with Finding 99 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.1030 reading “Applicability. This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.” To implement this recommendation, the Secretary has also redesignated the remaining text of 8205.1030 by adding additional subpart designations as follows, without any change in the text of the proposed rule: “Subpart 2. Required Information. The person signing the petition shall complete the signature date, name, year of birth, and residence address lines on the petition. Subpart 3. Signing by disabled person. A person physically unable to complete the petition may ask another for assistance. Subpart 4. Signing only once. A person may sign a petition only once.”
- I. In accordance with Finding 99 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.1040 reading “Applicability. This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.” To implement this recommendation, the Secretary has also redesignated the remaining text of 8205.1040 by adding additional subpart designations as follows, without any change in the text of the proposed rule as previously modified: “Subpart 3. Filing Procedures. The person filing the petition must submit the entire petition at one time to the filing officer. The petitioner may submit the petition by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt by the filing officer. Petition pages must not be altered by anyone except the filing officer for verification purposes after the petition has been filed. Subpart 4. Receipt. The filing officer must provide the person filing the petition with a receipt for the petition. The receipt must include the type of petition filed; the name, address, and telephone number of the person submitting the petition; the date on which the petition was filed; and the total number of pages in the petition submitted.”

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

- J. In accordance with Finding 95 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 2 to 8205.1040 reading “Subp. 2. Definition of filing officer. As used in this part and part 8205.1050 ‘filing officer’ refers to: A. the county auditor if a petition is for an officer to be voted upon only in one county; or B. the secretary of state if a petition is for an office to be voted on in more than one county.” To implement this recommendation, the Secretary added the cross-reference to part 8205.1050 since the term “filing officer” is used in that part as well. The Administrative Law Judge stated in Finding 95 that such a modification would not make the final rule substantially different from the rules as originally proposed.
- K. In accordance with Finding 97 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.1050 reading “Applicability. This part does not apply to proposed recall and recall petitions. The verification process for proposed recall and recall petitions are located in parts 8205.2010 and 8205.2120.” To implement this recommendation, the Secretary has also redesignated the remaining text of 8205.1050 by redesignating Subpart 1 as Subpart 2, and by redesignating Subpart 2 as Subpart 3, without any change in the text of the proposed rule.
- L. In accordance with Finding 99 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by withdrawing 8205.1060 as unnecessary since the Secretary has acted to modify 8205.1010, 8205.1020, 8205.1030, 8205.1040, and 8205.1050 by adding the application provisions discussed above.
- M. In accordance with Finding 100 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.2000 reading “Applicability of other rules. A proposed recall petition must comply with the requirements set forth in parts 8205.1010 to 8205.1040.” To implement this recommendation, the Secretary has also redesignated the current text of Subpart 1 as Subpart 1a, without any change in the text of the proposed rule. The Administrative Law Judge stated in Finding 100 that such a modification would not make the final rule substantially different from the rules as originally proposed.
- N. In accordance with Finding 103 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by adding a new Subpart 1 to 8205.2110 reading “Applicability of other rules. A proposed recall petition must comply with the requirements set forth in parts 8205.1010 to 8205.1040.” To implement this recommendation, the Secretary has also redesignated the current text of Subpart 1 as Subpart 1a, without any change in the text of the proposed rule. The Administrative Law Judge stated in Finding 103 that such a modification would not make the final rule substantially different from the rules as originally proposed.
- O. In accordance with Finding 120 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by modifying the first sentence of 8250.1000 to read “At the same time that the secretary of state certifies the names of nominees under *Minnesota Statutes*, section 204C.32, subdivision 2, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in *Minnesota Statutes*, section 200.02, subdivision 6, must appear for every partisan office on the white ballot.” The Administrative Law Judge stated in Finding 120 that such a modification would not make the final rule substantially different from the rules as originally proposed.
- P. In accordance with Finding 125 of the Report, the Secretary has adopted the recommendation of the Administrative Law Judge by modifying the first sentence of 8255.0015 to read “After redistricting, a municipality must obtain maps of the school districts located wholly or partially in the municipality before the municipality reestablishes its precinct boundaries.” The Administrative Law Judge stated in Finding 125 that the modification suggested in that finding would not result in a substantial change in the rule.
- Q. In response to the recommendation of the Administrative Law Judge included in Finding 126 of the Report, the Secretary added a new sentence to the end of the current text of 8255.0015 reading “A municipality must obtain the school district maps no later than 21 days after the adoption of the legislative plan.” Since part 8255.0010 A. currently requires that precincts be reestablished no later than 28 days after the adoption of the legislative plan, setting this deadline for the municipality to obtain information regarding school district boundaries will ensure that the municipality devotes the greatest portion of the time available for reestablishment of precinct boundaries (28 days after the adoption of the legislative plan) to gathering and considering pertinent information before the municipality formally adopts a resolution to create the new precinct boundaries.

The Secretary of State notes that Finding 144 of the Report states that:

“[T]he effective date of the proposed rules is outside the scope of the Administrative Law Judge in this rulemaking proceeding, since the effective date is not discussed in any particular provision of the proposed rules but occurs by operation of law after an agency issues an order adopting the rules, submits the rules to the Revisor of Statutes for a review of their form, and files the rules with the Secretary of State the Administrative Law Judge suggests that the Secretary of State’s Office postpone the implementation of all of the proposed rules except those governing the two-sided ballots until January 1, 2001.”

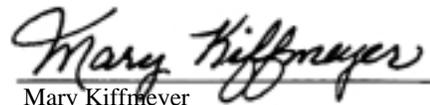
- R. The Secretary of State has carefully considered this suggestion, and conducted a thorough review of each of the 79 proposed rule changes to determine whether each of the changes would have the potential to result in voter confusion or voter disenfranchisement, or in difficulties in training election judges or in preparing ballots for use in 2000. After completing this review, the Secretary determined that no potential exists for voter confusion or voter disenfranchisement if the proposed rules, as modified, take effect in accordance with the normal schedule prescribed by state law. The Secretary also determined that the overwhelming majority of the proposed rules had no impact on training election judges or ballot printing whatsoever, and that the relatively small number of proposed rules which might require modifications of training publications or ballot printing instructions were simple, straightforward ideas that would be easy to communicate to those individuals required to implement training or ballot printing. After further review of the record in this matter, the Secretary was unable to document that any individual had stated that any specific proposed rule would result in difficulties in training election judges.

As a result, the Secretary will proceed to adopt the rules, as modified in accordance with the substantive recommendations made by the Administrative Law Judge, and without delay to ensure that these rules will result in efficient administration of both the 2000 primary and 2000 general election. The Secretary will make every effort to promptly communicate the information concerning the proposed rules to all city clerks, county auditors, school district clerks, and township clerks to ensure that these officials have the information to conduct election judge training and ballot printing in full compliance with these rules.

4. The rules are needed and reasonable.

IT IS ORDERED that the above-captioned rules, in the form set out in the *State Register* on May 30, 2000, with the modifications as indicated in the Revisor’s draft, file number AR3123, dated 08/17/00, are adopted pursuant to the authority vested in me by *Minnesota Statutes* 201, 203B, 204B, 204D, 205, 205A, 206, 211C, and 447.

Dated: August 22, 2000


Mary Kiffmeyer
Secretary of State

The rules proposed and published at *State Register*, Volume 24, Number 48, pages 1716-1747, May 30, 2000 (24 SR 1716), are adopted with the following modifications:

8200.0300 DELEGATION OF DUTIES.

The county auditor may delegate to municipal officials all duties assigned to the county auditor by chapter 8200 and by *Minnesota Statutes*, chapter 201, except the preparation and distribution of lists of registered voters. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of the duty to accept voter registrations.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

8200.1100 PRINTING SPECIFICATIONS.

Voter registration cards printed for the purpose of distribution and mailing must be printed pursuant to items A to D.

- A. The size must be six inches by 8-9/16 inches, including a 9/16-inch stub.
- B. The paper must be at least 100-pound white offset.

C. The secretary of state may approve alternate forms of voter registration cards to be attached to or included in tax booklets and forms used by state agencies, and other forms deemed appropriate by the secretary of state if the forms have spaces for the information required in *Minnesota Statutes*, section 201.071. The secretary of state may also approve the county use of a card of a size other than the dimensions prescribed by item A.

- D. The bottom stub must have an adhesive applied to it so that the card can be sealed when it is folded together for mailing.

8200.1200 REGISTRATION CARD; FORMAT.

Subpart 1. **Form.** The voter registration card must:

- A. contain the data elements provided in *Minnesota Statutes*, section 201.071;
- B. contain the following certification. I certify that I

- will be at least 18 years old on election day;
- am a citizen of the United States;
- will have resided in Minnesota for 20 days immediately preceding election day;
- ~~reside~~ maintain residence at the address given ~~as my residence~~ on the registration form;
- am not under guardianship of the person;
- have not been found by a court to be legally incompetent to vote;
- have not been convicted of a felony without having my civil rights restored; and
- have read and understand this statement, that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both;

- C. be consistent in layout with the data entry screens used by the statewide registration system;
- D. take into consideration readability and ease of understanding;
- E. provide room for including a mailing address for returning the completed registration;
- F. have printed on or with the card a set of instructions for completing the registration; and

G. have printed on or with the card a statement that assistance for registration and voting is available for elderly and disabled individuals and residents of health care facilities.

The secretary of state shall provide examples of the voter registration card to all county auditors.

Subp. 2. **Box for office use only.** The voter registration card must contain a box marked for “election day official use only” which contains “W __”, “P __”, and “SD.” These abbreviations stand for “ward,” “precinct,” and “school district.” Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the “election day official use only” box.

[For text of subp 3, see M.R.]

8200.2600 PROPERLY COMPLETED REGISTRATIONS.

If a county auditor determines that a registration card has been properly completed, the auditor shall file the card and enter the registration on the state registration system. The county auditor shall maintain the file in an orderly manner. The county auditor shall have a card notice mailed to each newly registered voter indicating the voter’s name, address, precinct, and polling place. The card must require that it be returned if not deliverable as addressed.

8200.2800 REGISTRATIONS RECEIVED FEWER THAN 20 DAYS BEFORE ELECTION.

When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall ~~mail~~ notify the applicant ~~a notice of late registration stating that the registration was not timely received and that the applicant must register on election day to vote at the upcoming election.~~ In the notice to the applicant, the auditor shall explain that if the registrant chooses not to vote at the upcoming election, the applicant’s registration will become effective on the day after the election.

8200.2900 DEFICIENT REGISTRATIONS.

When a person attempts to register prior to election day and the county auditor determines that the registration is deficient, the auditor shall notify the person attempting to register that the registration was not correctly completed. The auditor shall attempt to obtain the needed information by mail or telephone. ~~If a the auditor cannot obtain the needed information, the~~ registration is deficient; and the registration card shall not be filed and shall be maintained separately for 22 months. The applicant shall be allowed to vote only after correctly completing a registration card.

If 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 registered to vote on the day after the upcoming election.

If 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 the applicant must register at the polling place of the precinct in which she or he resides on election day to vote at the election. 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 registered to vote on the day after the upcoming election.

8200.2950 ADDRESSES ON VOTER REGISTRATION CARDS.

A person having a residence with a street address who completes a voter registration card must provide the street address assigned to the person's residence in the residence space on the voter registration card. When the United States Postal Service will not deliver mail to the registrant's residence address, the registrant must also enter an alternate mailing address on the voter registration card.

8200.3000 REGISTRATION IN WRONG COUNTY.

When a county auditor receives a registration card from a person whose address is in another county, the auditor shall within two working days forward the registration card to the auditor of the proper county if it can be ascertained.

8200.3100 NOTICES OF DEFICIENT AND LATE REGISTRATION.

Subpart 1. **Conditions requiring.** If a county auditor receives a voter registration card that is deficient, the auditor shall send a notice of deficient registration to the person seeking to register. If a county auditor receives a voter registration card that is filed during the period when preelection voter registrations cannot be accepted, the auditor shall send a notice of late registration to the person seeking to register. The notice of late registration must require that it be returned if not deliverable. The secretary of state shall provide sample notices of deficient and late registration.

8200.3500 ACKNOWLEDGMENT OF INELIGIBLE APPLICATIONS.

Ineligible applicants shall be notified of the reasons for their ineligibility and their cards maintained separately by the auditor for 22 months.

8200.3700 REMOVAL OF CARDS FROM REGISTRATION FILES.

If a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered in another county or state, the county auditor may notify the person whose card is to be removed of the removal and the reason for the removal in writing. The cards removed must be maintained in separate files for 22 months.

8200.5100 ~~ELECTION DAY~~ REGISTRATION AT PRECINCT ONLY.

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the polling place of the precinct in which the person resides. To register on election day, a person must complete and sign the registration card and provide proof of residence. A person may prove residence on election day only:

A. by presenting:

(1) a valid Minnesota driver's license, learner's permit, or a receipt for either that contains the voter's valid address in the precinct;

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

(2) a valid Minnesota identification card issued by the Minnesota Department of Public Safety or a receipt for the identification card that contains the voter's valid address in the precinct; or

(3) a current ~~Minnesota~~ student identification card that contains the student's ~~picture and~~ valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct; ~~or~~

B. by having a valid registration in the same precinct under a different address;

C. by presenting a notice of late registration mailed by the county auditor or municipal clerk; or

D. by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the oath in part 8200.9939.

The oath in item ~~B~~ D must be attached to the voter registration card until the address of the applicant is verified by the county auditor. The county auditor shall file the oaths and maintain them for ~~22 months~~ one year.

Subp. 2. **Additional proof of residence allowed.** An eligible voter may prove residence under this subpart by presenting one of the ~~proofs of identity~~ photo identification cards listed in item A and one of the additional proofs of residence listed in item B.

A. ~~An identification card issued by the United States government, the state of Minnesota, a Minnesota postsecondary educational institution, or a Minnesota county or municipality is an~~ The following documents are acceptable proof of identity photo identification cards under this subpart if ~~it contains~~ they contain the voter's name and photograph:

(1) a Minnesota driver's license or identification card;

(2) a United States passport;

(3) a United States military identification card; or

(4) a student identification card issued by a Minnesota postsecondary educational institution.

B. ~~The following documents are acceptable proofs of residence under this subpart if the document shows the voter's name and current address in the precinct:~~

(+) An original bill for gas, electric, telephone, cable television, solid waste, water, or sewer services is acceptable as an additional proof of residence under this subpart if:

(1) the bill shows the voter's name and current address in the precinct; and

(2) the due date on the bill is within 30 days before or after election day;

(3) ~~a receipt for a Minnesota driver's license or identification card;~~

(4) ~~an instruction permit issued by the Minnesota Department of Public Safety;~~

(5) ~~a current student fee statement; or~~

(6) ~~a notice of late registration mailed by the county auditor or municipal clerk.~~

C. ~~If the proof of identity photo identification presented by the voter establishes the voter's identity and the additional proof of residence presented by the voter establishes the voter's current address in the precinct, the voter shall have proven residence under this subpart.~~

C. The secretary of state shall provide samples of utility bills acceptable as additional proof of residence under item B to local election officials for use in election judge training and in the polling place on election day.

[For text of subp 3, see M.R.]

8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION CARD.

When a voter uses ~~an identification card issued by the United States government, the state of Minnesota, a Minnesota postsecondary educational institution, or a Minnesota county or municipality or one of the documents listed in part 8200.5100, subpart 2, item B;~~ a Minnesota driver's license, learner's permit, Minnesota identification card, United States passport, United States military identification card, or Minnesota postsecondary student identification card to prove residence or identity when registering on election day, the election judge who is registering voters shall record the number on the ~~identification card and the type of document~~ in the "election day official use only" area of the registration card. When a voter uses one of the documents listed in part 8200.5100, subpart 2, item B, to prove residence for election day registration, the election judge who is registering voters shall record the type of document on the card in the "office use only" area of the registration card.

8200.5500 REGISTRATION CARDS RECEIVED ON ELECTION DAY.

Registrations received at polling places on election day must be filed in the same file and in the same manner as registrations received prior to that election day.

8200.5700 NOTICE OF DEFICIENT REGISTRATION.

A voter registration office may send notices to election day registrants whose cards are found to be deficient and request that the voters contact the registration office.

8200.6400 FORM OF PUBLIC INFORMATION LIST PROVIDED BY SECRETARY OF STATE.

The public information list provided by the secretary of state must contain the information required by *Minnesota Statutes*, section 201.091, subdivision 4. The public information list may also include the precinct, ward, congressional district, legislative district, county commissioner district, judicial district, school district, or other identifiers for each election district in which the voter resides. The public information list may be requested on paper or on electronic media.

8200.9120 INSPECTION OF POLLING PLACE ROSTERS.

An individual who asks to inspect a polling place roster used on election day must provide the county auditor with identification and a written request stating the information required by *Minnesota Statutes*, section 201.091, subdivision 4. Before fulfilling the request for inspection, the auditor must conceal the ~~date month and day~~ of birth ~~and challenge status~~ of each person on the roster ~~before fulfilling the request for inspection~~.

8205.1010 FORM OF PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. General form requirements. Petitions must be prepared in accordance with items A to I.

A. A petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. The signer's oath and the signature lines must be on the same side of the paper.

B. The language on the petition must be printed in as large as possible but no smaller than 8-point type.

C. Each petition page must have a short title describing the purpose of the petition.

D. Each petition page must have a statement summarizing the purpose of the petition.

E. If the purpose of the petition is to put a question on the ballot, each petition page may have a statement of 75 words or less summarizing the ballot question.

F. Each petition page must have a signer's oath in ~~14-point~~ 12-point bold type. If the form of the signer's oath is not specified by statute, the following oath must be used: "I swear (or affirm) that I know the contents and purpose of this petition and that I signed this petition only once and of my own free will."

G. Each petition page must include the following statement immediately above the signature lines: "All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so."

H. Each petition page must have no more than ~~ten~~ 20 signature lines. The signature lines must be consecutively numbered ~~from one to ten~~. Each signature line must have space for the date of signature; a signature; and each signatory's year of birth; printed first, middle, and last name; and residence address, municipality, and county.

I. Each petition page must include the following statement: "All information on this petition is subject to public inspection."

8205.1020 CIRCULATING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. Photocopies. Petitioners may circulate photocopies of a sample petition page.

8205.1030 SIGNING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

Subp. 2. Required information. The person signing the petition shall complete the signature date, name, year of birth, and residence address lines on the petition.

Subp. 3. Signing by disabled person. A person physically unable to complete the petition may ask another for assistance.

Subp. 4. Signing only once. A person may sign a petition only once.

8205.1040 FILING PETITIONS.

Subpart 1. Applicability. This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. Definition of filing officer. As used in this part and part 8205.1050, "filing officer" refers to:

A. the county auditor if a petition is for an office to be voted upon only in one county; or

B. the secretary of state if a petition is for an office to be voted on in more than one county.

Subp. 3. Filing procedures. The person filing the petition must submit the entire petition at one time to the filing officer. The petitioners may submit the petition by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt by the filing officer. Petition pages must not be altered by anyone except the filing officer for verification purposes after the petition has been filed.

Subp. 4. Receipt. The filing officer must provide the person filing the petition with a receipt for the petition. The receipt must include the type of petition filed; the name, address, and telephone number of the person submitting the petition; the date on which the petition was filed; and the total number of pages in the petition submitted.

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.

Subp. 2. Verifying petitions. The filing officer shall verify each petition using the method in items A to C.

A. The filing officer shall inspect the form of the petition to determine whether it complies with part 8205.1010.

B. The filing officer shall inspect the petition to determine whether it has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements.

If the petition has not been signed by the required number of qualified signatories, the filing officer must notify the person who filed the petition:

- (1) that the petition has not been signed by the required number of signatories; and
- (2) of the number of additional signatures needed.

If the time for circulating the petition has not expired, the petitioners may collect additional signatures and submit them at one time to the filing officer before the circulation period expires.

C. If the petition satisfies the form requirements in part 8205.1010 and has been signed by the required number of qualified signatories during the applicable time period, the filing officer shall notify the person whose name is on the petition receipt that the petition is sufficient.

~~Subp. 2. 3.~~ Time for verification. The filing officer shall complete the verification of a petition as soon as practicable but no later than ten working days after the day on which the petition was filed.

~~8205.1060 APPLICABILITY.~~

~~Parts 8205.1010 to 8205.1040 apply to proposed recall petitions and to recall petitions.~~

8205.2000 FORM OF PROPOSED RECALL PETITION.

Subpart 1. Applicability of other rules. A proposed recall petition must comply with parts 8205.1010 to 8205.1040.

Subp. 1a. Form of proposed recall petition. Proposed recall petitions must be prepared in accordance with items A to C.

A. The words "PROPOSED RECALL PETITION" must be printed at the top of each page of the petition.

B. Each page of the proposed petition must include the following information:

(1) the information required by *Minnesota Statutes*, section 211C.03; and

(2) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. Separate petitions must be used to propose the recall of more than one state officer.

D. The secretary of state shall provide sample proposed recall petition pages.

Subp. 2. [See repealer.]

Subp. 3. **Submitting the proposed recall petition.** The proposed recall petition must be submitted to the secretary of state.

The persons submitting the proposed recall petition also shall submit a written statement designating no more than three consenting signatories of the petition who will represent all petitioners in all matters relating to the recall. The secretary shall provide sample written statements.

The petition must be accompanied by a fee of \$100. If the filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, the secretary of state shall send notice of the worthless instrument to the petitioners via registered mail with return receipt requested. The petitioners have five days from the time the secretary receives proof of receipt to provide the secretary of state with sufficient funds. If adequate payment is not made, the secretary of state shall dismiss the proposed petition.

Subp. 4. **Receipt of proposed recall petition.** The receipt must include the name of the state officer who is the subject of the proposed petition.

8205.2010 VERIFYING THE PROPOSED RECALL PETITION.

Subpart 1. **Verifying the proposed recall petition.** The secretary of state shall inspect the form of each proposed recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2000, subpart 1. The secretary of state shall inspect each proposed recall petition to determine whether it has been signed by at least 25 persons eligible to vote in the district where the state officer subject to the proposed recall petition serves or, in the case of a statewide officer, within the state. The secretary of state shall verify that the address given by each signatory is in the district served by the state officer subject to the proposed recall petition and that the birth date given by each signatory establishes that the signatory was at least 18 years old when the petition was signed.

If the secretary of state determines that less than 25 eligible voters have signed a proposed recall petition, the secretary of state shall immediately dismiss the petition and send written notice to the person submitting the petition.

If the secretary of state determines that the proposed recall petition is sufficient, the secretary shall immediately send written notice to the state officer subject to the proposed recall petition and the petitioners and shall forward the proposed petition to the clerk of the appellate courts.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a proposed recall petition no later than three working days after the day on which the petition was filed.

8205.2110 FORM OF RECALL PETITION.

Subpart 1. **Applicability of other rules.** A recall petition must comply with parts 8205.1010 to 8205.1040.

Subp. 1a. **Form of recall petition.** Recall petitions must be prepared in accordance with items A and B.

A. The words "RECALL PETITION" must be printed at the top of each page of the petition.

B. Each page in the petition must include the following information:

(1) the information required by *Minnesota Statutes*, section 211C.03; and

(2) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. A separate petition must be used for the recall of each state officer.

Subp. 2. [See repealer.]

Subp. 3. **Submitting the petition.** The completed petition must be filed with the secretary of state.

Subp. 4. **Receipt of recall petition.** The receipt must include the name of the state officer who is the subject of the petition.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

8205.2120 VERIFYING THE RECALL PETITION.

Subpart 1. **Verifying the recall petition.** The secretary of state shall verify each recall petition by the following method.

A. The secretary of state shall inspect the form of the recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2110, subpart 1.

B. The secretary of state shall inspect each petition to determine whether it was filed within 90 days after the date of issuance. If the secretary of state determines that the petition was not filed within 90 days after the date of issuance, the secretary shall dismiss the petition and notify the petitioners of the reason for dismissal.

C. The secretary of state shall inspect each petition to determine whether it has been signed by a number of persons eligible to vote in the district served by the state officer subject to the recall petition that is equal to at least 25 percent of the number of votes cast at the most recent general election for the office held by the state officer subject to the recall petition. If the petition has not been signed by the required number of eligible voters and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reason for the dismissal. If the petition has not been signed by the required number of eligible voters but the 90-day time limit has not expired, the secretary shall notify the petitioners:

- (1) that the petition has not been signed by the required number of voters;
- (2) of the number of additional signatures needed;
- (3) that the 90-day time limit has not expired;
- (4) of the number of days left in the 90-day time limit; and

(5) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the necessary number of additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the necessary number of required signatures within the 90-day time limit, the secretary shall continue the verification process.

D. The secretary of state shall use a random sampling technique to verify that the persons signing the petition are eligible voters.

(1) If a member of the house of representatives or senate is the subject of the recall petition, the sample size must be 650 signatures.

(2) If the governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general, or a supreme court, court of appeals, or district court judge is the subject of the recall petition, the sample size must be 2,000 signatures.

(3) The secretary shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random numbers generated constitute the sample for the verification process.

(4) The secretary of state shall verify that the address given by each signatory in the sample is in the district served by the state officer subject to the recall petition and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures from persons determined by the secretary to be ineligible to vote must not be counted.

(5) The secretary shall determine what percentage of the signatories in the sample are eligible voters.

(6) The secretary shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible voters in the sample to determine how many of the signatories on the petition are deemed to be eligible voters.

(7) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(8) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number but the 90-day time limit has not expired during the verification process, the secretary shall notify the petitioners:

- (a) that the petition has not been signed by the required number of eligible voters;
- (b) of the number of additional signatures needed;
- (c) that the 90-day time limit has not expired;
- (d) of the number of days left in the 90-day time limit; and

(e) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the secretary with additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary with additional signatures, the secretary shall reverify the petition using the procedure described in subpart 1.

E. If the secretary of state determines that the petition satisfies the form requirements in parts 8205.1010 and 8205.2110, subpart 1, the petition has been filed within the 90-day time limit, that the petition has been signed by the required number of signatories, and that the statistical sampling shows the number of signatories who are eligible voters is 100 percent or greater of the required number, the secretary shall certify the petition and immediately send written notice to the governor, the petitioners, and the state officer subject to the petition.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten working days after the day on which the petition was filed.

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1, shall be in the form in subpart 1a. An absentee ballot application prepared pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1, in jurisdictions where absentee balloting is allowed for any reason, shall be in the form in subpart 1b. An absentee ballot application prepared pursuant to *Minnesota Statutes*, section 203B.17, subdivision 2, must be in the form in subpart 1c. An absentee ballot application prepared pursuant to part 8210.0100 must be in the form in subpart 1d. An absentee ballot application for an election may include the date of the election.

Subp. 1a. **General application form.**

**ABSENTEE BALLOT APPLICATION
READ INSTRUCTIONS BEFORE COMPLETING**

RETURN THE APPLICATION AS SOON AS POSSIBLE. BALLOTS RECEIVED AFTER ELECTION DAY CANNOT BE COUNTED.

I hereby apply for absentee ballots for:

(Check one)

- both primary and general elections
- primary election only
- general election only

I will need an absentee ballot for the following reason:

(Check one)

- absence from precinct
- illness or disability
- religious discipline or observance of religious holiday
- service as election judge in another precinct

Name: _____
(please print)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Telephone number (optional) _____

Date of birth (optional) _____

Mail my absentee ballot to me at the following address:_____
Street or Route No. Apt. No. Rural Box No._____
City State Zip

Date _____

Legal Signature

[For text of subs 1c and 1d, see M.R.]

Subp. 1e. [See repealer.]

Subp. 1f. [See repealer.]

Subp. 2. **Absentee ballot instruction.** The following instructions must be sent with an absentee ballot application prepared pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1. Jurisdictions where absentee voting is allowed for any reason may omit instruction number 2:

INSTRUCTIONS

1. To vote by absentee ballot

- you must be an eligible voter, and
- you must reside at the legal residence address you give on this application on election day.

It is a felony to make a false statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to show a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote or to help anyone to cast an illegal vote.

2. Be sure to check the appropriate box indicating why you cannot go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

4. Be sure to sign the application.

5. Return the completed application as soon as possible to the election official from whom you received it.

Remember:

- You must indicate whether you are requesting ballots for the primary or general election, or both.
- Do not submit more than one application for each election.
- Your absentee ballots will be mailed or delivered to you as soon as they are available.
- Ballots received by election officials after election day will not be counted.

Subp. 3. **Postcard application.** The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the secretary of state. If the application is printed as a postcard application, it must conform to United States Postal Service requirements.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

[For text of subp 4, see M.R.]

Subp. 4a. **Permanent application form.**

APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS

Name _____
Last First Middle

Township or City
of Legal Residence _____
Township or City County

Address of
Legal Residence _____
Street Address or Route and Box Number

Mailing Address
for Application
(if different) _____
Street Address or Route and Box Number

Mailing City State Zip

Telephone Number (optional) _____

Date of Birth (optional) _____

I certify that I reasonably expect to be permanently unable to vote in person at the polling place for my precinct due to illness or disability and hereby request that an application for absentee ballots be sent to me before each election in which I am eligible to vote.

Signature

Date

Subp. 5. [See repealer.]

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

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

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

Subp. 2. **Instructions for unregistered voters.**

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;
- b. a notary public; or
- c. any person having authority to administer oaths.

Step 2. Fill out the voter registration card. Remember to sign your name at the bottom of the card.

Adopted Rules

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

- a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address;
- b. ~~a Minnesota student identification card that contains the student's picture and current address in the precinct;~~
- e. ~~the signature of a registered voter who lives in your precinct; if your witness lives in your precinct, your witness may also vouch for you; or~~
- d. one proof of identity document from the list in (i) and one proof of residence document from the list in (ii):
 - (i) ~~an identification card issued by the United States government, the state of Minnesota, a Minnesota postsecondary educational institution, or a Minnesota county or municipality; and~~
 - (ii) ~~one of the following documents that contains your name and current address in the precinct:~~
 - ~~an original bill for gas, electric, telephone, cable television, solid waste, water, or sewer services due within 30 days before or after election day;~~
 - ~~a receipt for a Minnesota driver's license or identification card;~~
 - ~~an instruction permit issued by the Minnesota Department of Public Safety;~~
 - ~~a current student fee statement; or~~
 - ~~a notice of late registration mailed by the county auditor or municipal clerk.~~
- (i) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day, and
- (ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, or Minnesota postsecondary student identification card with your photograph;
- c. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;
- d. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or
- e. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope.

Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 10. Return your ballot to the address on the white ballot return envelope in one of the following ways:

- a. by mail so it will be delivered by election day;
- b. in person no later than 5:00 p.m. on the day before election day; or
- c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call

Subp. 3. Instructions for registered voters.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;
- b. a notary public; or
- c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 8. Return your ballot to the address on the white ballot return envelope in one of the following ways:

- a. by mail so it will be delivered by election day;
- b. in person no later than 5:00 p.m. on the day before election day; or
- c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call

8210.0600 STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** Except as provided in subpart 4, the statement of absentee voter for persons voting under *Minnesota Statutes*, sections 203B.04 to 203B.15, must be printed in the form shown in subpart 1a.

Subp. 1a. Statement of absentee voter form.

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- enclosed and sealed the ballots in the secrecy envelope;
- registered to vote by filling out and enclosing a voter registration card in the ballot envelope; and
- provided proof of residence as indicated below.

NAME OF WITNESS (PLEASE PRINT)

_____ADDRESS OF WITNESS (PLEASE PRINT)

_____SIGNATURE OF WITNESS

_____DATE

_____TITLE OF WITNESS (IF AN OFFICIAL)

_____**↓ PROOF OF RESIDENCE USED BY VOTER ↓****Witness - please check one:**

- MN Driver's License; ~~Permit~~/ID Card; or ~~Student ID receipt~~ with current address.
Number: _____
- Utility bill, ~~MN driver's license receipt, MN learner's permit, student fee statement, or notice of late registration~~ plus a ~~government or student ID card with picture.~~ MN Driver's License/ID Card, U.S. passport, U.S. military ID card with picture, or student ID card with picture.
Number: _____
- ~~Previous registration in the same precinct.~~
- ~~Student ID. Number:~~
- ~~Notice of Late Registration from county auditor or municipal clerk.~~
- Registered voter in the precinct who vouched for absentee voter's residence in the precinct.
(Please complete the next three lines.)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

VOUCHER'S NAME (PLEASE PRINT)

VOUCHER'S ADDRESS (PLEASE PRINT)

VOUCHER'S SIGNATURE

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

8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Mailing address.** County auditors and municipal clerks shall cause a mailing address to be printed on each return envelope that they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. A return envelope may be addressed to the county auditor, to the municipal clerk, or to the election judges of the precinct in which the absent voter is eligible to vote.

When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.

[For text of subps 7 to 10, see M.R.]

8210.2200 DUTIES OF COUNTY AUDITOR OR MUNICIPAL CLERK UPON RECEIPT OF ABSENTEE BALLOT RETURN ENVELOPE.

Subpart 1. **Personal delivery.** Absentee ballot return envelopes that are delivered in person by an absent voter must be received by the county auditor or municipal clerk by 5:00 p.m. on the day before election day. Absentee ballot return envelopes that are delivered in person by an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day.

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

8210.3000 MAIL BALLOTING.

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

Subp. 4a. **Form of instructions to mail voters.**

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully.

Before you vote you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;
- b. a notary public; or
- c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Place the tan colored ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 8. Return your ballot to the address on the white ballot return envelope by mail so it will be delivered by election day or in person or through your designated agent no later than 8:00 p.m. on election day.

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

[For text of subp 4b, see M.R.]

Subp. 4c. [See repealer.]

[For text of subps 5 and 6, see M.R.]

Subp. 6a. **Form of replacement mail ballot affidavit.**

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

(print or type legal name of voter)

(print or type legal address)

I certify that

- I am a resident and eligible voter in

(name of township or territory)

- I am requesting a replacement ballot because I spoiled, lost, or did not receive the ballot mailed to me;
- if I spoiled the ballot, I have returned the spoiled ballot to the official who issued the ballot or that it is enclosed with this affidavit;
- if I receive both ballots or find the first ballot, I will destroy the unused ballot and will vote only once; and
- I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

(date)

(legal signature of voter)

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

Subp. 8. **Returning ballots.** Mail ballots may be returned to the official conducting the election by mail, in person, or by designated agent. The official conducting the election must accept ballots returned in person, or by designated agent, until 8:00 p.m. on the day of the election. An individual shall not be the designated agent of more than three absentee voters in one election.

[For text of subps 9 to 12, see M.R.]

Subp. 13. **Alternate forms.** The secretary of state may authorize the alternate use of envelopes and other forms related to mail elections.

8220.0050 CONDUCT OF ELECTIONS.

Except as provided in chapters 8220 and 8230 or in *Minnesota Statutes*, elections shall be conducted in the manner prescribed for precincts using paper ballots in the Minnesota election law.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

8220.0150 MINIMUM STANDARDS.

Chapters 8220 and 8230 set minimum standards for procedures in the use of electronic voting systems. An election jurisdiction may by resolution require additional procedures.

8220.0250 DEFINITIONS.

Subpart 1. **Scope.** As used in chapters 8220 and 8230, terms defined in *Minnesota Statutes*, section 206.56, have the meanings given them in that section, and the following terms defined in this part have the meanings given them.

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

Subp. 2. [See repealer.]

Subp. 2a. [See repealer.]

[For text of subp 3a, see M.R.]

Subp. 3b. **Ballot secrecy cover.** “Ballot secrecy cover” means a cover to be used by the voter to conceal the votes marked on the ballot.

[For text of subp 4a, see M.R.]

Subp. 5a. **Central count voting system.** “Central count voting system” means an electronic voting system designed for and certified by the secretary of state for use in a central counting center.

Subp. 5b. **Central counting center.** “Central counting center” means a place selected by the governing body of an election jurisdiction where an electronic voting system is used to count ballots from more than one precinct after voting hours have ended.

Subp. 7. [See repealer.]

Subp. 10. [See repealer.]

[For text of subps 11 to 15, see M.R.]

Subp. 16. **Election jurisdiction.** “Election jurisdiction” means any municipality, school district, county, or special election district having responsibility for operating electronic voting systems to be used at an election.

Subp. 17. [See repealer.]

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

Subp. 20. [See repealer.]

[For text of subp 21, see M.R.]

Subp. 22a. **Precinct counting center.** “Precinct counting center” means a precinct where a precinct count voting system is used to count votes on ballots at the precinct polling place as voters deposit the ballots into the ballot box.

[For text of subp 22b, see M.R.]

Subp. 23. [See repealer.]

[For text of subp 24, see M.R.]

Subp. 25a. [See repealer.]

[For text of subp 26, see M.R.]

Subp. 27. [See repealer.]

[For text of subps 28a and 30, see M.R.]

Subp. 31. [See repealer.]

Subp. 32. [See repealer.]

[For text of subp 33, see M.R.]

Subp. 34. [See repealer.]

Subp. 35. **Vendor.** “Vendor” means an individual or organization other than an election jurisdiction supplying any element of an electronic voting system, including but not limited to hardware, software, and programming services.

Subp. 36. [See repealer.]

Subp. 38. [See repealer.]

8220.0350 APPLICATION.

An application by a vendor pursuant to *Minnesota Statutes*, section 206.57, for examination of an electronic voting system must be accompanied by the following:

- A. a signed agreement that the vendor will pay all costs incurred by the secretary of state, the vendor, and any designees of the secretary of state in accomplishing the examination;
- B. complete specifications of all hardware, firmware, and software;
- C. all technical manuals and documentation related to the system;
- D. complete instructional materials necessary for the operation of the equipment by election jurisdictions and a description of any training available to users and purchasers;
- E. a list of all state election authorities that have tested and approved the system for use;
- F. a list of all election jurisdictions where the system has been used for elections;
- G. a description of any support services offered by the vendor and of all peripheral equipment that can be used in conjunction with the system;
- H. recommended procedures for use of the system at Minnesota elections including procedures necessary to protect the integrity of the election;
- I. specifications for materials and supplies required to be used with the system;
- J. specifications for stickers for write-in votes that can be used with the system;
- K. explanation of the level of technical expertise required to program or prepare the system for use at an election; and
- L. certification by an independent testing authority approved by the secretary of state of conformance to standards for voting equipment issued by the Federal Election Commission.

The vendor may submit additional material including test reports and evaluations by other states, election jurisdictions, and independent testing agencies. The secretary of state shall make a preliminary review of the application. If the secretary of state determines from the preliminary review that the system obviously does not meet provisions of Minnesota election laws, the vendor may withdraw the application.

8220.0450 ACCEPTANCE DEMONSTRATION.

The vendor shall train a designee of the secretary of state in the preparation and operation of the system. The training must be at least as extensive as the training required for an election jurisdiction to be able to prepare and use the system at Minnesota elections.

The acceptance demonstration must be provided by the vendor and attended by designees of the secretary of state. The vendor is responsible for demonstrating that the system can meet all requirements of chapters 8220 and 8230 and Minnesota election law. In the acceptance demonstration, the vendor of the system must demonstrate the following concerning the system:

- A. its storage requirements;
- B. its speed of operation under conditions that simulate the scope and length of actual election ballots;
- C. full audit capability, with an audit trail, which includes a printout of overvotes and undervotes for each office and issue, and with the undervotes recorded directly from the ballots and not determined by subtraction of totals from ballots that were not overvoted;
- D. all features that can be programmed;
- E. all design specifications;
- F. maximum numbers of precincts, offices and issues, and candidates per office which can be handled;
- G. the production of reports which include vote totals and all statistics and other information required by the secretary of state;

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

H. simulation of vote counting involving a configuration of the largest number of voters, precincts, offices, and candidates with which the system is expected to be used, which vote counting includes ballots showing overvotes, undervotes, and invalid votes as well as those with no overvotes or stray marks, in many different combinations, and demonstrates rotation sequences and the ability to count votes cast on the partisan, nonpartisan, and proposal sections of the ballot independently;

I. accuracy of vote counting and procedures or process for testing accuracy;

J. provisions for maintaining the security and integrity of elections; and

K. provisions for write-in votes.

The vendor shall identify all hardware configurations with which software is intended to operate and shall provide an acceptance demonstration for every hardware and software configuration for which certification for use in Minnesota is requested. The secretary of state may provide additional ballots or test decks for the acceptance demonstration.

The acceptance demonstration and training of the secretary of state's designee may be accomplished either at the vendor's site or at the office of the secretary of state.

8220.0650 APPROVAL OF SYSTEMS.

Subpart 1. **Certification.** If, from the reports of the demonstration and testing, the secretary of state determines that the system complies with chapters 8220 and 8230 and Minnesota Statutes and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. The certification may include stipulations or special procedures for use of the system. No certification may be issued until the vendor has:

A. paid all costs of the examination required under the agreement submitted with the application;

B. certified that the vendor and any agent acting on behalf of the vendor will offer the system for use or sale only according to chapters 8220 and 8230 and Minnesota Statutes and any stipulations of the certification;

C. certified that the vendor will immediately notify the secretary of state of any modifications to the system and will not offer for sale or provide for use in Minnesota any modified system if the secretary of state advises the vendor that, in the opinion of the secretary, the modifications constitute a significant change requiring that the system be reexamined;

D. deposited with an escrow agent a copy of all programs, documentation, and source codes; and

E. deposited with the secretary of state a bond in the amount specified in *Minnesota Statutes*, section 206.57, subdivision 4, conditioned on the vendor offering the system for sale in the manner required by chapters 8220 and 8230 and any conditions under which the system is certified for use in Minnesota. The form and execution of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the system or program is discontinued in Minnesota.

Subp. 2. **Decertification.** If a voting system no longer meets the standards of chapters 8220 and 8230 or Minnesota Statutes, the secretary of state may withdraw certification of the voting system. The vendor must be given written notification of intent to withdraw certification and may within ten days of receipt of the notification submit a written request to the secretary of state for a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.62.

Subp. 3. **Forfeiture of bond.** If the secretary of state determines that a vendor has offered for sale or use at an election a voting system in a manner other than that required by chapters 8220 and 8230 or any conditions under which the system was certified, the bond required by subpart 1, item E, must be forfeited. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. No system may be subsequently offered for sale or use at an election by the vendor who has received a notice of intent to forfeit the bond or whose bond has been forfeited, until the vendor has submitted an additional bond in the amount of \$50,000. The secretary of state shall notify each official on the user list of a receipt, forfeiture, or restoration of these bonds.

8220.0700 PERIODIC REEXAMINATION OF SOFTWARE.

After an electronic voting system has been certified by the secretary of state, the software necessary to operate the voting system, tabulate votes, and prepare ballot styles must be reexamined and recertified under part 8220.0650, subpart 1, by the secretary of state or an independent testing authority approved by the secretary of state at least once every four years and at any time that, in the opinion of the secretary of state, the voting system no longer complies with Minnesota election law. The certification or approval of a significant change to a voting system's software satisfies the requirements of this part. The secretary of state may waive the reexamination and reapproval requirement in this part if no changes have been made to a voting system's software or if the software continues to operate in conformance with Minnesota election law.

8220.0750 PREPARATION OF COMPUTER PROGRAMS.

Computer programs must be prepared so as to tabulate accurately each voter's choices for all candidates, offices, and measures for which the voter is lawfully entitled to vote in conformity with chapters 8220 and 8230 and the laws of Minnesota.

Computer programs must require an electronically readable precinct identifier or ballot style indicator on all ballots.

The vote tabulation portion of the computer program must be prepared as follows:

A. The computer program must reflect the rotation sequence of the candidates' names as they appear on the ballots in the various precincts.

B. The computer program must reflect the offices and questions to be voted on in the order that they appear on the ballots in the various precincts.

C. The computer program must count valid votes cast by a voter for candidates for an office.

D. The computer program must count valid votes cast by a voter for or against any question.

E. The computer program must not count the votes cast by a voter for an office or question if the number of votes cast exceeds the number which the voter is entitled to vote for on that office or question, but it must record that there is an overvote condition as referred to in part 8220.0450, item C.

F. The computer program must ignore stray marks on a ballot; these marks must have no effect on any portion of the ballot.

G. For the purpose of programming, the partisan, nonpartisan, and proposal sections of the ballot are independent ballots; no action of a voter on one section of the ballot may affect the voter's action on another section of the ballot.

H. In partisan primary elections, the computer program must count the votes recorded by a voter for candidates in one political party only and reject all of the partisan section of the ballot if votes are cast for candidates of more than one political party, but count valid votes in the nonpartisan section of the ballot.

I. In partisan primary elections the computer program must check for the situation of a voter casting votes for candidates of more than one political party prior to checking for overvote conditions.

J. If the counting equipment can examine and return a ballot to the voter before counting it, the computer program must check for and reject without counting any ballot with an overvote or, at a partisan primary, with votes cast for candidates of more than one party. When the ballot is returned to a voter, an error message must indicate the type of defect and may indicate the specific office or question where the defective condition was found. The error message must print on a paper tape or display electronically.

K. A mark indicating a write-in is a vote for the purpose of determining if an overvote condition exists. Except where an overvote condition for the office exists, the computer program must record that a write-in has been indicated. The program must count and record valid votes on the ballot for all other offices and questions before a ballot with a write-in recorded is separated from ballots with no write-ins recorded.

The program must report, by office, the total number of write-ins recorded.

8220.0800 PROGRAM PREPARATION BONDS.

Subpart 1. **Amount of bonds.** Each vendor preparing programs for use with an electronic voting system shall deposit a bond with the secretary of state in the amount of \$5,000. The form of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the system or program is discontinued in Minnesota.

Subp. 2. **Forfeiture of bonds.** If the secretary of state determines that a program used with an electronic voting system was not prepared in the manner required by chapters 8220 and 8230 and the written instructions of the official responsible for preparation of the ballots, the bond must be forfeited to the extent necessary to cover actual expenses resulting from the failure of the program. The secretary of state shall determine within 45 days after receiving notification of the failure of a program and a request for reimbursement of expenses resulting from the failure of the program from the appropriate election officials, what actual costs were incurred as a result of the program failure. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. If required to

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

meet actual expenses in excess of the amount of the bond posted under subpart 1, the secretary of state shall use, to the extent necessary, any bond posted by the vendor under part 8220.0650 as compensation to the election jurisdiction. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

8220.1050 PREPARATION OF TEST DECK.

The election jurisdiction requesting the computer program must prepare a test deck of ballots to be used to determine that the voting system and the computer program will correctly count the votes cast for all offices and all proposals in compliance with the Minnesota election law.

The test deck must conform to part 8220.1150. A test deck must be prepared specifically for each election.

The test deck prepared must consist of a preaudited configuration of ballots to record a predetermined number of valid votes for each candidate and issue.

8220.1350 PRELIMINARY TESTING OF COMPUTER PROGRAMS.

Prior to the public accuracy test, the election jurisdiction providing the computer programs shall test the voting systems and programs to ascertain that they will correctly count the votes for all offices and measures. The computer programs must be tested on all precincts.

The election jurisdiction shall compare the zero tape with the ballots of all precincts to ascertain that the appropriate ballots are in each precinct and that the offices and questions to be voted on and the candidates' names are in the order that they appear on the ballots for each precinct. Each election jurisdiction shall make a certificate as to the above matters and file it with the county auditor.

The test must be conducted using the test deck prepared under the direction of the election jurisdiction, and the results must be compared against the predetermined results of the test deck.

8220.1450 DUTIES UPON COMPLETION.

After an errorless count has been made on all precincts, the election jurisdiction providing the computer program must:

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

8220.1550 PUBLIC ACCURACY TEST.

The election jurisdiction must hold a public accuracy test within 14 days prior to the election for the purpose of demonstrating the accuracy of the computer programs and voting systems to be used at the election. The public accuracy test must be conducted according to *Minnesota Statutes*, section 206.83.

The time and place of the public accuracy test must be designated by the election jurisdiction providing the computer program, which must give at least 48 hours' public notice of the time and place of the test by publication in official newspapers and by posting a notice in the office of the county auditor and each local election official conducting the test.

The test must be open to the public. At least two election judges of different political parties must witness the test. The chief election official of the election jurisdiction shall explain the methods and test procedures used to determine the accuracy of the computer programs. This will include submitting as public record the certificate prepared in accordance with part 8220.1450 that all precincts have been tested using the test deck prepared under the direction of the election jurisdiction.

The sealed container containing the computer programs, test deck, and predetermined results must be opened and the computer programs tested to determine their accuracy on the voting systems on which they are to be used on election day. The testing of the voting systems and programs must be with the test deck prepared under the direction of the election jurisdiction. In election jurisdictions with three or fewer precincts, all the precincts must be tested. In election jurisdictions with more than three precincts, a minimum of three precincts must be tested. One precinct from each congressional district, legislative district, county commissioner district, ward, and school district on the ballot must be tested. The official conducting the election shall select the precincts to be tested.

If an error is detected in any part of the testing, the cause must be ascertained, the error corrected, and an errorless count must be made on all precincts. At the discretion of the election jurisdiction, the meeting may be adjourned to a time and date certain.

8220.2050 ISOLATION OF CENTRAL COUNT VOTING SYSTEM AND PRECINCT COUNT VOTING SYSTEM.

The central count voting system or precinct count voting system must be set up so that the vote-tallying procedures will function in isolation while being tested or operated on election day. No physical connection must exist between a central count voting system or precinct count voting system and any other computer during hours that voting is occurring in that precinct on election day or while the central count voting system or precinct count voting system is tabulating results for a precinct.

8230.0050 APPLICABILITY.

Chapters 8220 and 8230 apply to optical scan voting systems.

8230.0150 PROCEDURES.

Unless otherwise provided for in chapters 8220 and 8230 or in Minnesota law, paper ballot procedures as provided in Minnesota election law must be followed to the extent possible.

8230.0250 ARRANGEMENT OF VOTING STATIONS.

Election jurisdictions may provide self-contained voting stations for use by voters in casting their ballots. If a voter claims that the arrangement of the stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the stations to provide for increased secrecy.

8230.0560 BALLOTS.

Ballots must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the equipment manufacturer's recommended standards and specifications for ballot printing.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. Only an electronically readable precinct identifier or ballot style indicator is required on a presidential or federal absentee ballot.

Voting instructions must be printed at the top of each side of the ballot that contains one or more offices or questions to be voted on. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for the initials of at least two election judges must be printed on one side of the ballot.

The vendor must deliver ballots in shrink-wrapped packages of 25, 50, or 100 ballots. The ballots must be stored in a manner to protect against moisture.

The local election official must certify to the county auditor the number of ballots received for each ballot style. The local election official or county auditor shall package the ballots for each precinct in groups of 25, 50, or 100 and seal or place the ballots into a package or transfer case. The package or transfer case must contain a certificate stating the number of ballots it contains. All ballots not issued to a precinct or assigned for absentee voting must be secured and accounted for by the official conducting the election. The official conducting the election must maintain a record of the number of ballots issued to each precinct. The ballots must be delivered to the chief election judge of each precinct.

8230.0570 BALLOT SECRECY COVERS.

The ballot secrecy cover must be of sufficient size and construction so that when the ballot is inserted in it all portions indicating voting marks are hidden from view.

8230.0580 SUPPLIES.

A ballot box must be provided to each precinct for the deposit of voted ballots.

The following items must be included in the precinct supplies:

- A. the sample ballot for the precinct;
- B. ballot secrecy covers;
- C. envelopes marked "spoiled ballots," "write-in ballots," and "ballots for which duplicates were or are to be made";
- D. a form to record write-in votes if needed; and
- E. a set of instructions for operating the precinct on election day.

In election jurisdictions using central count voting systems, an envelope marked "defective ballots" also must be provided to each precinct.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

8230.0650 VOTING PROCEDURE.

Every voter at the polling place must be offered a demonstration of how to mark the ballot and use the voting system.

The election judge shall not deliver a ballot to a voter until the judge has received a voter receipt. The voter receipt may contain an example of the target used on the ballot. The election judge must state or demonstrate how to complete the target as the ballot is handed to the voter. A writing instrument without an eraser that will produce marks that can be accurately read by the ballot counter must be provided to each voter.

Upon being issued a ballot and offered a ballot secrecy cover, the voter shall go to an unoccupied voting station and vote.

Upon leaving the voting station, the voter shall insert the ballot into the ballot counter or ballot box. The voter may choose to hand the ballot to an election judge who shall insert the ballot into the ballot counter or ballot box.

8230.1850 DEFECTIVE BALLOT.

If a ballot has been damaged, the election judges may duplicate and count it. The damaged ballot must be placed in the duplicate ballot envelope. If it is clearly evident from examination of the ballot that the ballot has been damaged or marked for the purpose of distinguishing it, then the ballot is defective and may not be counted. The ballot must be placed in the defective ballot envelope and returned to the official in charge of the election for the election jurisdiction.

8230.3950 SUMMARY STATEMENTS.

The election official in charge of the central counting center must prepare two or more summary statements. The summary statement must state the name of the county; the name of the municipality, school district, or special district; precinct name and code; offices; names of candidates; number of persons registered at 7:00 a.m. on election day; number of ballots counted; vote totals; and any other data required by the secretary of state. Authorized personnel in the central counting center shall enter this data into the election reporting system established by the secretary of state for the purpose of state reporting of election results. The summary statement may be a computer printout as well as any forms designated by the secretary of state.

8230.4050 DISTRIBUTION OF SUMMARY STATEMENTS.

The summary statements referred to in part 8230.3950 must be certified to the official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

8230.4360 DUPLICATION OF BALLOTS.

Any ballots requiring duplication at the polling place must be duplicated in the manner described in part 8230.3850.

8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.

Subpart 1. **Number of ballot counters and memory units.** At least one precinct count voting system and at least one memory unit must be used in each precinct. One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the same county and that have a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct.

[For text of subps 2 to 6, see M.R.]

8230.4390 CERTIFICATE OF ELECTION JUDGES.

The election judges shall sign a "certificate of election judges." The certificate must state:

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

H. that all ballots used in the election and all ballots that have been duplicated have been placed in the transfer case and the case was securely sealed with an official seal in such a manner as to render it impossible to open the case without breaking the seal; and

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

8250.0200 AUDITOR'S DUTIES.

The white ballot shall be prepared under the direction of the county auditors in a sufficient number to enable the clerks to comply with *Minnesota Statutes*, section 204B.29. The county auditors shall prepare and print the white ballot as soon as practicable, but in

no event less than 30 days before the election. Two weeks before the general election the auditor shall file sample copies of the white ballot in the auditor's office for public inspection. Ballots for distribution in the polling place must be packaged in quantities of 25, 50, or 100.

8250.0300 FORM OF BALLOTS.

The white ballot shall be printed with black ink on white paper as close as practicable to 30 pound. The ballot shall be no less than four inches 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 the voter's choice easily and accurately.

8250.0365 FORM OF PINK BALLOT.

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

Subp. 4. **Designation by number.** If more than one constitutional amendment is on the ballot, each constitutional amendment must be designated by a number and must be preceded by the word "AMENDMENT" and the number assigned to the amendment.

8250.0370 FORM OF CANARY BALLOT.

Subpart 1. **General form.** The canary ballot must be prepared in the same manner as the white ballot, except as provided in this part. The county auditor may add the name of the county directly under the heading of the canary ballot. The county auditor must add the date of the election directly under the heading of the canary ballot and the name of the county, if this name is printed on the ballot. If the canary ballot contains a ballot question, the following instruction must be printed directly under the instructions required in part 8250.0400. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question." Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot order.** County offices must be listed first on the canary ballot in the following order and identified as follows in upper case letters:

COUNTY COMMISSIONER
COUNTY AUDITOR
COUNTY TREASURER
COUNTY RECORDER
COUNTY SHERIFF
COUNTY ATTORNEY
COUNTY SURVEYOR
COUNTY CORONER

The name and number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

If two of the offices listed in this subpart have been combined into one office, the combined office must take the place of the first office listed in this subpart.

The names of candidates to fill vacancies at a special election must be listed under the heading "Special election for (name of office) 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. 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.

Any county offices not listed in this subpart must follow the office of county coroner on the ballot and must be listed in the order determined by the county auditor.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

County ballot questions must be printed after county offices on the canary ballot. When more than one county question is on the ballot, each county ballot question must be designated by a number and must be preceded by the words "COUNTY QUESTION" in upper case letters and the number assigned to the question. The county auditor or county board shall provide a title for each county question printed on the canary ballot. The title must not contain more than ten words. The county attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the county attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Special district offices must follow the last county question. ~~Soil and water conservation districts are special districts.~~ The words "SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR" in upper case letters must precede the names of candidates for the soil and water conservation district board. Where soil and water conservation district supervisor offices are designated by number, the offices must be listed in numerical order. The name and number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

Judicial offices must follow special district offices and appear in the following order: chief justice - supreme court, associate justice - supreme court, judge - court of appeals, and judge - district court. Where judicial seats are designated by number, the offices must be listed in numerical order. Optical scan ballots must be prepared in the order provided in *Minnesota Statutes*, chapter 206.

Subp. 3. **Ballot size.** The canary ballot must be no less than four inches wide and no more than 30 inches long.

8250.0385 FORM OF GREEN BALLOT.

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

Subp. 2. **Ballot order.** The municipal clerk may add the type of election directly above the date on the green ballot. City offices must be listed in the following order and must be identified as follows in upper case letters:

MAYOR

COUNCIL MEMBER

CITY CLERK

CITY TREASURER

Town offices must be listed in the following order and must be identified as follows in upper case letters:

TOWN SUPERVISOR

TOWN CLERK

TOWN TREASURER

The name and/or number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

Municipal offices elected at large must be listed before other offices of the same type elected by district. Where municipal offices are designated by number, those offices must be listed in numerical order. If two of the offices listed in this subpart have been combined into one office, the combined office must take the place of the first office listed in this subpart. Vacant municipal offices being filled by special election must be listed with offices of the same type but after any offices for which candidates will be elected for a full term. The title of a vacant township office being filled at an annual town election may be followed by the number of years remaining in the term. Municipal offices not listed in this subpart must follow the last office listed above and must be listed in the order determined by the municipal clerk.

8250.0390 FORM OF BLUE BALLOT.

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

Subp. 2. **Ballot heading.** The words "CITY QUESTION BALLOT" or "TOWN QUESTION BALLOT" must be printed at the top of the ballot in upper case letters. The municipal clerk may add the type of election directly above the date on the blue ballot. The following words must be printed directly under the ballot heading, municipality name, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question."

When more than one municipal question is on the ballot, each municipal ballot question must be designated by a number and must be preceded by the words "CITY QUESTION" or "TOWN QUESTION" in upper case letters and the number assigned to the question. The municipal clerk or municipal governing body shall provide a title for each municipal question printed on the blue ballot. The title must not contain more than ten words. The municipality's attorney shall review the title to determine whether it

accurately describes the question asked. The title must not be used on the ballot until it has been approved by the municipality's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

8250.0395 FORM OF BUFF BALLOT.

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

Subp. 2. **Ballot offices.** The words "SCHOOL DISTRICT BALLOT" must be printed at the top of the ballot in upper case letters. The school district clerk must add the name and/or number of the school district and the date of the election directly under the heading of the buff ballot. The school district clerk may add the type of election directly above the date on the buff ballot. School district offices must be identified on the buff ballot as follows in upper case letters:

SCHOOL BOARD MEMBER

The name and/or number of the district that the person elected will represent must be printed directly under the title of the office.

School district offices elected at large must be listed before other offices of the same type elected by district. Where school board offices are designated by number, the offices must be listed in numerical order. Vacant offices being filled by special election must be listed with offices of the same type but after any offices for which a candidate will be elected for a full term.

8250.0397 FORM OF GOLDENROD BALLOT.

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

Subp. 2. **Ballot heading.** The words "SCHOOL DISTRICT QUESTION BALLOT" must be printed at the top of the ballot in upper case letters. The school district clerk must add the name and/or number of the school district and the date of the election directly under the heading of the goldenrod ballot. The school district clerk may add the type of election directly above the date on the goldenrod ballot. The following words must be printed directly under the ballot heading, school district identifier, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question."

When more than one question is on the ballot, each ballot question must be designated by number and must be preceded by the words "SCHOOL DISTRICT BALLOT QUESTION" in upper case letters and the number assigned to the question. The school district clerk or school board shall provide a title for each school district question printed on the goldenrod ballot. The title must not contain more than ten words. The school district's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the school district's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

8250.0398 FORM OF TAN BALLOT.

Subpart 1. **General form.** The hospital district ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "HOSPITAL DISTRICT BALLOT" must be printed at the top of the ballot in upper case letters. The hospital district clerk must add the name of the hospital district and the date of the election directly under the heading of the tan ballot. The hospital district clerk may add the type of election directly above the date on the tan ballot.

Subp. 3. **Ballot offices.** Hospital district offices must be identified on the tan ballot as follows in upper case letters:

HOSPITAL DISTRICT BOARD MEMBER

The name and/or number of the district that the person elected will represent must be printed directly under the title of the office.

Hospital district offices elected at large must be listed before other offices of the same type elected by district. Where hospital district offices are designated by number, the offices must be listed in numerical order. Vacant offices being filled by special election must be listed with offices of the same type but after any offices for which a candidate will be elected for a full term. The title of a vacant hospital district office being filled by special election may be followed by the number of years remaining in the term.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

Subp. 4. **Ballot questions.** The following instruction must be printed directly under the ballot heading, hospital district identifier, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question."

When more than one question is on the ballot, each ballot question must be designated by number and must be preceded by the words "HOSPITAL DISTRICT BALLOT QUESTION" in upper case letters and the number assigned to the question. The hospital district clerk or hospital district board shall provide a title for each hospital district question printed on the tan ballot. The title must not contain more than ten words. The hospital district's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the hospital district's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Subp. 5. **Offices and questions on same ballot.** If both hospital district offices and questions will be on the hospital district ballot, the instruction for voting for questions must follow the instruction for voting for offices.

8250.0500 BALLOT HEADING.

At the top of the white ballot shall be printed the words "STATE GENERAL ELECTION BALLOT" in upper case letters. The county auditor may add the name of the county directly under the heading of the white ballot. The date of the election must be printed directly under the heading of the white ballot and the name of the county, if that name is printed on the ballot.

8250.1000 ORDER OF CANDIDATES.

~~Before a general election~~ At the same time that the secretary of state certifies the names of nominees under *Minnesota Statutes*, section 204C.32, subdivision 2, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in *Minnesota Statutes*, section 200.02, subdivision 6, must appear for every partisan office on the white ballot. Candidates nominated by petition must appear on the ballot beneath the names of the candidates of the political parties as defined in *Minnesota Statutes*, section 200.02, subdivision 6, and in the order determined by lot by the secretary of state. The secretary shall draw lots once by political party or principle. To draw the lot, a candidate who has used the word "independent" to designate the candidate's party or principal must be identified by the word "independent" followed by the candidate's surname. The order of political parties or principles determined by the drawing of lots applies to all partisan offices on the ballot.

8250.1800 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.

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

Subp. 2. **Ballot order.** When more than one of the following types of offices is on the ballot, the offices must appear on the optical scan voting system ballot in the following order and must be identified as follows in upper case letters:

FEDERAL OFFICES

STATE OFFICES

CONSTITUTIONAL AMENDMENTS

COUNTY OFFICES

COUNTY QUESTIONS

CITY OFFICES

CITY QUESTIONS

TOWN OFFICES

TOWN QUESTIONS

SCHOOL DISTRICT OFFICES

SCHOOL DISTRICT QUESTIONS

SPECIAL DISTRICT OFFICES

SPECIAL DISTRICT QUESTIONS

JUDICIAL OFFICES

The county auditor may add the name and/or number of the appropriate county, municipality, school district, or special district directly under the titles listed in this subpart.

Subp. 2a. **Primary ballot.** Items A to F apply to primary ballots.

A. On the partisan primary ballot, the names of the political parties that head the political party columns must be shaded with a screen of 30 percent.

B. The office titles must be shaded with a screen of ten percent.

C. If a partisan primary ballot also includes a nonpartisan primary section, the title of the nonpartisan section of the ballot must be printed white on black.

D. If a partisan primary ballot also includes a nonpartisan primary section, the 12-point solid line between political party columns that is required by *Minnesota Statutes*, section 204D.08, subdivision 4, must not be used between the party columns.

E. If a partisan primary ballot also includes a nonpartisan primary section, a bold line must divide the partisan section of the ballot from the nonpartisan section of the ballot.

F. If a partisan primary ballot has political party columns on both sides of the ballot, the instruction in subpart 5 must not be used on the ballot.

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

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than 28 days after the adoption of the legislative plan.

B. Wards must be redistricted no later than 28 days after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than 42 days after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0015 COORDINATION OF REESTABLISHMENT OF PRECINCT BOUNDARIES.

~~Before reestablishing precinct boundaries~~ After redistricting, a municipality must obtain maps of the school districts located wholly or partially in the municipality before the municipality reestablishes its precinct boundaries. A municipality must obtain the school district maps no later than 21 days after the adoption of the legislative plan.

REPEALER. *Minnesota Rules*, parts ~~8200.3800, subpart 1;~~ 8200.6300; 8200.9115, subpart 2; 8205.1000; 8205.2000, subpart 2; 8205.2100, subpart 2; 8205.2110, subpart 2; 8210.0200, subparts 1e, 1f, and 5; 8210.0250; 8210.3000, subpart 4c; 8220.0250, subparts 2, 2a, 7, 10, 17, 20, 23, 25a, 27, 31, 32, 34, 36, and 38; 8250.0360; and 8250.1550, are repealed.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” ADOPTED RULES SECTION — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Office of Administrative Hearings

REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Rulemaking Proceedings, *Minnesota Rules*, Parts 1400.2000 through 1400.2560; Contested Case Hearings, *Minnesota Rules*, Parts 1400.5100 through 1400.8401; and Revenue Recapture Act Hearings, *Minnesota Rules*, Parts 1400.8510 through 1400.8612

Subject of Rules. The Office of Administrative Hearings requests comments on its planned amendments to rules governing rulemaking proceedings, contested case hearings, and revenue recapture act hearings. The office is considering the following rule amendments:

1. Clarification and updating changes to the rulemaking procedure rules (*Minnesota Rules*, parts 1400.2000 - 1400.2560). The office is also considering adopting new rules governing the expedited rulemaking process;
2. Clarification and updating changes to the contested case hearing rules (*Minnesota Rules*, parts 1400.5100 - 1400.8401). This section includes the equal access to justice rule, part 1400.8401; and
3. Clarification and updating changes to the revenue recapture act hearing rules (*Minnesota Rules*, parts 1400.8510 - 1400.8612) that will make the rules more generic and useful in a wider range of hearings.

Many of the rule amendments considered are changes that bring the rules into conformance with statutes. And some rule amendments considered clarify procedures and intent of the rules.

Persons Affected. The amendment to the three groups of rules would likely affect the following groups and individuals:

- **Rulemaking procedure rules** - the changes considered to these rules would likely affect state agency, board, or commission staff, particularly rule writers, rule coordinators, and other agency, board, or commission staff that have rulemaking responsibilities. Other interested persons are administrative law attorneys and lobbyists, as well as any person or business regulated by rules of a state agency.

- **Contested case hearing rules** - the changes considered to these rules would likely affect state attorneys general representing state agencies, boards, or commissions, private attorneys representing respondents in contested case hearings before administrative law judges at the office, regulated persons and businesses including respondents representing themselves pro se. The changes considered to part 1400.8401 governing awards of fees and expenses under the Equal Access to Justice Act would likely affect state agencies, boards, and commissions. Changes to this rule part would also likely affect small and mid-sized businesses involved in contested cases with state agencies, boards, or commissions.

- **Revenue recapture act hearing rules** - the changes considered to these rules would likely affect state and public agencies, boards, and commissions that bring claims to a tax refund under the Revenue Recapture Act. Changes to these rules would also likely affect the persons whose tax refunds are the subject of the claims under the Act, and attorneys representing these persons. Also affected are the parties and counsel that use these rules for penalty order hearings.

Statutory Authority. *Minnesota Statutes*, section 14.51 authorizes the Chief Administrative Law Judge to adopt rules governing the procedural conduct of all rulemaking hearings, contested case hearings, and voluntary rulemaking and contested case mediation sessions. This statute also authorizes the Chief Administrative Law Judge to adopt rules governing the review of rules adopted without a public hearing.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on October 20, 2000. The Office of Administrative Hearings does not contemplate appointing an advisory committee to comment on the planned rule.

Rule Drafts. The OAH is in the process of preparing a draft of the planned rule amendments.

Agency Contact Persons. Written or oral comments, questions, requests to receive a draft of the rules when it becomes available, and requests for more information on the planned rules should be addressed to: Catherine Anderson, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138. **Telephone:** (612) 341-7666. **Fax:** (612) 349-2665. **Email:** Catherine.Anderson@state.mn.us. **TTY** users may call OAH at (612) 341-7346.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact Michael Lewis at the Office of Administrative Hearings at (612) 341-7610, or at **email:** Michael.Lewis@state.mn.us.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record when a proceeding to adopt rules is started. The OAH is required to submit to the judge reviewing the rules only those written comments received in response to the rules after they are formally proposed.

Dated: 18 August 2000

Kenneth A. Nickolai
Chief Administrative Law Judge

Department of Agriculture Agronomy and Plant Protection Division

Notice of Special Local Need Registration for Assure II Herbicide

Pursuant to *Minnesota Statutes* 18B.27 and Parts 1505.0880-1505.0930, the Minnesota Department of Agriculture issued on August 24, 2000, a Special Local Need (SLN) registration for Assure II herbicide, manufactured by DuPont, Wilmington, DE 19880. This registration allows the use of Assure II in short rotation woody crop (hybrid poplar) production. A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107.

Comment deadline is October 4, 2000.

Department of Transportation

Petition of the City of St. Paul for a Variance from State Aid Requirements for DESIGN SPEED.

NOTICE IS HEREBY GIVEN that the St. Paul City Council has made written request to the Commissioner of Transportation, pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed mill and bituminous overlay project located on Sibley Street (Municipal State Aid Street No. 196), between Warner Road and Fifth Street in the City of St. Paul, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the existing 25 mph vertical design, in lieu of the required 50 km/h design speed.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 8th day of August, 2000

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation Group

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Economic Security

Minnesota Job Skills Partnership Grant Proposal Deadlines

The Minnesota Job Skills Partnership (MJSP) Board solicits grant proposals from educational and training institutions for training programs designed for specific businesses. This is to announce the deadlines for grant submission.

The deadline for submission of proposals for both the MJSP Partnership program and the Pathways welfare-to-work program is 4:00 p.m. on October 16, 2000. Twenty final copies must be submitted no later than 4:00 p.m. on October 16, 2000 for consideration at the next scheduled MJSP Board meeting on November 13, 2000. No proposals will be accepted after October 16, 2000.

A Meeting of the MJSP Board is scheduled for Monday, November 13, 2000 at 7:30 a.m., in the Executive Boardroom, Third Floor, World Trade Tower, 30 East Seventh Street, Downtown St. Paul, to hear completed proposals.

Please contact the Partnership office at (651) 296-0388 for details.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

Perpich Center for Arts Education

Notice of Request for Proposals to Develop an Arts and Schools as Partners Program in School Districts Outside the Immediate Minneapolis-St. Paul Metropolitan Area

The Perpich Center for Arts Education is seeking proposals for a program that will support and develop partnerships between schools and community arts resources, to expand the capability of schools to improve the quality of education for their students. Applicants may come from all school districts in Minnesota, excluding Minneapolis and St. Paul districts.

The **Minnesota Arts and Schools As Partners program** involves two levels of partnership. Teams can apply for a grant to develop partnering skills within their school and with outside arts partners. An initial partnership team must be formed, and application must be made on behalf of all partners. An applicant partnership team must include partners representing both school and community arts resources.

The specific components of the MN Arts and Schools As Partners program are discussed under the **Minnesota Arts and Schools as Partners program** Request for Proposal (RFP). The formal RFP, application and additional information may be requested from:

Kris Roth, Professional Development Institute
Perpich Center for Arts Education
6125 Olson Memorial Highway, Golden Valley, MN 55422
(763) 591-4700 or 1-800-657-3515 (toll free)

Professional, Technical & Consulting Contracts

The **Minnesota Arts and Schools As Partners program** and the involvement of the Perpich Center for Arts Education shall be for a time period beginning on or about December 1, 2000 - June 30, 2001. The deadline date for submission of proposals is 4:00 p.m. by the Perpich Center's clock, on Tuesday, October 10, 2000. Proposals should be submitted to Kris Roth, Professional Development Institute, Perpich Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, MN 55422.

Board of Electricity

Notice of Request for Proposals for Providing Electrical Inspection Service for Fiscal Year 2001 (July 1, 2000 through June 30, 2001) in Specific Geographical Areas of the State

The Board of Electricity is requesting proposals to provide electrical inspection service in Steele County. In accordance with *Minnesota Statutes* section 326.241, subdivision 2(2), all individuals providing inspection service must be licensed as journeyman or master electricians.

A detailed Request for Proposals has been prepared by the Board that defines minimum service requirements and other related information.

Prospective responders who are interested in submitting a proposal for this service should request the detailed Request for Proposals. Requests for the detailed Request for Proposals and related questions should be directed to the following person:

John Williamson, Assistant Executive Secretary
Minnesota Board of Electricity
Griggs-Midway Building, Suite S-128
1821 University Avenue
St. Paul, MN 55104
Telephone: (651) 642-0800
Facsimile: (651) 642-0441
Email: john.williamson@state.mn.us

Proposals must be received at the Board office by 4:30 p.m. Central Time, September 19, 2000. Late proposals will not be considered.

Minnesota Historical Society

Notice of Request for Proposal for Owner's Representative Services Northwest Company Fur Post, Pine City, Minnesota

The Minnesota Historical Society is soliciting proposals from qualified firms and individuals to provide Owner's Representative Services for the construction of a new Visitor's Center at the Northwest Company Fur Post in Pine City, Pine County, Minnesota. Construction documents have been prepared and the estimated construction costs are projected to be approximately \$1,900,000.

The Request for Proposals is available by writing or calling Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. **Telephone:** (651) 297-5863 or **email:** chris.bonnell@mnhs.org.

Proposals must be received no later than 2:00 p.m., Local Time, Monday, September 25, 2000, and shall be submitted in the format provided for in the Request for Proposals. Late proposals will not be accepted.

There will be a Mandatory Pre-Qualification Meeting at 10:00 a.m., on Tuesday, September 12, 2000. The meeting will be held at the Northwest Company Fur Post, Pine City, Minnesota.

Professional, Technical & Consulting Contracts

Department of Transportation

Program Support Group

Notice of Availability of Contract for I-94 First Segment Final Design

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for the Final Design for the reconstruction of First Segment of I-94 located between Zane Avenue and TH 169 in the City of Brooklyn Park, Minnesota.

Work is proposed to start January 1, 2001.

Request for Proposals will be available by mail from this office through September 20, 2000. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After September 20, 2000, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Mn/DOT Agreement Administrator:

Alex Chernyaev, P.E.
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
Fax: (651) 282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 p.m., CDT on September 28, 2000. **Late proposals will not be considered.** No time extensions will be granted.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the responder.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Notice of Request for Proposals for Architectural/Engineering Services

Contract No. 00P0111

The Metropolitan Council is soliciting proposals for A/E services for a two-story building addition, modifications, renovations, site improvements and landscaping at the Army Reserve complex at Fort Snelling. Services required will include designing a 38,000 s.f. building addition to existing Bldg., 506, fence and gate for existing parking lot, a new parking lot and driveway, landscaping and site improvements.

Consultant will use provide sketches, building plans, the Army's "*Design Guide for U.S. Army Reserve Facilities*" and be responsible for layout, design, base plans, bidding documents, design calculations, cost estimates and final design drawings/specifications and construction administration support for the project. Consultant will be responsible for working with the representatives of the U.S. Army as well as the Metropolitan Council on this design to ensure complete involvement and satisfaction on all design aspects of this project.

Non-State Public Bids, Contracts & Grants

Services required will include: Schematic and final design, pre-bid and bid activities and construction administration. This project will require involvement of professionals from the architectural, civil, electrical, mechanical and geotechnical disciplines. Proposers must demonstrate effectiveness in coordinating these disciplines to ensure project success.

Council's schedule:

<i>RFP Issue Date</i>	September 5, 2000
<i>Proposals Due</i>	September 28, 2000
<i>Notice to Proceed</i>	November 1, 2000
<i>Project Design</i>	November 2000-February 2001
<i>100% Complete/Bid Docs Available</i>	February 9, 2001
<i>Beneficial Occupancy</i>	November 1, 2001

All firms interested in providing these services should request a copy of the RFP by contacting:

Amanda Petersen, Administrative Assistant
Contracts & Procurement
Metropolitan Council
Mears Park Centre
230 East 5th Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138

Metropolitan Council

Notice of Request for Proposals (RFP) for Consulting Engineering Services for the East Area and West Area Planning

MCES Contract Number 00P0124

The Metropolitan Council is requesting consulting engineering services proposals for the East Area and West Area Planning. The project includes developing a "living" Area Plan that provide long-term road map for wastewater treatment from the current and future East and West urban service areas of the seven-county metropolitan area, in conjunction with recommendations from Interceptor System Master Plan; recommend 20-year capital improvement program for wastewater treatment for East and West Areas, in conjunction with recommendations from interceptor System Master Plan.

The project schedule is shown below.

<i>Issue Request for Proposals</i>	September 18, 2000
<i>Receive Proposals</i>	October 20, 2000
<i>Select Firm</i>	November 3, 2000
<i>Environment Committee Approval</i>	November 14, 2000
<i>Metropolitan Council Approval</i>	November 29, 2000
<i>Notice to Proceed</i>	December 4, 2000
<i>Submit Draft Area Plans</i>	August 31, 2001
<i>Complete Area Plans</i>	December 31, 2001

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Amanda Petersen, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
(651) 602-1585
Fax: (651) 602-1138

Inquiries regarding technical aspects of the project should be directed to Harold Voth at (651) 602-8728.

Non-State Public Bids, Contracts & Grants

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Engineering Services for Design and Preparation of Contract Drawings and Specifications

Project Number: 990505

Contract Number: 00P0035

The Metropolitan Council is requesting engineering service proposals for design and preparation of contract drawings and specifications and construction phase services for Rosemount WWTP interim improvements. The interim improvements consist of aerated pond modifications, phosphorus removal system including chemical and polymer addition, an ultra violet disinfection system and related site and miscellaneous improvements.

<i>Issue Request for Proposals</i>	August 28, 2000
<i>Receive Proposals</i>	September 15, 2000
<i>Select Firm</i>	September 21, 2000
<i>Contract negotiated, executed, NTP</i>	October 2, 2000
<i>Complete Design</i>	January, 2001
<i>Award Construction Contract</i>	March, 2001
<i>Substantially Complete Construction</i>	March, 2002

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Amanda Petersen, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to:

Jim Roth, Project Engineer
(651) 602-1123

Minnesota Statutes, Section 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Metro Transit Division

Request for Proposals for Project Management Services for the Hiawatha Corridor Light Rail Transit System

The Metropolitan Council, through its Metro Transit division, is seeking proposals from responsible firms interested in providing Project Management Services to assist the Council in overseeing and managing the final design and construction of the Hiawatha Corridor Light Rail Transit project. The Hiawatha LRT project will be the first LRT line built in the Twin Cities metropolitan area,

Non-State Public Bids, Contracts & Grants

an 11.4-mile segment that will connect downtown Minneapolis, the Minneapolis-St. Paul International Airport, and the Mall of America in Bloomington. Revenue service from downtown Minneapolis to Fort Snelling will begin fall 2003, followed by service to the airport and Mall of America in winter 2004.

Project Management Services are required to assist the Council in managing the Hiawatha LRT project, and includes oversight of three contracts: a contract for light rail vehicles; a design/build construction contract; and, a contract for fare collection equipment.

Requests for Proposals documents may be obtained free of charge by sending a written request to:

Mr. Christopher Gran
RFP Administrator
Metro Transit Purchasing Department
515 North Cleveland Avenue
St. Paul, MN 55114-1878
Fax: (612) 349-5069
Email: christopher.gran@metc.state.mn.us

Proposals must include all required certifications and statements. Proposals will be evaluated based on the qualifications of the proposer and the project team, understanding of the work, past record of performance, innovative ideas, and comprehensiveness of the proposal. A pre-proposal conference will be held at 1:00 p.m., on Monday, September 18, 2000 in the Council Chambers, Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, MN 55101. Proposals are due by 12:00 noon on Friday, October 6, 2000.

Metropolitan Council

Notice for Request for Proposals for Various Professional and Technical Community Development Support Services

Contract 00P0100

The Metropolitan Council is soliciting proposals for various professional and technical services to support the Council's Community Development Division in completing smaller projects on an as-needed basis. These services include:

- Land Use Planning and Implementation
- Land Use Research and Analysis
- Land and Natural Resource Preservation, including agricultural lands
- Natural Resource Inventory and Planning
- Council Committee Support
- Meeting Facilitation
- Legislative Proposal Preparation
- Technical Assistance to Stakeholders

The Council intends to execute professional services contract(s) with one or more Proposers that are able to provide one or more of these services. The contract(s) will be structured to allow the Council to request specific professional services, generally valued at less than \$25,000, on an as-needed basis by issuing Work Orders. Each Work Order will include a specific scope of services, the specified cost for those services, and a designated Council Project Manager.

The Council intends to select firms for these services based on the following tentative schedule:

<i>Issue Request for Proposals</i>	September 6, 2000
<i>Proposals Due Date</i>	October 6, 2000
<i>Selection of Contractor(s)</i>	October 27, 2000

Non-State Public Bids, Contracts & Grants

All firms interested in providing these services should request a copy of the Request for Proposals. Send a fax requests to:

Amanda Petersen, Administrative Assistant
Contracts and Documents Unit
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

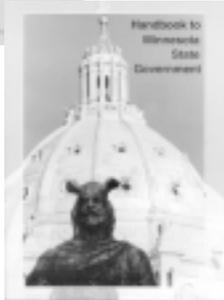
University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

New State Phone Directory & Handbook!

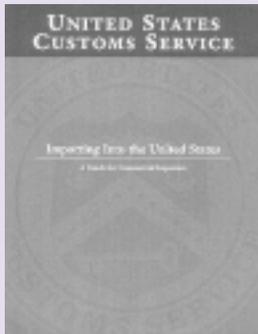


State of Minnesota Telephone Directory 2000-2001

Alphabetical listings of all Minnesota state employees plus state department listings (both metro area and greater Minnesota) including fax numbers, email addresses and TTY numbers. Softcover, 388pp. **Stock No. 1-87 \$13.95**

Handbook to Minnesota State Government

A great companion to the phone book, this easy-to-use handbook features the state agencies under the current Ventura administration. A tremendous resource for all state citizens, this reference will provide the information you need to best utilize the many services and programs provided by our state agencies. Each agency listing features contact information needed to reach the commissioner and other key contacts. You'll find hundreds of addresses, phone numbers, web sites, e-mail addresses, FAX numbers plus a brief outline of what each state agency does for you and photos of several commissioners. Softcover, pp. **Stock No. 1-1 \$7.95**



Importing into the United States

Just released, this federal government publication walks you through the commercial import process. Softcover, 109pp. **Stock No. 16-7 \$9.00**

Gardening Calendar 2001

Stock No. 15-1 \$11.95

Weatherguide Calendar 2001

Stock No. 15-51 \$14.95

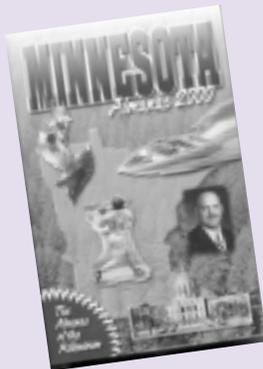
State Parks Calendar 2001

Stock No. 15-38 \$8.95



Minnesota Almanac 2000

You're familiar with the Farmer's Almanac. Now check out the new Minnesota Almanac. From employment to sports records, geography to vital statistics, weather facts to business and organized labor-- you'll find scores of interesting facts in this handy reference. Softcover, 394pp. **Stock No. 19-106 \$15.95**



Emergency/Disaster Preparedness:

A Planning Guide for Schools

Developed by the Dept. of Public Safety and Children, Families, and Learning, this guide offers a quick reference for school officials to help them prepare for and respond to a variety of emergencies and other concerns. Topic include: severe weather, suicide, fire, assault/fights, bomb threats, shooting, hazardous materials, and more. Looseleaf with reinforced tabs, 26pp. **Stock No. 19-106 \$15.95**



