

State of Minnesota

# State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;  
Commissioners' Orders; Revenue Notices; Official Notices;  
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**  
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# State Register

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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 Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
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Tim Pawlenty, Governor	(651) 296-3391	Department of Administration:	<i>State Register:</i>	
Carol L. Molnau, Lt. Governor	(651) 296-3391	Sheila M. Reger, Commissioner	Robin Panlener, editor	(651) 297-7963
Lori Swanson, Attorney General	(651) 297-4272	Materials Management Division:	John Mikes, assistant editor	(651) 297-4616
Rebecca Otto, State Auditor	(651) 297-3670	Kent Allin, Director	Cathy Hoekstra, subscriptions	(651) 297-8777
Mark Ritchie, Secretary of State	(651) 296-2079	Mary Mikes, Manager	Bonnie Karels, billing	(651) 296-4912

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# 21	Monday 23 November	Noon Tuesday 17 November	<b>NOON TUESDAY 10 NOVEMBER</b>
# 22	Monday 30 November	<b>NOON MONDAY 23 NOVEMBER</b>	Noon Wednesday 18 November
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State Office Building, Room 175,  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
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St. Paul, MN 55155 **Website:** [www.mncourts.gov](http://www.mncourts.gov)

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# 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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

**Comments on Planned Rules or Rule Amendments.** 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, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Natural Resources (DNR)

### Division of Fish and Wildlife

#### Proposed Permanent Rules Relating to Electronic Licensing

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

#### Proposed Amendment to Rules Relating to Electronic Licensing, *Minnesota Rules*, 6213.0100 to 6213.0800

**Introduction.** The Department of Natural Resources (DNR) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on December 31, 2009, the DNR will hold a public hearing on Tuesday, January 19, 2010, at the DNR Central Office, 500 Lafayette Road, St. Paul, Minnesota 55155 at this time:

2:00 p.m. in the Sixth Floor Conference Room

To find out whether the DNR will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after December 31, 2009, and before January 19, 2010.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Ka Vang at the Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4026, **phone:** (651) 355-0141, **Fax:** (651) 297-8851, and *ka.vang@state.mn.us*. TTY users may call the DNR at (651) 296-5484 or 1-800-657-3929.

**Subject of Rules and Statutory Authority.** *Minnesota Statutes*, section 84.027, subdivision 15 (a) (6) authorizes the Department to adopt rules for Electronic Licensing. The proposed rules cover a variety of areas pertaining to the sales of game and fish licenses through the Electronic License System as authorized in *Minnesota Rules*, 6213.0100 to 6213.0800, including:

#### Definitions

• **Clarify:** Expand the definition of "electronic licenses" to include any future licenses, passes, permits, etc. that may be added to the Electronic Licensing System (ELS).

Current Citation: *Minnesota Rules*, part 6213.0100



# Proposed Rules

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## Selection of Agents

- **Add:** Business hours of operation for the entire year as a factor to be considered during selection process to ensure customer access to the ELS.

Current Citation: *Minnesota Rules*, part [6213.0310](#)

## Terms of Agent Contract

- **Clarify:** The hours of operations provided by the Agent during the selection process are for the duration of the contract.
- **Add:** Due to changes in technology, communication connections and electrical needs for Agent have changed, so a phone line will not be the only connection option to the new ELS system.
- **Clarify:** The deposit of up to \$500 is required per set of equipment.
- **Add:** The Agent's deposit will be used towards the replacement of the Point of Sale terminal if the terminal is not returned within 30 days of cancellation of the contract, in order to help provide new Agents with terminals in a timely manner.
- **Add:** An Agent's deposit may be applied to any outstanding debt owed to DNR.
- **Add:** An Agent must provide a location for the ELS equipment that protects it from damage and unauthorized use.
- **Add:** ELS data may only be used in the normal course of business for the use of processing ELS transactions.
- **Change in statute:** Match current statute that allows a 3% fee to be collected by Agent when customers use a bankcard and to allow for future changes.

Current Citation: *Minnesota Rules*, part [6213.0400](#)

## Duration of Agent Contract; Transferability

- **Clarify:** A request for termination of the contract by the Agent or a cancellation or suspension by DNR will be provided in writing.
- **Clarify:** Any change in operation (such as hours, type of business, or ownership) must be provided in writing to DNR. Changes in operation could affect customer access or representation of the DNR.
- **Clarify:** If there is a change in ownership, the new owner must submit a new application. Changes in operation could affect customer access or representation of the DNR.

Current Citation: *Minnesota Rules*, part [6213.0410](#)

## Forfeiture or Suspension of Contract

- **Add:** Agent contract may be canceled due to low sales volume, because it is important to get equipment distributed to the best locations to serve the public.
- **Add:** Agent contract may be canceled due to misuse of ELS data.

Current Citation: *Minnesota Rules*, part [6213.0420](#)

## Sale of Electronic Licenses

- **Change in statute:** Current rule does not allow for a change in residency requirements. Change rule to allow for future changes to statutes regarding residency.

Current Citation: *Minnesota Rules*, part [6213.0500](#)

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed or may be accessed at:

<http://www.dnr.state.mn.us/input/rules/els/index.html>.

A free copy of the rules is also available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Thursday, December 31, 2009, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the DNR hold a hearing on the rules. You must make your request for a public hearing in writing, which must be received by the agency contact person by 4:30 p.m. on Thursday, December 31, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged

to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the DNR will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, the DNR can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The DNR may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the DNR follows the procedure under Minnesota Rules, part 1400.2110. If the proposed rules affect you in any way, the DNR encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The DNR will cancel the hearing scheduled for January 19, 2010, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 355-0141 after December 31, 2009, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the DNR will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The DNR will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7842, and **FAX:** (651) 361-7936.

**Hearing Procedure.** If the DNR holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. A copy of the SONAR is also posted on the DNR website at:

*<http://www.dnr.state.mn.us/input/rules/els/index.html>*

**Lobbyist Registration.** Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The

# Proposed Rules

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DNR will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: November 2, 2009

Mark Holsten, Commissioner  
Department of Natural Resources

## 6213.0100 DEFINITIONS.

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

Subp. 4. **Electronic license.** "Electronic license" means ~~a game and fish an application, license, cross-country ski pass, snowmobile trail permit, sticker, watercraft license, or off-road recreational vehicle registration, or any other future electronic transaction relating to Department of Natural Resources licensing,~~ issued under the electronic license system.

Subp. 5. **Electronic license system.** "Electronic license system" means the Minnesota system of using point-of-sale equipment, ~~online sales,~~ or a telephone service to collect data and to issue ~~game and fish licenses, cross-country ski passes, snowmobile trail stickers, watercraft licenses, and off-road recreational vehicle registrations~~ electronic licenses.

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

## 6213.0310 SELECTION OF AGENTS.

Subpart 1. **Factors to be considered.** Before appointing an agent or approving an additional business location, the commissioner shall consider the following factors:

- A. the accessibility of the applicant's business location to the public;
- B. the number and location of existing agents;
- C. the volume of expected electronic license sales; ~~and~~
- D. the nature and type of business engaged in by the applicant; and
- E. hours of operation during the entire year.

The commissioner ~~may shall~~ contract with agents who fulfill the requirements of parts 6213.0100 to 6213.0800 and who in the commissioner's opinion will best serve the public convenience and promote the sale of electronic licenses.

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

## 6213.0320 RECONSIDERATION OF DENIED APPLICATION.

Subpart 1. **Notice.** If an application to be an agent or add an additional business location is denied, the commissioner shall notify the applicant of the denial in writing and give a brief statement of the reason for denial. The commissioner shall notify the applicant that the applicant may, within 30 days from the day the notice was ~~mailed received,~~ request that the commissioner reconsider the application.

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

## 6213.0400 TERMS OF AGENT CONTRACT.

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

Subp. 4. **Hours of operation.** An agent must agree to issue electronic licenses to the public during normal business hours or other hours of operation specified under the contract, for the duration of the contract.

Subp. 5. **Restrictions on sale of electronic licenses.** An agent may not offer electronic licenses for free or at a nominal, reduced, or increased fee except as provided by *Minnesota Statutes*, ~~sections 97A.475 and 97A.485.~~ An agent may not waive all or part of the issuing



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fee or use electronic licenses in connection with a drawing, raffle, giveaway, or other sales promotion.

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

Subp. 7. **Communication and electrical needs.** An agent must agree to provide ~~access to a telephone line, either dedicated or nondedicated, and an established communications connection and access to electrical outlets to use the point-of-sale equipment.~~ The point-of-sale equipment will utilize a toll-free telephone number to the electronic license system.

Subp. 8. **Lost or missing materials and equipment; terms of deposit.** Except for acts beyond their control, an agent must agree to be responsible for lost, stolen, missing, or destroyed electronic licenses and materials and point-of-sale equipment relating to electronic licenses. An agent, except for those agents who are appointed as a deputy registrar of motor vehicles by the commissioner of public safety under Minnesota Statutes, section 168.33, must provide a deposit not to exceed \$500 per set of equipment. The deposit shall be held in a clearing account. The deposit shall be refunded at the time an agent terminates the agent's contract if all point-of-sale equipment and related materials are returned to the commissioner in good working condition and if the agent has no outstanding debt owed to the Department of Natural Resources. ~~If the equipment is not returned within 30 days of contract termination, the deposit shall be forfeited and used towards the cost of replacing the equipment. An agent's deposit shall be applied to any outstanding debt owed to the Department of Natural Resources at the time of contract termination.~~

[For text of subps 9 to 14, see M.R.]

Subp. 15. **Security.** An agent must provide a location for the electronic license system equipment that protects it from damage and unauthorized use.

Subp. 16. **Data practice.** An agent must agree that electronic license system data may be used only in the normal course of business for processing electronic license system transactions.

## 6213.0410 DURATION OF AGENT CONTRACT; TRANSFERABILITY.

Subpart 1. **Duration.** An agent contract remains in effect until the contract is terminated at the request of the agent in writing or is canceled or suspended by the commissioner according to parts 6213.0100 to 6213.0800 or other law.

Subp. 2. **Change in operations.** An agent must notify the commissioner in writing at least 30 days before any change in business location, nature of business, hours of operation, or ownership. The commissioner shall reconsider a contract based on the ~~original~~ application criteria under part 6213.0310 when there is a change in business location, nature of business, hours of operation, or ownership. The commissioner shall cancel the contract if the agent no longer meets the criteria for acceptance of an original application.

Subp. 3. **Transferability; change in ownership.** An agent contract issued under parts 6213.0100 to 6213.0800 may not be transferred. When an agent's business changes ownership, the new owner must submit an application to be appointed an agent, which is subject to approval by the commissioner.

## 6213.0420 FORFEITURE OR SUSPENSION OF CONTRACT.

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

Subp. 2. **Suspension or cancellation of agent contract.** The commissioner ~~shall~~ may cancel or suspend an agent contract ~~until the agent returns to compliance~~ if the commissioner finds that the agent:

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

E. failed to properly display license point-of-sale equipment and materials; ~~or~~

F. failed to have the financial stability or responsibility to act as an agent as evidenced by inadequate accounting records or a failure to maintain sufficient funds from the sale of electronic licenses in the appropriate bank account-;

G. had fewer than 300 electronic license system transactions per year; or

H. misused electronic license system data.

Subp. 3. **Notice.** If an agent contract is forfeited ~~or~~, suspended, or canceled under subpart 1 or 2, the commissioner shall notify the agent ~~in writing~~ and give a brief statement of the reason for forfeiture, cancellation, or suspension. The commissioner shall notify the agent that the agent may, within 30 days from the ~~day~~ date of the notice ~~was mailed~~, request that the commissioner reconsider the forfeiture, cancellation, or suspension. Notice of forfeitures and cancellations shall be in writing.

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

## 6213.0500 SALE OF ELECTRONIC LICENSES.

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

Subp. 3. **Resident licenses.** An agent may not issue a resident license to a person unless the agent ascertains that the applicant is a resident, as defined by *Minnesota Statutes*, section 97A.015, subdivision 42, as demonstrated by:

- A. a Minnesota driver's license;
- B. a Minnesota identification card issued under *Minnesota Statutes*, section 171.07, subdivision 3 or 3a;
- C. a firearms safety certificate issued under *Minnesota Statutes*, section 97B.015, subdivision 5; or
- D. a snowmobile safety certificate issued under part 6100.5500, subpart 5.

## 6213.0510 DUPLICATE LICENSES.

A licensee whose electronic license is lost or destroyed may obtain a duplicate license by applying to an agent and signing the duplicate license under oath.

## Office of the Secretary of State Proposed Permanent Rules Relating to Elections NOTICE OF HEARING

### Proposed Permanent Rules Relating to Elections: Including Amendments to Rules Governing Petitions, Absentee Ballots, Certification and Testing of Voting Systems, Recounts, Election Judge Training Program, Ballot Preparation and Redistricting, *Minnesota Rules*, chapters 8205, 8210, 8220, 8230, 8235, 8240, 8250 and 8255.

**Public Hearing.** The Office of the Secretary of State intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The Office will hold a public hearing on the above-named rules in the Ladyslipper Room, Ground Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155 starting at 9:00 A.M. on December 18, 2009, and continuing until the hearing is completed. The Office will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Manuel J. Cervantes will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7945, and **FAX:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about elections, more specifically about petitions, absentee balloting, certification and testing of new voting systems, procedures for optical scan voting systems, recounts and election judge training program. The proposed rules are authorized by *Minnesota Statutes*, sections 203B.08, Subd. 4, 203B.09, 203B.125 and 204B.45, subd. 3 [absentee and mail ballots]; 204B.071, 211C.03, 211C.04 and 211C.06 [petitions]; 206.57, 206.82, subd. 3 and 206.84, subd. 3 [certification and testing of voting systems and procedures for optical scan voting systems]; 204C.361(a) [recounts]; 204B.25, subd. 2 [election judge training program]; and 204D.08, subd. 1, 204D.11, Subds. 1, 2, 3, 4 and 6, 205.17, Subd. 6, 205A.08, subd. 3, 206.84, and 447.32, subd. 4 [ballot preparation]. A copy of the proposed rules is published in the *State Register* [and attached to this notice as mailed]. The proposed rules are also available on the Web site of the Office of the Secretary of State at:

<http://www.sos.state.mn.us/home/index.aspx?page=753>

A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Bert Black at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, **phone:** (651)

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# Proposed Rules

201-1326; **FAX:** (651) 215-0682; **e-mail:** *Bert.Black@state.mn.us*. TTY users may call the Office through the Minnesota Relay Service at 711.

**Statement of Need and Reasonableness.** The statement of need and reasonableness (SONAR) contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies by contacting the agency contact person. The SONAR is also available at:

*<http://www.sos.state.mn.us/home/index.aspx?page=753>*

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, the agency can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure After The Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: November 16, 2009

Mark Ritchie  
Secretary of State

## 8205.1010 FORM OF PETITIONS.

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

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

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

B. The language on the petition must be printed in ~~as large as possible but~~ no smaller than ~~8-point~~ 10-point type.

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

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F. Each petition page must have a signer's oath in no smaller than 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."

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

H. Each petition page must have no more than ~~20~~ ten signature lines. The signature lines must be consecutively numbered. 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.

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

## 8205.1040 FILING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election or recall 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~~ means:

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

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

C. in the case of a state office, the filing officer who receives the affidavit for filing under Minnesota Statutes, section 204B.09, subdivision 1, paragraph (d);

D. in the case of a petition for a municipal office or municipal question, the municipal clerk;

E. in the case of a petition for a school district office or school district question, the school district clerk;

F. in the case of a petition for a special district office or special district question, the special district clerk;

G. in the case of a recall petition or a proposed recall petition filed under Minnesota Statutes, chapter 211C, the secretary of state;

H. in the case of a removal petition filed under Minnesota Statutes, section 351.16, the county auditor; or

I. in the case of a recall petition or a proposed recall petition filed pursuant to a municipal charter or ordinance, the municipal clerk.

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

## 8205.1050 VERIFYING PETITIONS.

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

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. The filing officer need only determine substantial compliance with regard to any type size on the form.

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

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

## 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 need only determine substantial compliance with regard to any type size on the form. 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.

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

## 8210.0100 PRESIDENTIAL ABSENTEE BALLOTS.

Subpart 1. **Procedure for voting.** A person who is qualified under *United States Code*, title 42, section 1973aa-1, to vote for the offices of president and vice-president or for electors for president and vice-president may vote by absentee ballot or in person at the auditor's office in the county where the person formerly resided. The affidavit certificate of eligibility on the back of the absentee ballot return envelope must be printed in the form shown in subpart 2.

### Subp. 2. Form of affidavit certificate of eligibility.

↓ TO BE COMPLETED BY VOTER ↓

Please print clearly VOTER'S NAME (PLEASE PRINT) Voter's name \_\_\_\_\_

VOTER'S FORMER ADDRESS IN MINNESOTA (PLEASE PRINT) Voter's former address in MN \_\_\_\_\_

\_\_\_\_\_ MN

CITY OR TOWN (PLEASE PRINT) Current phone number (optional): \_\_\_\_\_

COUNTY (PLEASE PRINT) Current email address (optional): \_\_\_\_\_

I certify that I

- will be at least 18 years old on election day;
- am a citizen of the United States;
- am not under guardianship of the person in which the court order revokes my right to vote;
- have not been found by a court to be legally incompetent to vote;
- have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence;
- previously lived in Minnesota at the address printed above;
- moved from Minnesota to another state within 30 days of the election; and
- am not eligible to vote in the state in which I now live.

VOTER'S SIGNATURE Voter's Signature

DATE

X \_\_\_\_\_

Current telephone number (optional) \_\_\_\_\_

Current e-mail address (optional) \_\_\_\_\_

Date \_\_\_\_\_

## 8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" and "Use this envelope first to keep your ballot secret. Put only your ballot in this envelope and seal it." shall be printed on the front of the envelope.

**EFFECTIVE DATE.** This part is effective for any envelopes printed after March 1, 2010.

## 8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Subpart 1. **Required instructions.** Instructions to the absent voter shall be enclosed transmitted with the absentee ballot materials mailed sent or delivered to the absent voter. The instructions shall be in the form in ~~subpart~~ subparts 2, 3, or 4 or 5 and 6. The instruction headings with numbers must be in no smaller than 12-point type and the rest of the text must be in no smaller than 10-point type. The instructions may include A telephone number or and an electronic mail address which voters can call or contact for help in absentee voting must be printed as part of the return address on the envelope in which the absentee balloting materials are transmitted to the voter or as part of the cover letter to voters, for those voters to whom ballots are transmitted electronically. In election jurisdictions using electronic voting systems; The envelope in which the absentee balloting materials are transmitted to the voter must have the following printed on it: "Read and follow the enclosed instruction sheet to help ensure that your vote will count." The instructions must explain how to correctly



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mark and fold the electronic voting system ballots ballot. The instructions must inform the voter of the effect of casting multiple votes for an office and, in the case of a partisan primary, the effect of voting for candidates of more than one party. The instructions must include information on how to correct a ballot before it is cast and counted, including instructions on how to request a replacement ballot if the voter is unable to change the ballot or correct an error. The instructions must include a graphic depiction of the absentee ballot materials and how they are to be completed and assembled by the voter. The secretary of state must provide each county auditor with a sample instructions with graphic depiction depictions.

## Subp. 2. Instructions for registered voters.

### INSTRUCTIONS FOR ABSENTEE VOTERS

Step 1. You must have a witness to vote by absentee ballot. Your witness may be anyone who is registered to vote in Minnesota including your spouse or another relative, or they may be a notary public or person with the authority to administer oaths.

Step 2. Show your witness the unmarked ballot(s).

Step 3. Mark your votes according to the instructions on the ballot(s). Mark your ballot(s) in private. If you have a disability or are otherwise unable to mark the ballot(s), you may ask your witness to assist you. Make sure you do not vote for more candidates than allowed for any office, since this will prevent your votes for that office from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot, completely erase any errors and remark your ballot. Do not put any identifying marks on the ballot.

**WHEN PARTISAN PRIMARY RACES ARE ON THE BALLOT:** If you are voting in a partisan primary, you may only vote for the candidates of one party on the partisan portion of the ballot. Voting for candidates not within the same party will prevent the entire partisan portion of your primary ballot from being counted.

Step 4. Fold and place all voted ballots in the ballot secrecy envelope and seal the envelope. Do not write on the ballot secrecy envelope.

Step 5. Place the ballot secrecy envelope into the ballot return envelope and seal the envelope.

Step 6. Print your name and address on the back of the ballot return envelope unless a label with your name and address has already been affixed. Sign your name. The name, address, and signature of your witness are required as well.

Step 7. Fold and seal the small flap on the end of the return envelope, then fold and seal the large flap that covers the form on the back of the envelope.

Step 8. Return your ballot by mail or an express service to the address on the return envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot return ballots for more than three voters).

In those precincts where an additional envelope is used instead of an envelope with a flap, steps 7 and 8 should read:

Step 7. Insert the ballot return envelope into the mailing envelope and seal it.

Step 8. Return your ballot by mail or an express service to the address on the mailing envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot return ballots for more than three voters).

## Instructions

### How to vote by absentee ballot for preregistered voters

#### Get ready

You will need:

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

Anyone registered to vote in Minnesota,

including your spouse or relative,

or a notary public,

or a person with the authority to administer oaths

#### 1 Vote!

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.

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- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

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

## **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

## **3 Put the tan ballot envelope into the white signature envelope**

### **4 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address.
- Read and sign the oath and write the date.  
**This signature will be compared to the one on your absentee ballot application.**
- Ask your witness to print their name and Minnesota address and sign their name.  
*If your witness is an official, they must print their title instead of an address.*  
*Notaries must also affix their stamp.*
- Seal the envelope.

### **5 Return your ballot by election day to the address on the signature envelope**

**Ballots may not be delivered directly to your polling place.**

You have three options:

- Send it so it arrives by election day, using U.S. mail or a package delivery service.
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on election day.  
This person cannot deliver more than 3 ballots.

**See other side for special instructions if you have a disability**

### **Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer, or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

### **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes, section 645.44, subdivision 14*

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

### **Subp. 3. Instructions for unregistered voters.**

#### **INSTRUCTIONS FOR ABSENTEE VOTERS (UNREGISTERED, CHALLENGED, OR INCOMPLETE REGISTRATION)**

Step 1. You must have a witness to vote by absentee ballot. Your witness may be anyone who is registered to vote in Minnesota including your spouse or another relative, or they may be a notary public or person with the authority to administer oaths.

Step 2. Completely fill out the voter registration application.

Step 3. Show your witness your proof of residence in the precinct. The witness should mark the proof shown on the ballot return envelope. Any of the following may be used as proof of residence:

- a. a valid Minnesota driver's license, permit, or identification card; a receipt for any of these forms that contains your current

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address; or a tribal identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains your name, address, signature, and picture;

b. the signature of a registered voter (voucher) who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;

c. if you live in certain residential facilities, the signature of an employee of the facility;

d. a notice of late registration sent to you by the county auditor or city clerk;

e. a current valid registration in the same precinct;

f. one document from the list in (i) and one photo ID from the list in (ii):

(i) A. an original bill for telephone, television, or Internet provider services, regardless of how those telephone, television, or Internet provider services are delivered, or an original bill for gas, electric, solid waste, water, or sewer services, that:

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

(2) has a due date within 30 days before or after election day.

A rent statement from a landlord that itemizes utility expenses and meets the requirements of this paragraph is an original utility bill for purposes of providing proof of residence; or

B. a current student fee statement that contains the student's valid address in the precinct; and

(ii) a Minnesota driver's license or identification card, a United States passport, a United States military identification card, a student identification card issued by a Minnesota postsecondary educational institution, or a tribal identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the individual's signature.

Step 4. Show your witness the unmarked ballot(s).

Step 5. Mark your votes according to the instructions on the ballot(s). Mark your ballot(s) in private. If you have a disability or are otherwise unable to mark the ballot(s), you may ask your witness to assist you. Make sure you do not vote for more candidates than allowed for any office, since this will prevent your votes for that office from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot, completely erase any errors and remark your ballot. Do not put any identifying marks on the ballot.

**WHEN PARTISAN PRIMARY RACES ARE ON THE BALLOT:** If you are voting in a partisan primary, you may only vote for the candidates of one party on the partisan portion of the ballot. Voting for candidates not within the same party will prevent the entire partisan portion of your primary ballot from being counted.

Step 6. Fold and place all voted ballots in the ballot secrecy envelope and seal the envelope. Do not write on the ballot secrecy envelope.

Step 7. Place the ballot secrecy envelope and your completed voter registration application into the ballot return envelope and seal the envelope.

Step 8. Print your name and address on the back of the ballot return envelope unless a label with your name and address has already been affixed. Sign your name. The name, address, and signature of your witness are also required.

Step 9. Fold and seal the small flap on the end of the return envelope, then fold and seal the large flap that covers the form on the back of the envelope.

Step 10. Return your ballot by mail or an express service to the address on the return envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot return ballots for more than three voters):

In those precincts where an additional envelope is used instead of an envelope with a flap, steps 9 and 10 should read:

Step 9. Insert the ballot return envelope into the mailing envelope and seal it.

Step 10. Return your ballot by mail or an express service to the address on the mailing envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot return ballots for more than three voters):

## **Instructions**

### **How to vote by absentee ballot**

#### **Get ready**

You will need:

- Ballot
- Tan ballot envelope
- Voter registration application
- White signature envelope
- Pen with black ink

- Minnesota driver's license with your address  
or other authorized proof of where you live.  
See other side for a list of options
- Witness  
Anyone registered to vote in Minnesota,  
including your spouse or relative,  
or a notary public,  
or a person with the authority to administer oaths

**Important: You must submit the voter registration application with your ballot (in the signature envelope) for your vote to be counted.**

**1 Fill out the voter registration application and sign it**

- Show your witness your driver's license or other authorized proof of where you live.  
See the other side for a list of options.

**2 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. If you do, your votes for that office will not count.

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

**3 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

4 Slide the tan ballot envelope and the voter registration application into the top of the white signature envelope

**5 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address.
- Read and sign the oath and write the date.  
**This signature will be compared to the one on your absentee ballot application.**
- Ask your witness to print their name and Minnesota address, indicate which proof you showed them, and sign their name.  
If your witness is an official, they must print their title instead of an address.  
Notaries must also affix their stamp.
- Seal the envelope. First the small flap, then the large flap.

**6 Return your ballot by election day to the address on the signature envelope**

**Ballots may not be delivered directly to your polling place.**

You have three options:

- Send it so it arrives by election day, using U.S. mail or a package delivery service.
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on election day.  
This person cannot deliver more than 3 ballots.

**Options for proof of where you live**

A valid Minnesota driver's license, Minnesota ID card, or permit with your current address  
or

A photo ID that does not have your current address along with a document that does

- **Eligible photo IDs:** Minnesota driver's license or ID card, U.S. passport, U.S. military ID card, Minnesota college/university ID card, or tribal ID card with your signature, from a tribe recognized by the Bureau of Indian Affairs (BIA)
- **Eligible documents with your current address:** a current student fee statement, or an original utility bill with a due date 30 days before or after the election, or a rent statement showing utility expenses. Eligible utility bills are gas, electric, solid waste, water, sewer, phone, television, or internet provider services.

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or one of the following:

- A yellow receipt for a valid Minnesota driver's license, ID card, or permit with your current address
- Vouching: the signature of a registered voter who lives in your precinct and personally knows that you live in the precinct. If your witness is registered to vote in this precinct, your witness may vouch for you. This person must complete and sign the voucher form on the back of the voter registration application.
- A tribal ID card with your name, address, signature, and picture, from a tribe recognized by the BIA
- A "Notice of Late Registration" if you received one from the county auditor or city clerk
- If you have moved within your precinct or changed your name, a current registration in the precinct
- Vouching for residents of certain residential facilities: the signature of an employee of your residential facility, including nursing homes, group homes, battered women's shelters, homeless shelters, etc. If you are not sure if the residential facility where you live is eligible, call your local election official. The employee must complete and sign the voucher form on the back of the voter registration application.

## **Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer, or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

## **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes, section 645.44, subdivision 14*

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

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under Get Ready must also include:

- Larger white return envelope.

Instruction 4 should read:

## **4 Put the tan ballot envelope and the voter registration application in the white signature envelope**

The last instruction under 5, a new instruction numbered 6, and the first line of the renumbered instruction 7 must read:

- Seal the envelope.

## **6 Put the signature envelope into the larger white return envelope to protect your private information from view**

## **7 Return your ballot by election day to the address on the return envelope**

### **Subp. 4. Instructions for military and overseas voters transmitted ballots by mail.**

#### **INSTRUCTIONS FOR MILITARY AND OVERSEAS ABSENTEE VOTERS**

**Step 1.** Mark your votes according to the instructions at the top of the ballot(s). Mark your ballot(s) in private. If you have a disability or are otherwise unable to mark the ballot(s), you may have someone assist you. Make sure you do not vote for more candidates than allowed for any office on the ballot, since this will prevent your votes for that office from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot, completely erase any errors and remark your ballot. Do not put any identifying marks on the ballot.

**WHEN PARTISAN PRIMARY RACES ARE ON THE BALLOT:** If you are voting in a partisan primary, you may only vote for the



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candidates of one party on the partisan portion of the ballot. Voting for candidates not within the same party will prevent the entire partisan portion of your primary ballot from being counted.

Step 2. Fold each ballot so that it fits within the ballot secrecy envelope and seal it. Do not write on the ballot secrecy envelope.

Step 3. Place the ballot secrecy envelope in the return mailing envelope.

Step 4. Write your military identification number (SSN) or passport number on the back of the ballot return envelope. If you do not provide the same military identification number (SSN) or passport number on the ballot return envelope as was used on the absentee ballot application, you must have the signature and certification of an official authorized to administer oaths by federal law or the law where the oath is administered. Commissioned or noncommissioned officers not below the rank of sergeant or equivalent may also certify the oath for you.

Step 5. Print your name and your present or last address in Minnesota unless a label with your name and address has already been affixed. Date and sign your name on the back of the ballot return envelope.

Step 6. Fold and seal the small flap on the end of the return envelope, then fold and seal the large flap that covers the form on the back of the envelope.

Step 7. Return your ballot by mail or an express service to the address on the ballot return envelope so that it will be delivered no later than election day.

In those precincts where an additional envelope is used instead of an envelope with a flap, steps 6 and 7 should read:

Step 6. Insert the ballot return envelope into the mailing envelope and seal it.

Step 7. Return your ballot by mail or an express service to the address on the ballot mailing envelope so that it will be delivered no later than election day.

## **Instructions**

### **How to vote by absentee ballot for military and overseas voters**

#### **Get ready**

You will need:

- Ballot
- Tan ballot envelope
- White signature envelope
- Pen with black ink
- Your ID number

U.S. passport number, Minnesota driver's license or ID card number, or the last four digits of your Social Security Number.

See below if you do not have any of these numbers.

#### **1 Vote!**

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

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

#### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

#### **3 Slide the tan ballot envelope into the top of the white signature envelope**

#### **4 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address (present or last).
- Print your email address and phone number (optional).
- Print your passport number, Minnesota driver's license or ID card number, or the last four digits of your Social Security Number.

**Be sure to use the same number that you provided on your absentee ballot application. The numbers must match.**

If you do not have access to any of these documents, leave this space blank.

- Read and sign the oath and write the date.

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- Seal the envelope. First the small flap, then the large flap.

## **5 Return your ballot by election day to the address on the signature envelope**

- Send it so it arrives by election day, using mail or a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.

Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**See the other side for special instructions if you have a disability.**

## **Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer, or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

## **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling in the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes, section 645.44, subdivision 14*

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

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under Get Ready must also include: “• Larger white return envelope.” Instruction 3 must read “3 Put the tan ballot envelope into the white signature envelope.” The last instruction under 4, a new instruction numbered 5, and the first line of the renumbered instruction 6 must read:

- Seal the envelope.

## **5 Put the signature envelope into the larger white return envelope to protect your private information from view**

## **6 Return your ballot by election day to the address on the return envelope**

Subp. 5. Cover letter for military and overseas voters transmitted ballots electronically. Dear Military/Overseas Absentee Voter:

Your absentee ballot and supporting materials for the election on [month day, year] are attached. Your absentee ballot is being sent to you electronically because you requested this delivery method on your application. Please print, fill out, and return these materials so they are received by your county by election day, [day of the week], [month day, year].

A paper ballot must be returned to Minnesota and received by election day to be counted.

You may use the domestic mail service of the country you are located in, an international package delivery service, or the military or state department’s mail services. Be sure to vote and return this ballot as soon as possible to ensure timely return. Your ballot must be received by your county elections office by election day to be counted.

This communication contains:

- A ballot
- Voting instructions
- Ballot envelope template
- Certificate of Eligibility
- Mailing envelope template

Carefully follow the instructions to ensure proper return of your voted ballot.

- Print the materials
- Fill out your ballot
- Fold and seal your ballot and place it in your ballot envelope
- Fill out the Certificate of Eligibility
- Put the completed materials in your mailing envelope
- Send your ballot by mail or package delivery service so that it is received by election day

Contact your county elections office at [email] or [phone number] if you have any questions.

Thank you.

## Subp. 6. Instructions for military and overseas voters transmitted ballots electronically.

### Instructions

#### How to vote by absentee ballot

#### for military and overseas voters sent ballots electronically

**Note: Your ballot must be printed out and physically returned. It cannot be returned electronically.**

#### Get ready

You will need:

- A printer
- A pen with black ink
- Two envelopes
  - You can provide your own blank envelopes
  - Print the envelope templates directly onto envelopes (print the mailing envelope onto an envelope approximately 4 1/8 inches x 9 1/2 inches so that everything is positioned according to postal regulations), or
  - If you do not have access to any envelopes, create the envelopes by folding and taping or gluing the attachments.
- Your ID number
  - U.S. passport number, Minnesota driver's license or ID card number, or the last four digits of your Social Security Number.
  - See below if you do not have access to any of these numbers.*

#### 1 Print the materials

- Print your ballot, the Certificate of Eligibility, and the envelope templates if you are using them.
- Please note that the ballot may take multiple pages.
- Your printer should automatically scale the document to fit on the printable area of the page. Just be sure that none of the words or ovals are cut off.

#### 2 Vote!

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. If you do, your votes for that office will not count.

*See below if you make a mistake on your ballot.*

#### 3 Use one of the envelopes as the ballot envelope

- Put your ballot in this envelope to keep your votes private.
- Seal the envelope.
- Do not write on this envelope.

#### 4 Complete the Certificate of Eligibility

- Print your name and your Minnesota address (present or last).
- Print your email address and phone number (optional).
- Print your passport number, Minnesota driver's license or ID card number, or the last four digits of your Social Security Number.
  - Be sure to use the same number that you provided on your absentee ballot application. The numbers must match.**
  - If you do not have access to any of these documents, leave this space blank.*
- Read and sign the oath and write the date.

#### 5 Put it all together

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- Attach the Certificate of Eligibility to the ballot envelope.
- Your second envelope is the return envelope.
- Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- Seal the return envelope.
- Address the return envelope to:

Official Absentee Balloting Material

..... County

[Street address]

[City], MN [Zip Code]

USA

## **6 Return your ballot to the address above**

- Send it so it arrives by election day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.

Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

## **If you need any help while voting, please contact your county elections office.**

### **Correcting a mistake**

- Print out a new ballot, or
- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer, or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

### **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the Certificate of Eligibility, Minnesota law says you may:

- Sign the Certificate yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

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

Subp. 7. **Additional instructions for use with partisan primaries.** The following instructions must also be sent along with all absentee ballots for partisan primary elections. The top part of this ballot is for a partisan (party) primary election:

- Vote only for candidates of one party - stay in one column.
- If you vote for candidates of more than one party, your votes in that section of the ballot will not be counted.

For how to correct a mistake, see the back side of the absentee ballot instructions.

## **8210.0600 STATEMENT OF ABSENTEE VOTER.**

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

Subp. 1a. **Statement of registered absentee voter form.**

**↓ TO BE COMPLETED BY VOTER ↓**

Signature Envelope

Voter completes this section

please print clearly

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VOTER'S NAME (PLEASE PRINT) Voter's name

VOTER'S MINNESOTA ADDRESS (PLEASE PRINT) Voter's MN Address

\_\_\_\_\_ MN

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

VOTER'S SIGNATURE Voter's Signature

DATE

X \_\_\_\_\_

Date \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

Witness completes this section

Witness Name \_\_\_\_\_

MN address \_\_\_\_\_

or title, \_\_\_\_\_

if an official \_\_\_\_\_

\_\_\_\_\_ MN

I certify that ~~the voter~~:

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

NAME OF WITNESS (PLEASE PRINT)

\_\_\_\_\_

ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)

\_\_\_\_\_ MN

SIGNATURE OF WITNESS Witness Signature

DATE

X \_\_\_\_\_

TITLE OF WITNESS (IF AN OFFICIAL) If notary must affix stamp

\_\_\_\_\_

Subp. 1b. **Statement of unregistered absentee voter form.**

↓ TO BE COMPLETED BY VOTER ↓

Signature Envelope

Voter completes this section

please print clearly

VOTER'S NAME (PLEASE PRINT) Voter's name

\_\_\_\_\_

VOTER'S MINNESOTA ADDRESS (PLEASE PRINT) Voter's MN address

\_\_\_\_\_ MN

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

VOTER'S SIGNATURE Voter's Signature

DATE

X \_\_\_\_\_



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Date \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

Witness completes this section

Witness Name \_\_\_\_\_

MN address

or title,

if an official \_\_\_\_\_

MN

Voter must provide proof of residence: (See instructions, check one)

- MN driver's license, ID card, permit, or receipt
- Utility bill or student fee statement plus photo ID
- Registered voter in the precinct who vouched for voter's residence in the precinct (must complete the voucher form on the back of the Voter Registration Application)
- Tribal ID card
- Notice of late registration
- Previous registration in the same precinct
- An employee of a residential facility in the precinct who vouched for voter's residence at the facility (must complete the voucher form on the back of the Voter Registration Application)

I certify that ~~the voter~~:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the secrecy ballot envelope;
- the voter registered to vote by filling out and enclosing a voter registration application in ~~the ballot~~ this envelope; ~~and~~
- the voter provided proof of residence as indicated ~~below~~ above; ~~and~~
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

NAME OF WITNESS (PLEASE PRINT)

\_\_\_\_\_

ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)

\_\_\_\_\_ MN

SIGNATURE OF WITNESS Witness Signature

DATE

X \_\_\_\_\_

If notary, must affix stamp

TITLE OF WITNESS (IF AN OFFICIAL)

\_\_\_\_\_

↓ PROOF OF RESIDENCE USED BY VOTER ↓

Witness - please check one:

- ( ) MN Driver's License/Permit/ID Card or receipt with current address:  
Number: \_\_\_\_\_
- ( ) Tribal ID card with name, address, signature, and current address.
- ( ) Utility bill or student fee statement plus a MN Driver's License/ID Card, Tribal ID card with picture, U.S. passport, U.S. military ID card with picture, or student ID card with picture:  
Number: \_\_\_\_\_
- ( ) Previous registration in the same precinct.
- ( ) 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 three voucher lines below.)

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(→) Employee of a residential facility in the precinct who vouched for absentee voter's residence at the facility. (Please complete the three voucher lines below.)

VOUCHER'S NAME AND NAME OF RESIDENTIAL FACILITY, IF APPLICABLE (PLEASE PRINT)

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VOUCHER'S ADDRESS OR ADDRESS OF RESIDENTIAL FACILITY, IF APPLICABLE (PLEASE PRINT)

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VOUCHER'S TELEPHONE NUMBER OR TELEPHONE NUMBER OF RESIDENTIAL FACILITY, IF APPLICABLE (PLEASE PRINT)

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VOUCHER'S SIGNATURE

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Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label. When placing the label, the official must place it over the space for the voter's name and address, but must not cover the instructions to the voter or the voter's oath.

Subp. 3. **Printing specifications.** The statement shall be printed on ~~the right-hand three-fourths~~ of the back of the absentee ballot return envelope. The words ~~"TO BE COMPLETED BY VOTER"~~ "Voter completes this section" and "Witness completes this section" shall be printed in no smaller than 12-point bold type ~~in capital letters.~~ The "X" on the signature lines must be in at least 20-point type. The remainder of the statement shall be printed in no smaller than ~~8-point~~ 10-point medium type. The area for the voter's name and address must be no smaller than 1-1/4 inches by 3-1/4 inches. The voter's certificate must be at least 4-1/8 inches wide.

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

## **8210.0710 FORMAT AND INSTRUCTIONS FOR ABSENTEE BALLOT RETURN ENVELOPES.**

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

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

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

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

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

For Office Use Only ( )    Accepted ( )    Rejected (reason:) \_\_\_\_\_

D. If the official will not be using labels that include the absent voter's ward and precinct number, the words "For office use only: Election \_\_\_\_\_," "Ward \_\_\_\_\_," and "Precinct \_\_\_\_\_" must be printed on the left-hand end of the front of the envelope in no smaller than 12-point bold type.

Subp. 3. **Envelope labeling.** The envelopes with the form printed according to part 8210.0600, subpart 1a, must have the words "Signature Envelope - Registered" printed in no smaller than 8-point type. The envelopes with the form printed according to part 8210.0600, subpart 1b, must have the words "Signature Envelope - Unregistered" printed in no smaller than 8-point type. The envelopes printed with the form printed according to part 8210.0800 must have the words "Signature Envelope - UOCAVA" printed in no smaller than 8-point type.

Subp. 4. **Additional instructions for registered and military and overseas voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under parts 8210.0600, subpart 1a, and 8210.0800: "Put the Ballot Envelope in here, then seal flap"

In cases in which the county uses a third envelope instead of a flap, the words may appear on the reverse side of the envelope.

Subp. 5. **Additional instructions for unregistered voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under part 8210.0600, subpart 1b: "Put the Ballot Envelope and the Voter Registration Application in here, then seal flap"

In cases in which the county uses a third envelope instead of a flap, the words may appear on the reverse side of the envelope.

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Subp. 6. **Checklist for registered voters.** Envelopes with the form printed according to part 8210.0600, subpart 1a, must have the following printed below the witness's certificate:

**“Have you . . .**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in this envelope?
- Signed this envelope?
- Asked your witness to complete their section and sign their name?

**Then return your ballot so it is received by election day.”**

Subp. 7. **Checklist for unregistered voters for use with flap.** Envelopes with the form printed according to part 8210.0600, subpart 1b, that have a flap must have the following words printed inside the flap:

**“1. Have you . . .**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope and your voter registration application in this envelope?
- Signed this envelope?
- Asked your witness to complete their section and sign their name?

**2. Then seal this envelope —**

small flap first,  
then the large flap.

**3. Return your ballot so it is received by election day.”**

An illustration of how to fold the flaps must also be printed inside the flap.

Subp. 8. **Checklist for military and overseas voters for use with flap.** Envelopes with the form printed according to part 8210.0800 must have the following words printed inside the flap:

**“1. Have you . . .**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in this envelope?
- Completed and signed this envelope?

**2. Then seal this envelope —**

small flap first,  
then the large flap.

**3. Return your ballot so it is received by election day.”**

An illustration of how to fold the flaps must also be printed inside the flap.

## **8210.0720 MAILING INFORMATION ON ABSENTEE BALLOT RETURN ENVELOPES OR A THIRD ENVELOPE.**

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

Subp. 2. **Form.** The face of absentee ballot return envelopes or of the third envelope, in cases in which the county uses a third envelope, must be printed according to this part.

Subp. 3. **Mailing address.** County auditors and municipal clerks shall print a mailing address on each 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. An envelope may be addressed to the county auditor, to the municipal clerk, or to the appropriate election judges.

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, or of the absentee ballot board for, the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.

Subp. 4. **Marks approved by United States Postal Service.** Marks approved by the United States Postal Service to identify ballot materials must be printed on the envelope as specified in United States Postal Service instructions.

Subp. 5. **Official absentee balloting label.** The words “OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS

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MAIL” must be printed in 18-point bold type and inside a box.

Subp. 6. **Return address.** A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the envelope.

Subp. 7. **Additional requirements for envelopes for military and overseas voters.** Envelopes for military and overseas voters must also meet the following additional requirements:

A. In the upper right-hand corner, a postage symbol and box shall be imprinted: U.S. Postage Paid 39 USC 3406

B. The words “PAR AVION” must be printed in 12-point bold type in capital letters one-half inch below the postage box.

C. Facing identification marks (FIM) must be printed on the envelope and positioned as specified in United States Postal Service instructions.

D. The words “No Postage Necessary in the U.S. Mail - DMM703.8.0” must be printed immediately below the words required by subpart 5.

## **8210.0730 ADDITIONAL REQUIREMENTS FOR THIRD ENVELOPE.**

Subpart 1. **Requirements.** In cases in which a county uses a third envelope instead of an envelope with a flap, the third envelope must include the additional features set forth in subparts 2 and 3.

Subp. 2. **Envelope labeling.** The words “Absentee Ballot Return Envelope” must be printed across the face of the envelope in no smaller than 18-point bold type.

Subp. 3. **Checklist.** The following words must be printed on the exterior of the envelope:

A. For unregistered voters:

**“Have you . . .**

Sealed your ballot in the tan ballot envelope?

Put the ballot envelope and your voter registration application in the white signature envelope?

Signed the signature envelope?

Asked your witness to complete their section and sign their name?

Put the signature envelope into this envelope?

**Then return your ballot so it is received by election day.”**

B. For military and overseas voters:

**“Have you . . .**

Sealed your ballot in the tan ballot envelope?

Put the ballot envelope in the white signature envelope?

Completed and signed the signature envelope?

Put the signature envelope into this envelope?

**Then, return your ballot so it is received by election day.”**

## **8210.0800 ~~ABSENTEE BALLOT RETURN ENVELOPE~~ CERTIFICATE OF ELIGIBILITY AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.16 AND 203B.17.**

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Affidavit Certificate of eligibility.** On the back of the absentee return envelope provided for in Minnesota Statutes, section 203B.21, ~~an affidavit a certificate of eligibility must be printed on the right-hand three-fourths of the envelope in the form shown in subpart 3a. The county auditor must provide the Certificate of Eligibility as an electronic document to voters who requested electronic delivery of absentee ballots.~~

Subp. 3a. **Form of affidavit certificate of eligibility.**

↓ TO BE COMPLETED BY VOTER ↓

Signature Envelope

please print clearly

Voter completes this section

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VOTER'S NAME (PLEASE PRINT) Voter's name

VOTER'S PRESENT OR LAST ADDRESS IN MINNESOTA (PLEASE PRINT) Voter's MN address (present or last)  
\_\_\_\_\_ MN

CITY OR TOWN (PLEASE PRINT) \_\_\_\_\_

COUNTY (PLEASE PRINT) \_\_\_\_\_

ID number

U.S. passport #

Minnesota driver's license #

MN ID card #,

or last four digits of SSN

Email \_\_\_\_\_

Telephone number Phone (optional) \_\_\_\_\_

E-mail address (optional) \_\_\_\_\_

I swear or affirm, under penalty of perjury, that I am:

• I am:

( ) a member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member;

( ) a United States citizen temporarily residing outside the United States;

( ) other United States citizen residing outside the United States; and

• and I am a United States citizen,

• at least 18 years of age (or will be by the date of the election), and

• I am eligible to vote in the requested jurisdiction;

• I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

• I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form.

• In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.

• My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

\* Military identification (SSN) or passport number: \_\_\_\_\_

VOTER'S SIGNATURE Voter's Signature

DATE

X \_\_\_\_\_

Date \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

\* Note: No witness is required if your military identification (SSN) or passport number matches the military identification (SSN) or passport number on your application.

SIGNATURE OF WITNESS

DATE

\_\_\_\_\_

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TITLE OF WITNESS (Give title or office of witness authorized to administer oaths or witness who is a military officer not below the rank of sergeant or its equivalent.)

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

## **8210.2000 VOTER'S INFORMATION.**

If the absent voter's name, residential address, ward, and precinct number are not printed on a label affixed to the envelope, the official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's name, address, ward, and precinct number in the spaces provided on the return envelope, unless the materials are transmitted to the voter electronically.

## **8210.2400 SAFEGUARDING PROCEDURES.**

The county auditor or municipal clerk shall establish measures for safeguarding absentee ballot return envelopes received prior to election day.

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

C. All retained envelopes shall be placed in a locked, secure location after being dated, stamped or initialed, and recorded. The envelopes shall not be removed from this location or handled until election day, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section 203B.13.

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

## **8210.2600 REPLACEMENT BALLOTS.**

**Subpart 1. Voter request.** The auditor or clerk must promptly provide a replacement ballot to a voter who requests one because the voter's ballot was lost, spoiled, or never received. The auditor or clerk must record the following information on the voter's absentee ballot application: the date of the voter's request, the date that a replacement ballot was issued to the voter, and the reason that the voter requested a replacement. If a voter returns a spoiled ballot to the election official, the auditor or clerk must put the returned ballot in a spoiled ballot envelope.

**Subp. 2. Ballot rejected by absentee ballot board.** The auditor or clerk must send a replacement ballot to a voter whose absentee ballot is rejected more than five days before an election, along with an explanation of why the ballot was rejected. The secretary of state must provide election officials with a sample notice with a list of the possible reasons that a ballot could be rejected for use by absentee ballot boards. The election official must record the following information on the voter's absentee ballot application: the date that the voter's ballot was rejected, the date that a replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected absentee ballots must be kept in a separate sealed container.

## **8210.2700 RECEIPT OF FEDERAL WRITE-IN ABSENTEE BALLOTS.**

**Subpart 1. If Federal Post Card Application was received.** If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was received, the county auditor must accept or reject the ballot in accordance with *Minnesota Statutes*, section 203B.24 and 203B.25.

**Subp. 2. If Federal Post Card Application was not received.** If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was not received, the Federal Write-in Absentee Ballot serves as a voter registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card Application. The Federal Write-in Absentee Ballot also serves as an absentee ballot request for absentee ballots in subsequent elections during the period required by *Minnesota Statutes*, section 203B.17, subdivision 1, paragraph (d). If the voter provided an e-mail address, then the county auditor must record e-mail as the voter's preferred method of delivery. The county auditor must not send a ballot to the voter for the election for which the voter submitted the Federal Write-in Absentee Ballot. If the voter has not already voted and the accompanying certificate is properly completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

## **8210.3000 MAIL BALLOTING.**

**Subpart 1. Scope.** This part applies to mail balloting conducted under *Minnesota Statutes*, sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to ~~8210.2500~~ 8210.2700 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

**Subp. 2. Authorization.** The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 45 90 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to



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*Minnesota Statutes*, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 45 90 days before the next affected election. Authorization to conduct a special election pursuant to *Minnesota Statutes*, section 204B.46, expires after completion of the election.

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

Subp. 4. **Mailing ballots.** The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than 30 or later than 14 days prior to the election if mail balloting in the voter's precinct is proceeding pursuant to Minnesota Statutes, section 204B.45. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

A ballot mailing must be sent no earlier than 20 or later than 14 days prior to the election if a mail election is being conducted in the jurisdiction pursuant to Minnesota Statutes, section 204B.46. No ballot may be mailed to a challenged voter. A challenged voter may apply for an absentee ballot.

The mail balloting process for voters whose registrations are incomplete under *Minnesota Statutes*, section 201.061, subdivision 1a, or 201.121, must be administered as if the voter were not registered to vote.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in *Minnesota Statutes*, section 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter completes an absentee ballot request as provided in *Minnesota Statutes*, section 203B.04 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions may must include a telephone number or electronic mail address which voters can call or write for help in mail voting. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor, municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

## 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. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

**FOR PRIMARY VOTERS ONLY:** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 4. Fold each ballot so that it fits within the tan ballot secrecy envelope. 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 this 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 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.

## **Instructions**

### **How to vote by mail ballot**

#### **Get ready**

You will need:

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

Anyone registered to vote in Minnesota, including your spouse or relative, or a notary public, or a person with the authority to administer oaths

#### **1 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. If you do, your votes for that office will not count.

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

#### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

3 Put the tan ballot envelope into the white signature envelope

4 Complete the white signature envelope

- If there is no label, print your name and Minnesota address.
- Read and sign the oath and write the date.
- Ask your witness to print their name and Minnesota address and sign their name.  
If your witness is an official, they must print their title instead of an address.  
Notaries must also affix their stamp.
- Seal the envelope.

#### **5 Return your ballot by election day to the address on the signature envelope**

You have three options:

- Send it so it arrives by election day, using U.S. mail or a package delivery service.
- Deliver it in person by 8:00 p.m. on election day, or
- Ask someone to deliver it by 8:00 p.m. on election day.  
This person cannot deliver more than three ballots.

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

#### **See other side for special instructions if you have a disability**

##### **Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer, or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

##### **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

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- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

*Minnesota Statutes, section 645.44, subdivision 14*

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

## Subp. 4b. Form of mail voter's certificate.

↓ TO BE COMPLETED BY VOTER ↓

Signature Envelope

Voter completes this section

please print clearly

VOTER'S NAME (PLEASE PRINT) Voter's name \_\_\_\_\_

VOTER'S ADDRESS (PLEASE PRINT) Voter's MN Address \_\_\_\_\_ MN

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

VOTER'S SIGNATURE Voter's Signature

DATE

X \_\_\_\_\_

Date \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

Witness completes this section

Witness name \_\_\_\_\_

MN address \_\_\_\_\_

or title, \_\_\_\_\_

if an official \_\_\_\_\_

MN

I certify that ~~the voter;~~

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

NAME OF WITNESS (PLEASE PRINT) \_\_\_\_\_

ADDRESS OF WITNESS (PLEASE PRINT) \_\_\_\_\_

SIGNATURE OF WITNESS Witness Signature

DATE

X \_\_\_\_\_

If notary, must affix stamp

TITLE OF WITNESS (IF AN OFFICIAL) \_\_\_\_\_

Subp. 4c. [Repealed, 25 SR 616]

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for

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and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under *Minnesota Statutes*, chapter 203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The instructions to absentee voters must be those specified in part 8210.0500, subpart 2.3. The statement of absentee voter must be that specified in part 8210.0600, subpart 1a.1b, or 8210.0800, subpart 3a. The absentee ballot return envelope must be as specified in ~~part 8210.0700 or 8210.0800~~ parts 8210.0710, 8210.0720, and 8210.0730.

Subp. 6. **Replacement ballots.** ~~A voter who has spoiled a ballot may request a replacement ballot from the official conducting the election by completing a replacement mail ballot affidavit. The spoiled ballot must be returned to the official who issued the ballot, either by mail or in person, before a replacement ballot can be issued. The election official must put the returned ballot in a spoiled ballot envelope. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive or lost the ballot mailed to the voter. The election official shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall~~ must maintain a record of all replacement ballots issued.

Subp. 6a. [See repealer.]

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification ~~as provided in *Minnesota Statutes*, section 201.12;~~ and the voter's registration must be ~~challenged~~ treated as provided in *Minnesota Statutes*, section 201.12. The official conducting the election shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the county, municipality, school district, or unorganized territory holding the mail election, the auditor or clerk shall resend a ballot to the voter along with a ~~voter registration card, an absentee ballot return envelope as provided in part 8210.0600, subpart 1a, and a notice explaining the need and the procedure to register at the voter's new address.~~ The auditor or clerk shall keep a list of individuals who are sent the second mailing after the rosters are printed and will must provide a copy of that list to the election judges for use in processing the returned ballots. ~~The list of voters sent the second mailing will take the place of the absentee ballot request form specified in part 8210.0200.~~

[For text of subps 8 and 9, see M.R.]

Subp. 10. **Receiving and counting ballots.** On or before election day, the election judges shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots; ~~and applications for absentee ballots, affidavits for records of replacement ballots, and the list of voters sent a second mailing of the ballot.~~ The judges shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties, unless the election is exempt from this requirement pursuant to *Minnesota Statutes*, section 205.075, subdivision 4, or 205A.10, subdivision 2.

The county auditor, municipal clerk, or school district clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" during the 30 days prior to the election. If a return envelope is opened to review a voter registration application, it must be resealed. The sealed accepted return envelopes must be placed in a sealed transfer case or other sealed container until Election Day. If an envelope is rejected at least five days before the election, the election official must provide the voter with a replacement ballot and return envelope, along with an explanation of why the ballot was rejected. The secretary of state must provide a sample notice with a list of the possible reasons that a mail ballot may be rejected. The election official must keep a record of the date that the voter's ballot was rejected, the date the replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected envelopes must be kept in a separate sealed container.

~~Prior to 8:00 p.m. On election day prior to 8:00 p.m., the election judges may examine the any return envelopes; that have not been examined previously and mark them "accepted" or "rejected," and The election judges may remove the ballot envelopes from the "accepted" return envelopes. The election judges may check any list of registered voters provided by the county auditor or contact the county auditor to determine whether a witness who did not provide an address is a registered voter and therefore an eligible voter. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container., remove the ballots from the ballot envelopes and place the ballots in a locked ballot box.~~ At 8:00 p.m. on election day, the election judges shall ~~open the ballot box, remove the ballots from the ballot envelopes, and~~ must count the ballots.

[For text of subps 11 to 13, see M.R.]

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## **8220.0325 TIMING.**

All applications for examination and initial certification of electronic voting systems and ~~for recertification of electronic voting system software~~ must be submitted to the secretary of state between December 1 of an even-numbered year and ~~September~~ December 1 of the following odd-numbered year. Applications for reexamination and recertification of electronic voting systems hardware or software may be submitted to the secretary of state at any time except between June 1 and December 1 of an even-numbered year.

## **8220.0700 ~~PERIODIC REEXAMINATION AND RECERTIFICATION OF HARDWARE AND SOFTWARE.~~**

After an electronic voting system has been certified by the secretary of state, the ~~hardware and~~ 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 changes in~~ 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~~ require reexamination of the voting system to determine continued compliance.

A modification to hardware or software of an electronic voting system which has been certified by the secretary of state must be submitted for reexamination and be recertified under part 8220.0650 unless the modification has been determined to be de minimis by an independent testing authority.

The vendor must notify the secretary of state of all de minimis modifications, provide the de minimis determination from an independent testing authority and receive a letter of acceptance of the de minimis modifications from the secretary of state before the modified electronic voting system may be used in an election.

## **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 mark or 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.

## **8220.1150 TEST BALLOTS.**

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot. For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law. In preparing the test deck, a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot. The test deck must include ballots involving no overvotes or marks in unassigned locations, valid votes for each candidate and ballot question, overvotes, undervotes, and invalid votes in many different combinations.

At least one test ballot must be prepared in which marks appear in the precinct identifier or ballot style indicator.

Blank ballots in which no positions have been voted must be included in the test deck.

When required to be used in an election pursuant to *Minnesota Statutes*, section 206.57, subdivision 5, the test deck must include a number of ballots marked by an electronic ballot marker sufficient to have marked all vote targets on the ballot in every precinct.

## **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 mark or 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.

## **8220.2860 INSTRUCTIONS FOR BALLOT MARKING DEVICES.**

Subpart 1. Text instructions. The instructions on the screen must read as follows:

A. Before a ballot is inserted: "Please insert your ballot"

B. On the voting instructions screen:

"[Month, Day, Year] [Primary or General or Special Primary or Special] Election"

Official Ballot You are voting ballot .....

Voting instructions

To use this ballot marking device to mark your ballot:

1. You may touch the NEXT button in the lower right corner of the screen or the right arrow button to move on to the next screen at anytime.

2. To select a candidate, touch the name of the candidate. For ballot questions, touch YES or NO to make your selection.

3. Your choice will be highlighted in yellow and the oval will be filled in.

4. In general elections, you are allowed to write in the name of a candidate who is not on the ballot. You will be presented with a keyboard on the screen to type in the name of the person you want to write in.

5. Use the BACK arrow button in the lower left corner of the screen or the left arrow button to return to the previous screen at anytime.

6. When you have completed making your choices, a summary screen will display your selections.

7. Review your selections carefully.

8. On the next screen, press the MARK BALLOT button to mark your ballot.

9. Remove your ballot and deposit it in the ballot counter or ballot box."

C. If a voter tries to make a selection without having viewed the names of all of the candidates: "You did not view all candidates. Do you want to view the rest of the choices?"

D. If a voter tries to vote for more than the number of candidates allowed in a multiseat race: "You have tried to select more candidates than are allowed in this race. Deselect at least one of the candidates you have selected before selecting another."

E. If a voter tries to move on to the next race without selecting the maximum number of candidates allowed: "You are allowed to vote for more candidates in this race than you have selected. You can return to the race to vote for more candidates, or you can continue on to the next race."

F. On the summary screen, before the ballot has been marked: "Summary Screen Your selections for each race are listed below. To change your selections, touch the box for that race. To mark your ballot with these selections, touch "NEXT" at the bottom of the screen."

G. Marking ballot instructions: "To mark your votes on your ballot: 1. Press the MARK BALLOT button below. 2. Your votes will be marked on your ballot and your ballot will be returned to you. 3. Put your ballot in the ballot counter or ballot box."

H. While the ballot is being printed: "Your votes are being marked on your ballot."

I. Thank you: "Thank you for using this ballot marking device. Please remove your ballot. Put it into the ballot counter or ballot box to have it counted."

J. If the ballot is not readable: "The ballot marking device cannot read your ballot. Please try again or contact an election judge for assistance."

K. If there is a paper jam: "There is a paper jam. Please contact an election judge."

L. If the voter tries to exit before the ballot is marked: "Exit now and your votes will not be marked on your ballot. Are you sure you want to exit?"

M. If the voter exits without having the ballot marked: "Thank you for using this ballot marking device. Please remove your blank ballot."

N. In partisan primary elections, the following instructions shall appear after the voter instruction screen:

"SELECT A POLITICAL PARTY

Instructions to Voters



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You are only allowed to vote for the candidates of one political party for partisan offices in a primary election. Please select a political party below. No record will be made of your political party choice. Your selection will only be used to direct you to the proper ballot information. You will only see the names of candidates who are with the political party you choose. To see the names of candidates in other political parties, use the back button or left arrow button. At the screen called "Select a Political Party," choose a different political party."

O. When a voter inserts a ballot on which votes have already been marked: "Votes have already been marked on your ballot. If you thought you were using a blank ballot, please press EXIT to eject your ballot. Then contact an election judge for a new ballot. To review the selections on this ballot, press the NEXT arrow button to view a summary page. Note: you cannot use this ballot marking device to change any of these selections."

P. On the summary screen after the ballot has been marked: "Summary Screen Your selections for each race are listed below. Your ballot has already been marked. It cannot be changed by this ballot marking device. When you have reviewed your selections, press the RETURN BALLOT button below to eject your ballot. To change a selection, you will need to request a new ballot from an election judge."

## Subp. 2. Audio instructions. The instructions must be as follows:

A. Before a ballot is inserted: "Please insert your ballot. It may take up to 30 seconds for the ballot to be scanned. Please wait. The audio will be silent while scanning."

B. The presentation of the voting instructions: "[Month, Day, Year] [Primary or General or Special Primary or Special] Election. Official Ballot. You are voting ballot ..... Voting Instructions. This ballot marking device will guide you through choosing candidates in each race on the ballot. This ballot marking device can be controlled in several ways, including a small keypad that is located to the right of the screen. The buttons are labeled in Braille. At the far right, there are four buttons in a vertical line. The bottom button adjusts the volume when pushed left or right. The button above it adjusts the speed of the audio when pressed left or right. The round button repeats the last set of instructions. The top diamond button turns the display screen on or off for privacy. The instructions will begin again from the beginning if you use any of the top three buttons. To the left of these buttons, you will find a square center button with four arrow buttons surrounding it. Press the right arrow button at any time to skip to the next screen. Press the down arrow button to hear the name of the next candidate in the race. Press the up arrow button to hear the name of the previous candidate in the race. When you hear the name of the candidate you want to vote for, press the square select button in the center to select the candidate. Press the right arrow button to move to the next race on the ballot. Press the left arrow button to move to the previous race on the ballot. If you need help, please talk to an election judge. When you have completed your ballot, you will hear a summary of your selections. Listen to the summary carefully before completing the final step of marking your ballot. Remove your ballot and deposit it in the ballot counter or ballot box. To exit without marking votes on your ballot, press the diamond-shaped screen button four times in a row. Press the right arrow button now to begin voting. Press the round repeat button to hear these instructions again."

C. If a voter tries to make a selection without having heard the names of all of the candidates: "Warning. You did not hear all candidates in this race. To hear the rest, press the left arrow key. To continue on to the next race, press the right arrow key."

D. If a voter tries to vote for more than the number of candidates allowed in a multiseat race: "You have selected more candidates than are allowed in this race. Deselect at least one of the candidates you have selected before selecting another. Press the square select key or the left arrow to return to the race."

E. If a voter tries to move on to the next race without selecting the maximum number of candidates allowed: "Warning. You are allowed to vote for more candidates in this race than you have selected. To return to this race to select more candidates, please press the left arrow key. To continue on to the next race, press the right arrow key."

F. With the summary screen, before the ballot has been marked: "This is the summary screen. Use the up and down arrow keys to scroll through each race and hear your selections. If you want to change a selection, use the square select key to return to that race. If you like your selections, press the right arrow key."

G. Marking ballot instructions: "To mark your votes on your ballot: 1. Press the square select key. 2. Your votes will be marked on your ballot and your ballot will be returned to you. 3. Put your ballot in the ballot counter or ballot box. To change a selection, use the left arrow key to return to the summary screen. To exit without marking your votes on your ballot, use the left arrow key until you hear the exit message. Follow the instructions. Your blank ballot will be returned to you."

H. Write-in instructions: "You have chosen to input a write-in candidate. Use the up and down arrows to scroll through the letters. Use the select key to select a letter. The hyphen, space, and backspace appear after the Z. Use backspace to remove a letter. At any time, you can press the round repeat key to hear the letters you have selected so far. When you are finished typing, press the right arrow key to return to the list of candidates in this race. Then select this write-in candidate. To cancel and return to the race without typing in a name of a write-in candidate, press the left arrow key. Press the down arrow now to begin moving through the alphabet. To repeat these instructions, press the round repeat key."

I. While the ballot is being printed: "Your votes are being marked on your ballot. Please wait. It should take about 15 seconds. Your ballot will then be returned to you. Put your ballot into the ballot counter or ballot box."

J. Thank you: "Thank you for using the ballot marking device. Please remove your ballot. Put it into the ballot counter or ballot box"

to have it counted. If you need help, please talk to an election judge.”

K. If the ballot is not readable: “This ballot marking device cannot read your ballot. Please try again or contact an election judge for assistance.”

L. If there is a paper jam: “There is a paper jam. Please contact an election judge.”

M. If the voter tries to exit before the ballot is marked: “Exit now and your votes will not be marked on your ballot. Press the left arrow key to return to voting. Press the right arrow key to exit and receive your blank ballot.”

N. If the voter exits without having the ballot marked: “Thank you for using this ballot marking device. Please remove your blank ballot.”

O. In partisan primary elections, the following instructions shall appear after the voter instruction screen:

“SELECT A POLITICAL PARTY.

Instructions to Voters.

You are only allowed to voter for the candidates of one political party for partisan offices in a primary election. On this screen you will select a political party. No record will be made of your political party choice. Your selection will only be used to direct you to the proper ballot information. You will only hear the names of candidates who are with the political party you choose. To hear the names of candidates in other political parties, use the left arrow button until you get to a screen called “Select a Political Party.” Then choose a different political party.”

P. When a voter inserts a ballot on which votes have already been marked: “Votes have already been marked on your ballot. If you thought you were using a blank ballot, please press the left arrow key twice to eject your ballot. Then contact an election judge for a new ballot. To review the selections on this ballot, press the right arrow key to view a summary page. Note: you cannot use this ballot marking device to change any of these selections.”

Q. With the summary screen after the ballot has been marked: “This is the Verification Screen. Use the up and down arrow keys to scroll through each race and hear your selections. When you are finished, press the right arrow key to eject your ballot. If you want to change your selections, you will need to request a new ballot from an election judge.”

Subp. 3. **Brand name.** The brand name of the ballot marking device may be substituted for the words “the ballot marking device” and “this ballot marking device” throughout the instructions.

## **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.

## **8230.1450 USING A STICKER TO CAST A WRITE-IN VOTE USE OF STICKERS PROHIBITED.**

To be counted as a write-in vote, a sticker containing the name of a write-in candidate must be placed on the ballot in the area under the office title of the office for which the vote is cast. A sticker may not be affixed to a ballot that will be placed into a ballot box or ballot counter for any reason.

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## 8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.

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

Subp. 5. **Opening ballot box during voting hours.** ~~In precincts with more than 1,500 registered voters at 7:00 a.m. on election day, two election judges of different political parties may open the ballot boxes between 1:00 p.m. and 3:00 p.m. on election day and to straighten or remove the voted ballots but they shall not count or inspect the ballots. If removing ballots, the election judges shall put the ballots taken from the ballot box's main compartment into containers and seal them. The judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and store them in a secure location. The judges shall note on the incident report the fact that the ballot box was opened, the time the box was opened, and, if applicable, the numbers of any seals used to seal the ballot containers.~~

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

## 8235.0200 AUTOMATIC AND ADMINISTRATIVE DISCRETIONARY RECOUNTS.

This chapter establishes procedures for the conduct of all automatic and ~~administrative discretionary~~ recounts provided for in *Minnesota Statutes*, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in *Minnesota Statutes*, section 205A.10, subdivision 5. A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as recount official is a candidate or is the spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select ~~an election official a county auditor or municipal clerk~~ from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or ~~administrative discretionary~~ recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected. The ballots in the envelope labeled "Original ballots from which duplicates are to be or were made" are not within the scope of the recount and this envelope must not be opened during the recount.

## 8235.0400 SECURING BALLOTS AND MATERIALS.

The official who has custody of the voted ballots is responsible for keeping secure ~~and making available to the recount~~ all election materials. Registration cards of voters who registered on election day may be processed as required by part 8200.2700. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

## 8235.0600 FACILITIES AND EQUIPMENT.

All recounts must be accessible to the public. In a multicounty recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available without charge to the recount official or body conducting the recount adequate accessible space and all necessary equipment and facilities. ~~Where an electronic voting system is used, the jurisdiction must make available without charge to the recount official or body conducting the recount the counting program used in the election, computers, services of technical personnel, and other equipment and facilities necessary to conduct the recount.~~

## 8235.0700 GENERAL PROCEDURES.

At the opening of a recount the recount official or legal adviser shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or ~~containers containing~~ the sealed ~~envelopes containers~~ of voted ballots, and any other election materials requested by the recount official. The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to part 8235.0800, subpart 2. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

## 8235.0800 COUNTING AND CHALLENGING BALLOTS.

Subpart 1. **Sorting ballots.** Ballots must be recounted by precinct. The recount official shall open the sealed envelope container of ballots and recount them in accordance with *Minnesota Statutes*, section 204C.22. ~~if~~ The recount official must review each ballot and sort the ballots into piles based upon the recount official's determination as to which candidate, if any, the voter intended to vote for. During the sorting, a candidate or candidate's representative may challenge the ballot if he or she disagrees with the recount official's determination of whether and for whom the ballot should be counted; and whether there are identifying marks on the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. A challenge is frivolous if it is based upon an alleged identifying mark other than a signature or an identification number written anywhere on the ballot or a name written on the ballot completely outside of the space for the name of a write-in candidate.

Subp. 2. **Counting ballots.** Once ballots have been sorted, the recount officials must count the piles using the stacking method described in *Minnesota Statutes*, section 204C.21. A candidate or candidate's representative may immediately request to have a pile of 25 counted a second time if there is not agreement as to the number of votes in the pile.

Subp. 3. **Reviewing and labeling challenged ballots.** After the ballots from a precinct have been counted, the recount official may review the challenged ballots with the candidate or the candidate representative. The candidate representative may choose to withdraw any challenges previously made. The precinct name, the reason for the challenge, and the name of the person challenging the ballot (or the candidate that person represents), and a sequential number must be marked on the back of each remaining challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. The recount official may make copies of the challenged ballots. After the count of votes for all precincts has been determined during that day of counting, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

## 8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

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

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, must be at least 16 years of age, and must meet any residency requirement specified in *Minnesota Statutes*, section 204B.19, subdivision 6. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school, ~~have completed or are enrolled in a course on government at the time of service;~~ and are performing at an academic level acceptable to the principal of the trainee's high school. A trainee election judge who is home-schooled must provide certification from the trainee's parent that the trainee is performing at an academic level acceptable to serve as a trainee election judge.

[For text of subps 4 to 6, see M.R.]

## 8250.0390 FORM OF BLUE BALLOT.

[For text of subp 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~~ on that question. To vote against a question, put an (X) in the square next to the word "NO" ~~for~~ on 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.

## 8250.1600 APPLICABILITY.

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in *Minnesota Statutes*, section 206.56, subdivision 8. ~~Fe~~

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the extent possible, parts 8250.0100 to 8250.1400 apply to the use of electronic voting systems, unless otherwise provided.

## **8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.**

Subpart 1. **Ballot form.** The optical scan ballot shall be prepared in a sufficient number to enable the clerks to comply with *Minnesota Statutes*, section 204B.29. The ballot shall be prepared and printed as soon as practicable, but in no event less than 30 days before the election. Ballots for distribution in the polling place must be shrink-wrapped in quantities of 25, 50, or 100.

The ballot shall be printed with black ink on white paper. The ballot shall be 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.

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. If multiple ballot styles are to be used in the same precinct for precincts split by school districts, each ballot style must include the precinct name and applicable school district number. Only the electronically readable precinct identifier or ballot style indicator is required on a presidential only or federal only absentee ballot.

Subp. 2. **Primary ballot form.** 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 printed in uppercase in as large as practicable but no smaller than 14-point bold face type and must be shaded with a screen of 30 percent. When a party does not have candidates within a given precinct, the party headings are to remain on top of each column, regardless of whether the party has a contest on the given ballot.

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

C. Pursuant to *Minnesota Statutes*, section 206.90, subdivision 6, the instructions in *Minnesota Statutes*, section 204D.08, do not apply to optical scan partisan primary ballots.

D. If a partisan primary ballot also includes a nonpartisan primary section on the same side of the ballot, a bold line must divide the partisan section of the ballot from the nonpartisan section of the ballot.

E. If a partisan primary ballot has political party columns on both sides of the ballot, the instruction in subpart 13 for two-sided ballots must not be used on the ballot.

F. If a partisan primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." These statements must be printed in uppercase in as large as practicable but no smaller than 10-point type.

Subp. 3. **Ballot heading.** At the top of a ballot containing both partisan and nonpartisan offices, the applicable words "STATE GENERAL ELECTION BALLOT" or "STATE PARTISAN PRIMARY BALLOT" and "STATE AND COUNTY NONPARTISAN PRIMARY BALLOT" shall be printed. At the top of a primary ballot containing only partisan offices, the words "STATE PRIMARY BALLOT" shall be printed. At the top of a ballot containing only nonpartisan offices, the words "GENERAL ELECTION BALLOT" or "PRIMARY ELECTION BALLOT" shall be printed, except for first-class cities which may use an optional heading. At the top of a ballot containing questions only, the words "SPECIAL ELECTION BALLOT" shall be printed.

The name of the jurisdiction preparing the ballot may be added within the heading. The date of the election must be printed within the heading.

The ballot heading must be printed in uppercase in as large as practicable but no smaller than 18-point type.

On the front of the ballot the words "OFFICIAL BALLOT" must be printed in uppercase in as large as practicable but no smaller than 10-point bold type and the word "Judge" in upper and lowercase in as large as practicable but no smaller than 10-point type with lines for initials of at least two election judges.

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**Subp. 4. Instructions to voters.** Under the heading at the top of each side of the ballot, the words “INSTRUCTIONS TO VOTERS:” must be printed in uppercase bold in as large as practicable but no smaller than 12-point bold type. The words “To vote, completely fill in the oval(s) next to your choice(s) like this: (R).” or “To vote, complete the arrow(s) pointing to your choice(s) like this: — —>.” must follow and be printed in upper and lowercase in as large as practicable but no smaller than 8-point bold face type.

Immediately under each office title and district identified, one of the following instructions must be printed in uppercase and bold face in as large as practicable but no smaller than 8-point type:

VOTE FOR ONE TEAM

VOTE FOR ONE

VOTE FOR UP TO ..... followed by the number of candidates to be elected.

**Subp. 5. Order and form of office types.** When more than one of the following types of offices is on the ballot, the offices must appear on the ballot in the following order and must be identified as follows in uppercase in as large as practicable but no smaller than 14-point bold face type:

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 name or the number of the appropriate municipality, school district, or special district may be added directly under the office types listed in this subpart.

**Subp. 6. Order and form of offices.** The offices must appear on the ballot in the following order and must be identified as follows in uppercase letters and printed in uppercase in as large as practicable but no smaller than 10-point bold face type. The office titles must either be shaded with a screen of ten percent or less, or printed white on black:

“PRESIDENT AND VICE-PRESIDENT”

“UNITED STATES SENATOR”

“UNITED STATES REPRESENTATIVE”

“STATE SENATOR”

“STATE REPRESENTATIVE”

“GOVERNOR AND LIEUTENANT GOVERNOR”

“SECRETARY OF STATE”

“STATE AUDITOR”

“ATTORNEY GENERAL”

“COUNTY COMMISSIONER”

“COUNTY AUDITOR”

“COUNTY TREASURER”

“COUNTY AUDITOR-TREASURER”

“COUNTY RECORDER”

“COUNTY SHERIFF”

“COUNTY ATTORNEY”

“COUNTY SURVEYOR”

“COUNTY CORONER”

“COUNTY PARK COMMISSIONER”



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“SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR” or “CONSERVATION DISTRICT SUPERVISOR”

where allowed by statute

“COUNTY QUESTIONS”

“MAYOR”

“COUNCIL MEMBER”

“CITY CLERK”

“CITY TREASURER”

“CITY QUESTIONS”

“TOWN SUPERVISOR”

“TOWN CLERK”

“TOWN TREASURER”

“TOWN QUESTIONS”

“SCHOOL BOARD MEMBER”

“SCHOOL DISTRICT QUESTIONS”

“HOSPITAL DISTRICT BOARD MEMBER”

“HOSPITAL DISTRICT QUESTIONS”

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

JUDGE - DISTRICT COURT

“United States” may be abbreviated as “U.S.” Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in uppercase letters and numbers the district (for example: “DISTRICT 6”) that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

If on the same ballot with other offices of the same type, offices elected at large must include “AT LARGE” following the office identification and must be listed before other offices of the same type elected by district.

Where nonjudicial offices are designated by number, those offices must be listed in numerical order and must be printed in uppercase letters or numbers directly under the title of the office. Where judicial offices are designated by number, the seats must be listed in numerical order, except that for judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court.

If an office is not to be filled at a general election, the office must not appear on the ballot. If two of the offices have been combined into one office, the combined office must take the place of the first office listed in this subpart.

Any county offices not listed must follow the office of soil and water conservation district supervisor on the ballot and must be listed in the order determined by the county auditor.

**Subp. 7. Order and form of candidate names.** The name of each candidate as filed on the affidavit of candidacy shall be printed at right angles to the length of the ballot. The candidate names must be printed in uppercase in as large as practicable but no smaller than 10-point type. The name of the candidate must be aligned as close to the vote target as possible. Below the name of each candidate for a partisan office must appear in the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a major political party as defined in *Minnesota Statutes*, section 200.02, subdivision 7, may not be used to identify the party of a candidate of any other party. This prohibition does not apply to the word “independent,” if it is used in the name of a major political party. The word “nonpartisan” may not be used in the designation of any candidate for a partisan office. The party or principle designation, if applicable, must be printed under the candidate name in upper and in as large as practicable but no smaller than 8-point type.

**Subp. 8. Order and form of write-in candidate lines.** On general election ballots, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the name of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled. Above or below each

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write-in line the words “write-in, if any” must appear in lowercase in as large as practicable but no smaller than 6-point type and must be aligned next to the vote target.

**Subp. 9. Order of candidates for partisan office in 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 7, must appear for every partisan office on the 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 7, and in the order determined by lot by the secretary of state. The secretary of state 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 principle must be identified by the word “independent” followed by the candidate’s surname. If more than one candidate is nominated by petition for the same office within the same political party or principle, the secretary of state shall draw a supplementary lot within that party or principle by candidate surname to determine the order of those candidates. The order of political parties or principles determined by the drawing of lots applies to all partisan offices on the ballot.

**Subp. 10. Order and form of ballot questions.** Ballot questions must be printed after offices of the same jurisdiction. Directly after the office type required in subpart 2, the words “To vote for a question, fill in the oval next to the word “YES” on that question. To vote against a question, fill in the oval next to the word “NO” on that question.” or “To vote for a question, complete the arrow next to the word “YES” on that question. To vote against a question, complete the arrow next to the word “NO” on that question.” must be printed in upper and lower case and no smaller than 8-point type. When more than one question is on the ballot for a given jurisdiction, each ballot question must be designated by a number and must be preceded by the words “COUNTY QUESTION,” “CITY QUESTION,” “TOWN QUESTION,” “SCHOOL DISTRICT QUESTION,” “HOSPITAL DISTRICT QUESTION,” and the number assigned to the question in uppercase letters in as large as practicable but no smaller than 10-point bold face type. The name and/or number of the jurisdiction that the question will represent may be printed directly under the heading of the question. The question heading and numbers (where applicable) must be shaded with a screen of ten percent or less or printed white on black. A clerk, county auditor, or appropriate governing body shall provide a title for each question printed on the ballot. The title must not contain more than ten words and must not be used on the ballot until it has been approved by the jurisdiction’s legal counsel. The title must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type and must be printed in the same section as the body of the question to which it refers. The body of the question must be printed in upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words “YES” and “NO” must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

**Subp. 11. Instructions, order and form of constitutional amendments.** For a ballot containing a constitutional amendment, the following statement shall be printed beneath the heading “CONSTITUTIONAL AMENDMENT” in upper and lowercase and no smaller than 8-point type: “Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment.” A bold dividing line running the width of the ballot column shall be immediately below the statement. The words “To vote for a proposed constitutional amendment, fill in the oval next to the word “YES” on that question. To vote against a proposed constitutional amendment, fill in the oval next to the word “NO” on that question.” or “To vote for a proposed constitutional amendment, complete the arrow next to the word “YES” on that question. To vote against a proposed constitutional amendment, complete the arrow next to the word “NO” on that question.” must follow and be printed in upper and lower case and no smaller than 8-point type. 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 and the title required by *Minnesota Statutes*, section 204D.15, subdivision 1, must be printed in uppercase letters in as large as practicable but no smaller than 10-point bold face type and must be shaded with a screen of ten percent. The body of the question must be printed upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words “YES” and “NO” must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

**Subp. 12. Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

**Subp. 13. Two-sided ballots.** On two-sided ballots, the words “VOTE FRONT AND BACK OF BALLOT” must be printed in uppercase 10-point bold type at the bottom of both sides of the ballot.

**Subp. 14. Form of federal ballot.** The names of all candidates for the offices of president and vice-president of the United States and

# Proposed Rules

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senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the “federal ballot.” This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, *United States Code*, title 42, section 1973ff. The federal ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot only for federal candidates in Minnesota. The federal ballot shall conform in all other respects to the State Primary or State General election ballot.

Subp. 15. **Form of presidential ballot.** The names of all candidates for the offices of president and vice-president of the United States shall be placed on a ballot printed on white paper which shall be known as the “presidential ballot.” This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, *United States Code*, title 42, section 1973ff. The presidential ballot shall be the only ballot provided to citizens of the United States who are eligible to vote by absentee ballot only for presidential candidates in Minnesota. The presidential ballot shall conform in all other respects to the State General election ballot.

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

Subp. 17. **Extraneous marks.** No election official may place marks on the ballot other than those provided in *Minnesota Statutes*, section 204C.09, subdivision 1, or 206.86, subdivision 5.

Subp. 18. **Example ballot.** The secretary of state shall supply each auditor with a copy of an example ballot by June 1 of each year. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year. The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballots must conform in all respects to the example ballot.

**REPEALER.** *Minnesota Rules*, parts 8210.0200, subpart 3; 8210.0700, subparts 1, 2, 3, 7, 8, 9, and 10; 8210.0800, subparts 1 and 2; 8210.3000, subpart 6a; 8220.0950; 8235.0500; 8235.1000; and 8250.1800, are repealed.

**EFFECTIVE DATE.** Part 8220.2860 is effective for elections beginning with the state primary in 2010.

# 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.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Environmental Quality Board

### Adopted Permanent Rules Relating to Environmental Review

The rules proposed and published at *State Register*, Volume 33, Number 29, pages 1243-1252, January 20, 2009 (33 SR 1243), are adopted with the following modifications:

#### 4410.0200 DEFINITIONS AND ABBREVIATIONS.

Subp. 11a. **Cumulative potential effects.** "Cumulative potential effects" means the effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects. Significant cumulative potential effects can result from individually minor projects taking place over a period of time. In analyzing the contributions of past projects to cumulative potential effects, it is sufficient to consider the current aggregate effects of past actions. It is not required to list or analyze the impacts of individual past actions, unless such information is necessary to describe the cumulative potential effects. In determining if a basis of expectation has been laid for a project, an RGU must determine whether a project is reasonably likely to occur and, if so, whether sufficiently detailed information is available about the project to contribute to the understanding of cumulative potential effects. In making these determinations, the RGU must consider: whether any applications for permits have been filed with any units of government; whether detailed plans and specifications have been prepared for the project; whether future development is indicated by adopted comprehensive plans or zoning or other ordinances; whether future development is indicated by historic or forecasted trends; and any other ~~relevant~~ factors determined to be relevant by the RGU.

Subp. 55a. **Ordinary high water level.** "Ordinary high water level" has the meaning given in ~~part 6120.2500, subpart 11~~ *Minnesota Statutes*, section 103G.005, subdivision 14.

Subp. 79a. **Sensitive shoreland area.** "Sensitive shoreland area" means shoreland designated as a special protection district pursuant to part 6120.3200 ~~and~~ or shoreland riparian to any of the following types of public waters:

Subp. 81a. **Shore impact zone.** "Shore impact zone" ~~means land located between the ordinary high water level of a public water and a line parallel to it at 50 percent of the structure setback distance as established by~~ has the meaning given in part 6120.3300, subpart 3 ~~6120.2500, or by~~ in a local ordinance, whichever distance is greater if the ordinance specifies a greater size for the zone.

#### 4410.4300 MANDATORY EAW CATEGORIES.

Subp. 19a. **Residential development in shoreland outside of the seven-county Twin Cities metropolitan area.**

A. The local governmental unit is the RGU for construction of a permanent or potentially permanent residential development located wholly or partially in shoreland outside the seven-county Twin Cities metropolitan area of a type listed in items B to E. For purposes of this subpart, "riparian unit" means a unit in a development that abuts a public water or, in the case of a development where units are not allowed to abut the public water, is located in the first tier of the development as provided under part 6120.3800, subpart 4, item A. If a project is located partially in a sensitive shoreland area and partially in nonsensitive shoreland areas, an EAW must be prepared if the sum of the quotient obtained by dividing the number of units in the sensitive shoreland area by the applicable sensitive shoreland area threshold, plus the quotient obtained by dividing the number of units in nonsensitive shoreland areas by the applicable nonsensitive shoreland area threshold, equals or exceeds one. If a project is located partially in shoreland and partially not in shoreland, an EAW must be prepared if the sum of the quotients obtained by dividing the number of units in each type of area by the applicable threshold for each area equals or exceeds one.

# Adopted Rules

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Subp. 20a. **Resorts, campgrounds, and RV parks in shorelands.** The local government unit is the RGU for construction or expansion of a resort or other seasonal or permanent recreational development located wholly or partially in shoreland, accessible by vehicle, of a type listed in item A or B:

B. construction or addition of 15 or more units or sites in a sensitive shoreland area or 25 or more units or sites in a nonsensitive shoreland area, if less than 50 percent of the area in shoreland is common open space.

If a project is located partially in a sensitive shoreland area and partially in nonsensitive shoreland areas, an EAW must be prepared if the sum of the quotient obtained by dividing the number of units in the sensitive shoreland area by the applicable sensitive shoreland area threshold, plus the quotient obtained by dividing the number of units in nonsensitive shoreland areas by the applicable nonsensitive shoreland area threshold, equals or exceeds one. If a project is located partially in shoreland and partially not in shoreland, an EAW must be prepared if the sum of the quotients obtained by dividing the number of units in each type of area by the applicable threshold for each area equals or exceeds one.

Subp. 36a. **Land conversions in shoreland.**

A. For a project that alters 800 feet or more of the shoreline in a sensitive shoreland area or 1,320 feet or more of shoreline in a nonsensitive shoreland area, the local governmental unit is the RGU.

## 4410.4400 MANDATORY EIS CATEGORIES.

Subp. 14a. **Residential development in shoreland outside of the seven-county Twin Cities metropolitan area.**

A. The local governmental unit is the RGU for construction of a permanent or potentially permanent residential development located wholly or partially in shoreland outside the seven-county Twin Cities metropolitan area of a type listed in items B to D. For purposes of this subpart, “riparian unit” means a unit in a development that abuts a public water or, in the case of a development where units are not allowed to abut the public water, is located in the first tier of the development as provided under part 6120.3800, subpart 4, item A. If a project is located partially in a sensitive shoreland area and partially in nonsensitive shoreland areas, an EIS must be prepared if the sum of the quotient obtained by dividing the number of units in the sensitive shoreland area by the applicable sensitive shoreland area threshold, plus the quotient obtained by dividing the number of units in nonsensitive shoreland areas by the applicable nonsensitive shoreland area threshold, equals or exceeds one. If a project is located partially in shoreland and partially not in shoreland, an EIS must be prepared if the sum of the quotients obtained by dividing the number of units in each type of area by the applicable threshold for each area equals or exceeds one.

Subp. 26. **Resorts, campgrounds, and RV parks in shorelands.** For construction or expansion of a resort or other seasonal or permanent recreational development located wholly or partially in shoreland, accessible by vehicle, adding 100 or more units or sites in a sensitive shoreland area or 200 or more units or sites in a nonsensitive shoreland area, the local governmental unit is the RGU. If a project is located partially in a sensitive shoreland area and partially in nonsensitive shoreland areas, an EIS must be prepared if the sum of the quotient obtained by dividing the number of units in the sensitive shoreland area by the applicable sensitive shoreland area threshold, plus the quotient obtained by dividing the number of units in nonsensitive shoreland areas by the applicable nonsensitive shoreland area threshold, equals or exceeds one. If a project is located partially in shoreland and partially not in shoreland, an EIS must be prepared if the sum of the quotients obtained by dividing the number of units in each type of area by the applicable threshold for each area equals or exceeds one.

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Revenue Adopted Exempt Permanent Rules Governing Minnesota Sales and Use Taxes

### 8130.4700 ~~PREPARED FOOD, DRINKS, AND MEALS~~ CANDY, AND SOFT DRINKS.

Subpart 1. [Repealed, 29 SR 1273]

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

Subp. 3. [Repealed, 29 SR 1273]

Subp. 4. [Repealed, 29 SR 1273]

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

Subp. 7. ~~Meals Prepared food, candy, or soft drinks served at hospitals, sanitariums, nursing homes, senior citizens' homes, and correctional, detention, and detoxification facilities.~~

A. Under *Minnesota Statutes*, section 297A.67, subdivision 4, ~~meals or drinks prepared food, candy, or soft drinks~~ served to patients, inmates, or persons residing at hospitals, sanitariums, nursing homes, senior citizens' homes, and correctional, detention, and detoxification facilities are exempt. This exemption applies when the ~~meals or drinks prepared food, candy, or soft drinks~~ are purchased; as well as sold; by these facilities. For purposes of this subpart, the definitions in subitems (1) to ~~(6)~~ (5) apply:

(1) ~~"Meals or drinks"~~ means prepared food, soft drinks, and candy. ~~As provided in item C, "meals or drinks" does not mean food sold through vending machines.~~

~~(2)~~ "Hospital or sanitarium" means a hospital or sanitarium as defined in *Minnesota Statutes*, section 144.50, subdivision 2.

~~(3)~~ (2) "Nursing home" means a nursing home as defined in *Minnesota Statutes*, section 144A.01, subdivision 5, and a boarding care home as defined in part 4655.0100.

~~(4)~~ (3) "Senior citizens' home" means an establishment providing housing to adult residents, at least 80 percent of which are 55 years of age or older, and offering supportive services such as health-related services and social services. A senior citizens' home may be operated either for profit or on a nonprofit basis.

~~(5)~~ (4) "Correctional and detention facilities" means any facility or program under the direct control of the commissioner of corrections in which individuals are incarcerated, or any public or private facility licensed or certified by the Department of Corrections under *Minnesota Statutes*, section 241.021.

~~(6)~~ (5) "Detoxification facility" means a facility providing a program operating under *Minnesota Statutes*, section 254A.08.

B. All prepared food, candy, or soft drinks served to patients and residents by hospitals, sanitariums, nursing homes, senior citizens' homes, and correctional, detention, and detoxification facilities ~~is~~ are exempt, including ~~optional meals and meals prepared food, candy, or soft drinks~~ that are prepared by separate entities.

C. Food items, including prepared food, candy, or soft drinks sold through vending machines, coffee shops, and cafeterias that



# Exempt Rules

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operate in these facilities is are subject to tax and are not considered to have been served to the patients, inmates, or persons residing at the facilities enumerated in item A.

## Subp. 8. **Meals Prepared food, candy, or soft drinks served at schools.**

A. Under *Minnesota Statutes*, section 297A.67, subdivision 5, meals and lunches prepared food, candy, or soft drinks served at public and private elementary, middle, or secondary schools, as defined in *Minnesota Statutes*, section 120A.05, are exempt. “Meals and lunches” means prepared food, soft drinks, and candy. As provided in item D, “meals and lunches” does not mean food sold through vending machines. This exemption applies to meals and lunches prepared food, candy, or soft drinks when purchased as well as sold by the schools.

B. All meals and lunches prepared food, candy, or soft drinks served at public and private elementary, middle, or secondary schools are exempt, including prepared food, candy, or soft drinks that ~~is~~ are prepared or served by separate entities and prepared food, candy, or soft drinks that ~~is~~ are purchased by employees or the general public.

C. Meals and lunches Prepared food, candy, or soft drinks served to students at institutions of higher education are subject to sales tax unless provided to students under a board contract. For purposes of this subpart, “institutions of higher education” means colleges, universities, and private career schools. The exemption for board contracts applies only when a contract that includes the sale of meals and lunches prepared food, candy, or soft drinks exists between a student and an institution of higher education, or between a student and a residential student organization that is recognized by the institution, for an educational activity that takes place on the premises of that institution. The student is not required to be enrolled at the institution at which the activity is conducted. If the food is not provided as part of a board contract, the institution may only purchase the meals and lunches prepared food, candy, or soft drinks exempt for resale from a third party if the food is intended to be resold at retail. The rules in subitems (1) to (4) apply for purposes of the exemption for board contracts.

(1) Meals and lunches Prepared food, candy, or soft drinks purchased under a prepaid contract, or where a lump sum charge is made for a set term of time, are considered meals and lunches furnished under a board contract.

(2) A board contract also includes a contract that provides lodging, meals and lunches food, and tuition, separately or in combination, for a single charge.

(3) Meals and lunches Prepared food, candy, or soft drinks are exempt when purchased with debit cards, “flex money,” or “bonus bucks” issued either by the institution or by the recognized residential student organization, or when purchased by any other method authorized by the institution of higher education under a board contract.

(4) Meals and lunches that Prepared food, candy, or soft drinks are not provided under a board contract ~~include meals and lunches when they are~~ sold to faculty, other employees of the institution of higher education, and sponsors of conferences, sports camps, or other activities held on the premises of the institution. Meals and lunches Prepared food, candy, or soft drinks sold to student clubs or other organizations are subject to tax.

D. Food items, including prepared food, candy, or soft drinks sold through vending machines at all schools, including K-12 institutions and institutions of higher education, are taxable.

E. Administrative offices located off the school premises are not considered part of the school and prepared food, candy, or soft drinks, ~~and candy~~ served at those offices are taxable.

## Subp. 9. **Incidental meals prepared food, candy, or soft drinks at educational programs.**

A. Meals and lunches Prepared food, candy, or soft drinks that are provided as part of an educational service, such as a children’s camp or a professional seminar, are generally not taxable. ~~For purposes of this subpart, “meals and lunches” means prepared food, soft drinks, and candy.~~ When meals and lunches are providing prepared food, candy, or soft drinks is incidental to the total program fee, and charges for the meals and lunches prepared food, candy, or soft drinks are included in the fee to attend the program, the meals and lunches prepared food, candy, or soft drinks are not taxable to the program participants.

B. If the educational program purchases meals and lunches prepared food, candy, or soft drinks to serve to participants in the program, the program must pay sales or use tax on the meals and lunches prepared food, candy, or soft drinks purchased if participants are not billed separately for the meals and lunches prepared food, candy, or soft drinks. If the charges to participants for the meals and lunches prepared food, candy, or soft drinks are separately stated, they may be purchased by the educational program exempt for resale, and tax must be charged on the separately stated fees for the meals and lunches prepared food, candy, or soft drinks charged to participants.

## Subp. 10. **Meals Prepared food, candy, or soft drinks provided to employees.**

A. When an employer purchases prepared food, candy, or soft drinks, to provide to employees for no consideration, the prepared food, candy, or soft drinks provided to employees is exempt. The purchase of these items by the employer is taxable. When an employer in the business of selling prepared food, candy, or soft drinks provides these items free to employees, the employer owes use tax on its cost

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## Exempt Rules

of the prepared food, candy, or soft drinks and all other taxable items, including disposable plates, soft drinks, napkins, cups, and flatware.

B. Notwithstanding this subpart, prepared food, candy, or soft drinks served to employees at K-12 schools, as provided in *Minnesota Statutes*, section 297A.67, subdivision 5, are exempt even if the employees are required to pay for the items.

Subp. 11. **Purchases of equipment and products by vendors retailers of meals or prepared food, candy, or soft drinks.** ~~A vendor~~ Retailers of meals or drinks prepared food, candy, or soft drinks, including but not limited to restaurants and fast food establishments, must pay the tax on all purchases of equipment and products used or consumed in the business, including fixtures and reusable items such as linens, flatware, glassware, and towels. ~~Vendors of meals~~ Restaurants are specifically excluded from the class of ~~vendors~~ manufacturers considered to be engaged in industrial production, as defined in *Minnesota Statutes*, section 297A.68, subdivision 2, paragraph (c). In addition, machinery and equipment used by restaurants in the furnishing, preparing, or serving of prepared food, candy, or soft drinks is not included in the exemption for capital equipment as defined in Minnesota Statutes, section 297A.68, subdivision 5, paragraph (c), clause (7). Consequently, sales of equipment, electricity, gas, and steam and all other items to vendors retailers of meals prepared food, candy, or soft drinks are taxable, except for the sale of exempt food products and food ingredients and nonreusable items to such retailers. Nonreusable items such as souffle cups; straws; ice; swizzle sticks; paper products such as placemats, tablecloths, napkins, and doilies; paper, plastic, or wooden plates; cups; forks; toothpicks; or other items which are used or consumed by the customer as an integral part of the meal or drinks prepared food, candy, soft drinks, or alcoholic drinks are considered sold with the meal prepared food, candy, or soft drinks. Sales of these nonreusable items to persons engaged in the business of selling meals or drinks prepared food, candy, or soft drinks are, accordingly, sales for resale.

### 8130.5700 SALES TO EXEMPT ENTITIES, THEIR EMPLOYEES, OR AGENTS.

Subpart 1. [See repealer.]

Subp. 2. **~~Meals, admissions~~ Prepared food, candy, or soft drinks, or the furnishing of lodging.** The furnishing sale or purchase for a consideration of meals, admissions, prepared food, candy, or soft drinks, or the furnishing of lodging as provided in *Minnesota Statutes*, section ~~297A.01~~ 297A.61, subdivision 3, paragraphs (c), (d), and (e) is not considered the sale or use of tangible personal property subject to sales tax.

No exemption from the sales and use tax is therefore allowed for meals, admissions, prepared food, candy, or soft drinks purchased by, or lodging furnished to, governmental entities exempted under Minnesota Statutes, section 297A.70, subdivision 2; hospitals and surgical centers exempted under Minnesota Statutes, section 297A.70, subdivision 7; or nonprofit organizations exempted under Minnesota Statutes, section 297A.25 297A.70, subdivision 16 4, their employees, or agents, even if the governmental entity, hospital, surgical center, or nonprofit organization is billed directly and pays directly for such services, except that the federal government, its agencies, and instrumentalities are exempt under the intergovernmental tax immunity doctrine where they purchase meals and prepared food, candy, soft drinks, or lodging directly.

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

### 8130.6200 CHARITABLE, RELIGIOUS, AND EDUCATIONAL ORGANIZATIONS.

*[For text of subps 1 to 10, see M.R.]*

Subp. 11. **Related information.**

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

E. While purchases of admissions provided for in *Minnesota Statutes*, section 297A.61, subdivision 3, paragraph (g), clause (1), are exempt when purchased by exempt organizations, sales of admissions by exempt organizations are generally taxable. The following sales of admissions in subitems (1) and (2) are exempt.

*[For text of subitem (1), see M.R.]*

(2) Tickets or admission to regular season school games, events, and activities are exempt. Tickets or admissions to games, events, and activities sponsored by the Minnesota State High School League are exempt after June 30, 2006, and before July 1, 2011. See *Minnesota Statutes*, section 297A.70, subdivision 11.

*[For text of items F and G, see M.R.]*

**REPEALER.** Minnesota Rules, part 8130.5700, subpart 1, is repealed.

# Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order #09-11: Providing for Emergency Relief from Regulations to Motor Carriers Operating in Minnesota

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and *Minnesota Statutes* 2009, Section 221.0269, do hereby issue this Emergency Executive Order:

**WHEREAS**, unseasonable weather conditions this year have resulted in significant harvest delays; and

**WHEREAS**, it has been reported the percentage of crops harvested in Minnesota is well below the five-year average for the same period of time, including a significant delay in the soybean and corn harvests; and.

**WHEREAS**, this year's unseasonable cool and damp weather has also significantly affected the condition of Minnesota's soybean and corn crops, with in-field moisture ranges substantially higher than average, thereby resulting in the need for a substantial amount of propane for drying crops; and

**WHEREAS**, Minnesota is also experiencing severe supply disruptions in the supply of propane, with waiting times for each transport load of propane increasing, thereby threatening the ability of farmers to meet their grain-drying needs; and

**WHEREAS**, without relief, farmers may not be able to obtain needed supplies of propane to complete the harvest and storage process; and

**WHEREAS**, there are limited qualified drivers that can haul propane; and

**WHEREAS**, if farmers are unable to reliably access propane, farmers will not be able to complete their harvest and grain storage in a timely manner.

**NOW, THEREFORE**, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in *Minnesota Statutes* 2009, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane.

2. Nothing herein shall be construed to relieve commercial motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, commercial drivers' licenses, drug and alcohol testing and use or financial responsibility.

3. A carrier must keep the time records required by *Code of Federal Regulations*, title 49, section 395.1, paragraph (e) for drivers operating within a 100 air-mile radius of the driver's normal work reporting location. Drivers and carriers operating outside of the 100 air-mile radius must comply with *Code of Federal Regulations*, title 49, section 395.8 and must identify all time operating a vehicle on the record of duty status form as driving time, with a notation identifying which hours are operated under the terms of this order.

4. No commercial motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off-duty before the driver is required return to service. If a driver requests time off under this paragraph, the motor carrier must document

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## Executive Orders

the request in a writing that includes the driver's name and the date and time of the request. The carrier shall retain the document for six months.

5. Upon the request of a driver, a commercial motor carrier operating under this executive order must give a driver at least 34 consecutive hours off-duty when the driver has been on-duty for more than 70 hours in any 8 consecutive days.

6. Upon the expiration of the effective date of this emergency order, or when a driver or commercial motor carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty four consecutive hours off-duty, shall be permitted to start his or her on-duty status hours of service record at zero.

7. Drivers operating under the terms of this order should carry a copy of this order.

This order shall be effective immediately and shall remain in effect until the commercial motor carrier or driver ceases direct assistance in providing emergency relief or 11:59 p.m. on December 5, 2009, whichever occurs earlier. For purposes of this order, direct assistance is defined in *Minnesota Statutes* 2009, Section 221.0269, Subdivision 3(c).

**IN TESTIMONY WHEREOF**, I have set my hand this 5th day of November, 2009.

Signed: **TIM PAWLENTY**  
**Governor**

Filed According to Law:

Signed: **MARK RITCHIE**  
**Secretary of State**

## Office of the Governor

### Emergency Executive Order #09-12: Providing for Additional Emergency Relief from Regulations to Motor Carriers Operating in Minnesota

**I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and *Minnesota Statutes* 2009, Section 221.0269, do hereby issue this Emergency Executive Order:

**WHEREAS**, as described in Emergency Executive Order 09-11, unseasonable weather conditions this year have resulted in significant harvest delays; and

**WHEREAS**, the resulting ongoing supply disruptions in the supply of propane described in Emergency Executive Order 09-11 have increased the demand for trucking resources, thereby resulting in the unavailability of trucking resources for the movement of anhydrous ammonia which would normally become available as demand for propane hauling resources receded following harvest; and

**WHEREAS**, without relief, farmers may not be able to obtain needed supplies of anhydrous ammonia to complete the important process of preparing fields for spring planting through application of anhydrous ammonia fertilizer, which can help reduce spring-time fertilizer field activity and facilitate early spring plantings to assure sufficient cultivation times needed for reasonable crop yields; and

**WHEREAS**, there are limited qualified drivers that can haul anhydrous ammonia.

**NOW, THEREFORE**, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in *Minnesota Statutes* 2009, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting anhydrous ammonia.

# Executive Orders

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2. Nothing herein shall be construed to relieve commercial motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, commercial drivers' licenses, drug and alcohol testing and use or financial responsibility.

3. A carrier must keep the time records required by *Code of Federal Regulations*, title 49, section 395.1, paragraph (e) for drivers operating within a 100 air-mile radius of the driver's normal work reporting location. Drivers and carriers operating outside of the 100 air-mile radius must comply with *Code of Federal Regulations*, title 49, section 395.8 and must identify all time operating a vehicle on the record of duty status form as driving time, with a notation identifying which hours are operated under the terms of this order.

4. No commercial motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off-duty before the driver is required return to service. If a driver requests time off under this paragraph, the motor carrier must document the request in a writing that includes the driver's name and the date and time of the request. The carrier shall retain the document for six months.

5. Upon the request of a driver, a commercial motor carrier operating under this executive order must give a driver at least 34 consecutive hours off-duty when the driver has been on-duty for more than 80 hours in any 8 consecutive days.

6. Upon the expiration of the effective date of this emergency order, or when a driver or commercial motor carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive hours off-duty, shall be permitted to start his or her on-duty status hours of service record at zero.

7. A driver operating under terms and conditions of this emergency order may not drive more than 70 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial vehicles every day of the week, or more than 80 hours in any period of 8 consecutive days if the employing motor carrier operates commercial vehicles every day of the week.

8. Any motor carrier operating under terms of this emergency order must have a "Satisfactory" safety rating assigned by the Federal Motor Carrier Safety Administration or the State in which the motor carrier has its principal place of business.

9. Drivers operating under the terms of this order should carry a copy of this order.

This order shall be effective immediately and shall remain in effect until the commercial motor carrier or driver ceases direct assistance in providing emergency relief or 11:59 p.m. on December 10, 2009, whichever occurs earlier. For purposes of this order, direct assistance is defined in *Minnesota Statutes* 2009, Section 221.0269, Subdivision 3(c).

**IN TESTIMONY WHEREOF**, I have set my hand this 10th day of November, 2009.

Signed: TIM PAWLENTY  
Governor

Filed According to Law:

Signed: MARK RITCHIE  
Secretary of State

## 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.

## See these *Important Notices*

The Official Notices section gives you a “heads up” on important state meetings and announcements. The *State Register* reaches a huge audience of interested “eyes” every week. Remember to publish your notices here - it only costs \$13.60 per 1/10 of a page used in the *State Register* - it’s the least expensive legal advertising in the state.

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## Department of Commerce

### Request for Comments on Possible Amendment to Rules Governing Thermal Insulation Standards, *Minnesota Rules*, Part 7640.0130

**Subject of Rule.** The Minnesota Department of Commerce requests comments on its possible amendment to rules governing residential thermal insulation standards. The department is considering rule amendments to change references relating to acceptance criteria for foam plastic thermal insulation products published by the International Code Council and adopted by reference by Part 7640.0130.

**Persons Affected.** The amendment to the rules would likely affect manufacturers, wholesalers and installers of residential thermal insulation. The department does not contemplate appointing an advisory committee to comment on the possible rule.

**Statutory Authority.** *Minnesota Statutes*, sections 325F.20, subdivision 1, and 325F.21, subdivisions 1 and 2, require the commissioner of Commerce to establish standards for the product quality, safety, installation, and labeling of thermal insulation products.

**Public Comment.** Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on January 25, 2010. The department has prepared a draft of the possible rule amendment, which is available from the contact identified below. Written or oral comments, questions and requests for more information on this possible rule amendment should be addressed to: Bruce Nelson, Minnesota Department of Commerce, 85 - 7th Place E, Suite 500, St. Paul MN 55101-2198, **phone:** (651) 297-2313, e-mail: [bruce.nelson@state.mn.us](mailto:bruce.nelson@state.mn.us). TTY users may call the Department at (651) 297-3067.

**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 the agency contact person at the address or telephone number listed above.

**Note:** Comments submitted in response to this notice may not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: November 4, 2009

Glenn Wilson, Commissioner  
Department of Commerce



# Official Notices

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## Minnesota Comprehensive Health Association Notice of Meeting of the Public Policy Committee November 19, 2009

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Public Policy Committee will be held at 9:00 a.m. on Thursday, November 19, 2009. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Department of Health Division of Environmental Health Indoor Environments and Radiation Section Request for Comments on Possible New Rule Governing Machine-Produced Radiation Therapy, *Minnesota Rules*, Chapter 4733

**Subject of Rules:** The Minnesota Department of Health (MDH) requests comments on its possible new rule governing machine-produced radiation therapy. The Department is considering repealing the rule parts encompassing machine-produced radiation therapy that are currently in Ionizing Radiation Rules, Chapter 4732, and establishing an independent machine-produced radiation rule as Chapter 4733 to specifically address this type of radiation therapy.

MDH adopted Chapter 4732, rules that govern ionizing radiation sources other than radioactive materials, which included machine-produced radiation therapy, on November 5, 2007. This chapter includes rules for machine-produced radiation therapy equipment; however, the proposed rules would remove the radiation therapy parts from the current chapter, correct and clarify the rules, and expand them to address newer technologies. Establishing the machine-produced radiation therapy in a separate rule will make it easier for all to understand and easier for the regulated community to comply with.

**Persons Affected.** The proposed Chapter 4733 would apply to all persons who own, possess, or use of the machine-produced radiation therapy equipment. The purpose of Chapter 4733 is to protect the registrant, patient and the general public from unwanted or unsafe exposures to radiation from machine-produced radiation therapy equipment. These proposed rules would likely affect registrants currently regulated by the state under Chapter 4732; individuals serving as radiation safety officers; qualified medical physicists in the subfield of therapeutic radiation; radiation oncologists; patients; and the general public within the State of Minnesota.

**Statutory Authority.** *Minnesota Statutes*, sections 144.12, subdivision 1, item (15), authorize the MDH to adopt rules that allow the state to regulate radiation from machine-produced radiation therapy equipment for the safety of the patients needing this therapy and the public.

**Public Comment.** Interested persons or groups may submit comments or information on these proposed rules in writing until MDH publishes it in the State Register. MDH will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.

**Rules Drafts.** The MDH has drafted the proposed rules, which can be found on the MDH web site at:

*<http://www.health.state.mn.us/x-ray>*

In addition, a free paper copy or CD of the proposed rules is available upon request from the agency contact listed below.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Susan McClanahan at Minnesota Department of Health, 625 Robert Street North, P.O. Box 64975, St. Paul, Minnesota 55164-0975, **Phone:** (651) 201-4527, **FAX:** (651) 201-4606. **TTY** users may call the Department at (651) 201-5797.

**Alternative Format.** Upon request, the agency can provide this Request for Comments in an alternative format, such as large print,  
**Page 730** *Minnesota State Register, Monday 16 November 2009* **(Cite 34 SR 730)**

Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The agency is required to submit to the ALJ only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the ALJ reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: November 4, 2009

Linda Bruemmer, Director  
Division of Environmental Health

### Minnesota Department of Health (MDH) CORRECTION TO Request for Comments on Biennial Review of Rulemaking Procedures and Rules Related to the Minnesota Health Care Administrative Simplification Act, *Minnesota Statutes*, Sections 62J.50 to 62J.61

The above notice, published in the *State Register* on November 9, 2009 (34 SR 649), listed an incorrect date for a meeting for receiving oral and written comments. The correct meeting date is Wednesday, December 9, 2009 (not December 9, 2010 as previously published). Please contact David K. Haugen, Minnesota Department of Health, at (651) 201-3573, or at [david.haugen@state.mn.us](mailto:david.haugen@state.mn.us) if you have questions or require further information.

## State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar day

## State Gov't Contracts:

The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Also, a summarized list of all "active" contracts and grants is available for subscribers only. Subscribers also receive LINKS to the *State Register*; as well as Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. Subscribers open their State Register and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

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# State Contracts

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## Department of Administration

### Real Estate & Construction Services

#### Notice of Request for Proposals (RFP) for Professional Services for Minnesota Construction Testing and Inspection Services

**NOTICE IS HEREBY GIVEN** that the Department of Administration, Real Estate and Construction Services (“State”) has issued a request for proposals for Construction Testing and Inspection Services which shall be performed under the direct supervision of a Professional in the field of the area being tested, registered or certified in the State of Minnesota and with a minimum of 5 years experience with the type of work requiring testing and inspection. These projects will be varied in nature and scope.

The purpose of the RFP is to execute master contracts with firms and/or individuals for:

a. **Construction Testing and Inspection Services.** These services shall include: Geotechnical, Concrete Testing and Inspection, Masonry Testing and Inspection, Structural Steel Testing and Inspection, Pavement Testing and Inspection, Window/Curtainwall Testing and Inspection, Roofing/Waterproofing Testing and Inspection, Fireproofing/Firestopping Testing and Inspection, Phase I and II Archaeological Resources Investigations, Phase I and II Environmental Investigation and Remediation Services. The types of services are also outlined in the Request for Proposal (RFP) located at: [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs) (Click on “Construction Services” and “Solicitations and Announcements”). Firms that are qualified may also apply. The individual scope of services for each project will be outlined in a subsequent Work Order once your company has been approved and issued a Master Contract. It is anticipated that all state agencies and Minnesota State Colleges and Universities will utilize the master contracts.

The Request for Proposal may be found online at: [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs) (Click on “Construction Services” and “Solicitations and Announcements”). Copies of the RFP may also be requested from:

Contracts Coordinator  
Real Estate and Construction Services  
309 Administration Building, 50 Sherburne Avenue  
St. Paul, MN 55155  
Phone: (651) 201-2372

Unless otherwise provided in *Minnesota Statutes* § 16B.33, the following guidelines apply when using the Master Contract: Construction projects requiring a primary designer and will have an estimated cost of construction no greater than \$2,000,000.00; or a study, report, or predesign for a state agency planning project will have a consultant estimated fee no greater than \$200,000.00. Primary Designers for Projects to construct, erect, or remodel a building with an estimated cost in excess of these amounts will be selected by the State Designer Selection Board in accordance with *Minnesota Statutes* § 16B.33.

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFP is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of the RFP if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Administration

### Real Estate & Construction Services

#### Notice of Request for Proposals (RFP) for Professional Services for Providing an Enterprise Construction Project Management Software System

**NOTICE IS HEREBY GIVEN** that the Department of Administration, Real Estate and Construction Services (“State”) has issued a request for proposals for a consultant to provide a collaborative Enterprise Construction Project Management Software solution for State agency management, accounting, contract, facility management, and project management staff, designers, contractors, and other stakeholders to manage all phases of capital improvement projects at the detailed project level and summary program level. The system will provide a mechanism of collaborating on design, construction administration, schedules, budgets, tracking and reporting, and document management for capital improvement projects.

The Request for Proposal may be found online at: [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs) (Click on “Construction Services” and “Solicitations and Announcements”). Copies of the RFP may also be requested from:

Contracts Coordinator  
Real Estate and Construction Services  
309 Administration Building, 50 Sherburne Avenue  
St. Paul, MN 55155  
Phone: (651) 201-2372

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFP is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of the RFP if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

### **Minnesota State Colleges and Universities (MnSCU) Bemidji State University & Northwest Technical College Notice of Request for Proposals for Computerized Color Message Centers (Marquees) for the Bemidji State University and Northwest Technical College Campuses**

**NOTICE IS HEREBY GIVEN** that Bemidji State University and Northwest Technical College will receive sealed proposals for Computerized Color Message Centers (Marquees) for the Bemidji State University and Northwest Technical College Campuses. Specifications will be available November 16, 2009, at the following website:

[http://www.bemidjistate.edu/offices/procurement\\_logistics/rfps\\_bids/](http://www.bemidjistate.edu/offices/procurement_logistics/rfps_bids/)

Sealed proposals are due by 2:00 PM CST, December 17, 2009 at the following location:

Dr. Rose Jones, Director of Communications and Marketing  
Bemidji State University  
Deputy Hall 323, Box # 4  
1500 Birchmont Drive NE  
Bemidji, MN 56601

Bemidji State University and Northwest Technical College reserve the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. This Request for Proposal does not obligate the University and College to complete a proposed contract, and they reserve the right to cancel the solicitation if it is considered to be in their best interest.

### **Minnesota State Colleges and Universities (MnSCU) Chancellor's Office Request for Proposal for Program Evaluation of the Minnesota Training Partnership for a Sustainable Energy Economy**

**NOTICE IS HEREBY GIVEN** that proposals are being solicited for program evaluation services to the Minnesota State Colleges and Universities system.

The evaluator will be responsible for providing leadership, technical assistance and professional expertise to evaluate the Minnesota Training Partnership for a Sustainable Energy Economy which is funded by a U. S. Department of Labor High Growth Job Training Initiative grant. Grant-supported activities include promotion of energy careers and new collaborative training opportunities in sustainable energy fields at ten colleges.

# State Contracts

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For additional information or to request a copy of the Request for Proposal, contact:

Nancy Bunnett  
Office of the Chancellor  
Minnesota State Colleges and Universities  
30 - 7<sup>th</sup> Street East, Suite 350  
St. Paul, MN 55101-7804  
**Telephone:** (651) 296-8928  
**Fax:** (651) 297-1814  
**E-mail:** *nancy.bunnett@so.mnscu.edu*

Proposals are due at the Office of the Chancellor by 5:00 p.m. CT on Friday, December 18, 2009.

This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities, the awarded institutions or the Office of the Chancellor to award a contract; and each college, university and/or the Office of the Chancellor reserves its right to withdraw from the RFP if it is considered to be in its best interest.

The Minnesota State Colleges and Universities system is an equal opportunity employer and educator.

## Minnesota State Colleges and Universities (MnSCU) Hennepin Technical College Notice of Availability of Request for Proposal (RFB) for Cooling Coil Replacement Selection for Hennepin Technical College, Brooklyn Park and Eden Prairie

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Hennepin Technical College, is soliciting proposals from interested, qualified contractors and intends to retain a vendor to complete Cooling Coil Replacement at Brooklyn Park and Eden Prairie campuses of Hennepin Technical College. The project consists of removal and installation of five cooling coils and associated piping and insulation located throughout the campus.

**An informational meeting is scheduled for Tuesday, December 1, 2009 at 10:00 AM** in Room H195, on the Hennepin Technical College, Eden Prairie Campus, 13100 College View Drive, Eden Prairie, MN 55347. A site walk through will be held on **Tuesday, December 1, 2009 at 2:00 PM** in Room H195 on the Hennepin Technical College, Brooklyn Park campus, 9000 Brooklyn Boulevard, Brooklyn Park, MN 55445.

Bidding documents as prepared by the Project Architect/Engineer; TKDA., are on file at the offices of:

- 1) Above named Project Architect/Engineer
- 2) Builder's Exchanges of:
  - McGraw Hill Construction Plan Room
  - Minneapolis Builders Exchange
  - St. Paul Builders Exchange
  - MEDA Minority Contractors Plan Room
  - National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

**TKDA**  
444 Cedar Street, Suite 1500  
St Paul, MN 55101  
Telephone: (651) 292-4400

A nonrefundable deposit of \$25.00 is required for each set.

**Proposals must be delivered** to Pauline Arnst, Hennepin Technical College, 9000 Brooklyn Boulevard, Brooklyn Park, MN 55445,

not later than 11:00 AM, December 8, 2009. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Minnesota State Colleges and Universities (MnSCU) Lake Superior College Advertisement for Bids for HVAC Upgrades and Renewal

**Sealed Bids for:** LSC HVAC Upgrades & Renewal  
Lake Superior College  
Duluth, MN 55811

**will be received by:** Gary Adams, Physical Plant Director  
Room #W2580  
Lake Superior College  
2101 Trinity Road  
Duluth, Minnesota 55811

Until 1:00 PM, local time, November 24, 2009, at which time the bids will be opened and publicly read aloud.

**Project Scope:** The Project consists of a roof penthouse for housing Mechanical and Electrical equipment for ventilating and cooling the 1986 Addition of the Lake Superior College Campus. Work shall occur in phases:

1. Phase 1 - Relocation and reconnection of the existing Rooftop Air handling unit to accommodate the penthouse construction.
2. Phase 2 - Structural support of existing roof (new penthouse floor) to support new penthouse construction.
3. Phase 3 - Penthouse construction along with mechanical and electrical work to install and operate new air handling units and services provided to the new units.

**A MANDATORY Pre-Bid Meeting** will be held at 10:00 AM, Tuesday, November 17, 2009, in Room W2580, Lake Superior College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; LHB, are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges:

Duluth Builders Exchange  
802 Garfield Avenue  
Duluth, MN 55802  
St. Paul Builder's Exchange  
445 Farrington Street  
St. Paul, MN 55103

Minneapolis Builder's Exchange  
1123 Glenwood Avenue  
Minneapolis, MN 55405  
St. Cloud Builder's Exchange  
110 - 6th Avenue South  
St. Cloud, MN 56301-3621

- 3) McGraw Hill Construction Plan Room  
1401 Glenwood Avenue North  
Minneapolis, MN 55405-1226
- 5) MEDA Minority Contractors Plan Room  
c/o Franz Reprographics, Inc.  
Attn: Brenda Johnsen  
2781 Freeway Boulevard #100  
Brooklyn Center, MN 55430

- 4) Reed Construction Data Plan Room  
30 Technology Parkway South, Suite 100  
Norcross, GA 30092
- 6) National Association of Minority Contractors of Upper Midwest  
NAMC-UM Plan Room  
c/o Carlo Lachmansingh Sales, Inc.  
4801 Fourth Avenue South  
Minneapolis, MN 55403



# State Contracts

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Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

**Shel/Don Reproduction**  
Attention: Jeanette Herubin  
21 East Superior Street  
Duluth MN 55802  
(218) 727-2817

A deposit of **\$200.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them will be responsible for shipping & handling (in addition to the \$200 deposit). Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

This Project is subject to the Minnesota prevailing wage law. The successful Contractor shall furnish to the Minnesota State Colleges and Universities designated representative copies of any or all payrolls of the contractor and subcontractor(s) not more than 14 days after the end of each pay period. The payrolls must include all the data required by section Minn. Stat. § 177.30. The Contractor shall inform all subcontractors of this requirement.”

## **Minnesota State Colleges and Universities (MnSCU) Normandale Community College Advertisement for Bids for Library Air Handling Unit Replacement**

**Sealed Bids for:** Library Air Handling Unit Replacement  
Library Building  
Normandale Community College  
Bloomington, Minnesota 55431

**will be received by:** Craig Erickson  
Weiss Room, Kopp Student Center  
Normandale Community College  
Bloomington, Minnesota 55431

Until **2:00 PM, local time, November 24, 2009** at which time the bids will be opened and publicly read aloud.

**Project Scope:** The Project consists of the replacement of the air handling unit at the Library Building of Normandale Community College. The existing air handling unit, VAV's, connecting duct, duct accessories, fan return air unit, duct and piping mounted control components, as well as other features, shall be removed and replaced as described in the contract documents.

A **MANDATORY** Pre-Bid Meeting will be held at **10:00 AM, Wednesday, November 18, 2009, in Room B1611, Building Services**, Normandale Community College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; **Studio Five Architects, Inc.**, are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: St. Paul, Minneapolis, Duluth, Fargo-Moorhead, Mankato, Rochester, and St. Cloud.
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room

- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

**Engineering Repro Systems**  
2007 East 24<sup>th</sup> Street  
Minneapolis, Minnesota 55404]  
Phone: (612) 722-2303

A deposit of **\$150.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for **\$20.00** per set for shipping & handling (in addition to the **\$150.00** deposit) to the Architect. Such deposits and payments may be sent prior to **November 20, 2009**. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## **Minnesota State Colleges and Universities (MnSCU)** **Normandale Community College** **Request for Bids for Printing and Mailing Normandale Continuing Education Spring** **2010 Course Schedule**

**Sealed Bids are due on** Monday, November 30, 2009 12:00pm (CST)

**Deliver Bids to** Normandale Community College  
Continuing Education, Room C2101  
9700 France Avenue South  
Bloomington, MN 55431  
(PLEASE INDICATE ON THE ENVELOPE "CE Course Schedule Sealed Bid")

**Press Check:** Depending on staffing, printing schedules, location and prior experience, Normandale Continuing Education may exercise the option of conducting a press check. Please indicate the location of where the schedule will be printed. **The maximum distance that will be considered is 100 miles.**

Schedules are to be delivered to the Minneapolis Post Office on or before **December 30, 2009**.

### **Questions:**

If you have any questions or concerns, call Hieu Nguyen at (952) 487-8236 or Scott Davis at (952) 487-8237.

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU)

### St. Cloud Technical College

#### Advertisement for Bids for 2009 Electrical Upgrades to Emergency and Standby Systems

**Sealed Bids for:** 2009 Electrical Upgrades to Emergency and Standby Systems  
St. Cloud Technical College  
St. Cloud, Minnesota 56303

**will be received by:** Susan Meyer, Purchasing Agent  
St. Cloud Technical College  
1540 Northway Drive  
St. Cloud, Minnesota 56303

Until **2:00 PM**, local time, **November 24, 2009**, at which time the bids will be opened and publicly read aloud.

**Project Scope:** Provide new automatic transfer and distribution equipment for standby electrical system. Reconnect existing fire alarm equipment, exit signs, and corridor lighting to emergency electrical system. Reconnect existing boiler room equipment, air compressors, and data center equipment to standby electrical system.

**A Pre-Bid Meeting** will be held at 1:00 PM, Tuesday, November 17, 2009, in Maintenance Break Room, St. Cloud Technical College. The Engineer and/or College Representatives will review the bidding procedures, Bidding Documents, and other conditions with interested Bidders and answer questions.

**Bidding Documents** as prepared by the Project Engineer, Stanley Consultants, Inc., are on file at the offices of the:

- 1) above named Project Engineer.
- 2) following Builders' Exchanges: St. Cloud, St. Paul, Minneapolis, Duluth, and Fargo-Moorhead.
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

Melissa Lidberg  
Stanley Consultants, Inc.  
5775 Wayzata Boulevard, Suite 300  
Minneapolis, MN 55416  
**Phone:** (952) 738-4321  
**Fax:** (952) 546-4279  
**E-mail:** [lidbergmelissa@stanleygroup.com](mailto:lidbergmelissa@stanleygroup.com)

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them must send a NON-REFUNDABLE payment (check made out to Stanley Consultants, Inc.) for \$30.00 per set for shipping, handling, and reproduction costs. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## **Minnesota Department of Health (MDH) Notice of Availability of Contract for Provider Peer Grouping**

The Minnesota Department of Health requests proposals from highly qualified respondents to perform an analysis of health care providers on dimensions of cost and quality, using multi-payer claims data and quality data reported from physician clinics and hospitals. Specifically, the Minnesota Department of Health seeks proposals to implement a peer grouping system based on a combined measure of risk-adjusted cost and quality, in total and for up to six identified specific health conditions. Comparisons must be made for physicians and hospitals. The contractor must work in a highly collaborative fashion with MDH and will be responsible for identifying key decision points, potential challenges and possible solutions for decision making by MDH staff. The contractor must use commercially available episode grouper and risk adjustment tools and be transparent about how these tools work. The contractor will be responsible for testing various iterations of the peer grouping methodology and reporting back to MDH staff about data findings. The analysis must result in a combined score of cost and quality for physicians and hospitals as well as a comparison of these composite scores. The contractor will also distribute results of the peer grouping analysis to physicians and hospitals and provide technical assistance to providers to help them understand their peer grouping results.

Work is proposed to start after February 1, 2010.

A Request for Proposals will be available by email from this office. **A written request (by email) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Katie Burns  
Health Economics Program  
85 E. 7<sup>th</sup> Place, Suite 220  
Saint Paul, MN 55101  
Phone: (651) 201-3562  
Fax: (651) 201-5179  
E-mail: [Katie.burns@state.mn.us](mailto:Katie.burns@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 pm, Central Time, December 23, 2009. **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Minnesota Historical Society (MHS) Notice of Request for Bids for Interactive Video Conferencing Studio Equipment**

The Minnesota Historical Society is seeking bids from qualified vendors to supply and install interactive video conferencing and peripheral studio equipment at the Minnesota History Center in St. Paul, Minnesota 55102. The Society will be setting up a dedicated studio space for education program staff to conduct interactive classroom presentations via video conferencing with classes in greater Minnesota and across the Nation. This RFB is for all equipment related to cameras, video switching, monitoring, audio, and the video conferencing codec. It does not include studio lighting, electric, scenery, or curtains.

The Request for Bids is available from Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society via e-mail: [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

Bids must be received by 2:00 P.M. Local Time, on Tuesday, December 8, 2009. Late bids will not be considered.

Dated: November 16, 2009  
(Cite 34 SR 739)

*Minnesota State Register, Monday 16 November 2009*

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## Minnesota Housing Finance Agency (MHFA)

### Finance and Operations Division

#### Request for Proposals from Qualified Independent Accounting Firms for Audit Services

The Minnesota Housing Finance Agency's Finance and Operations Division is soliciting Request for Proposals from qualified independent accounting firms for audit services. Audit services are necessary to provide audited financial statements and other audits required in the course of Agency business.

Details are included in the complete Request for Proposals which is available by e-mailing Eric Mattson, MHFA Support Services, at: *Eric.Mattson@state.mn.us*. Deadline for submitting a proposal is 12:00 p.m., CST, November 23, 2009.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Housing Finance Agency to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

## Minnesota Department of Human Services (DHS)

### Health Care Eligibility and Access Division

#### Addendum to Request for Proposals to Develop a Plan to Align Eligibility Requirements and Administrative Processes for Families with Children under Medical Assistance and MinnesotaCare

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services through its Health Care Eligibility and Access Division has published an Addendum to its Request for Proposal to develop a plan to align eligibility requirements and administrative processes for families with children under medical assistance and MinnesotaCare that was published in the November 2, 2009, State Register. In the Addendum, the deadline for submitting proposals in response to the RFP has been extended to December 3, 2009.

To request a full text of the RFP Addendum please contact:

Sean Barrett  
Health Care Eligibility and Access Division  
Department of Human Services  
444 Lafayette Road North  
St. Paul, MN 551553802  
**Phone:** (651) 431-4305  
**Fax:** (651) 431-7446  
**E-mail:** *Sean.barrett@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

The text of the RFP Addendum can also be viewed by visiting the Minnesota Department of Human Services RFP web site:

*[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)*

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Minnesota State Lottery**

### **Advertisement for Bids for a Full-service Advertising Agency for Brand Building and Strategic Marketing**

The Minnesota State Lottery is seeking to contract the services of a full-service advertising agency to assist the Lottery in its brand building and strategic marketing efforts. Qualified agencies must establish, at a minimum, an office in Minnesota where agency account staff is available for meetings at the Lottery's headquarters in Roseville, MN within one hour's notice. The Lottery anticipates entering into a three-year contract with the successful agency, with three additional one-year extensions available at the option of the Lottery. To be considered, a prospective ad agency must submit its qualifications in response to the Request for Proposal ("RFP"), by no later than 2:00 p.m. (CST) on January 12, 2010 to the address stated below. The RFP will be issued on or about November 16, 2009.

Interested agencies may review the text of the RFP at [www.mnlottery.com/adrfp](http://www.mnlottery.com/adrfp), or for a paper copy contact:

Carolyn Ross  
Contracts & Purchasing Manager  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
Phone: (651) 635-8102  
Toll-free: 1-888-568-8379, ext 102

## **Minnesota Department of Public Safety (DPS)**

### **Request for Information (RFI) for Public Safety Wireless Data Development Project**

#### **Project Title**

Public Safety Wireless Data Development Project

#### **Background**

The Minnesota Department of Public Safety (DPS) provides comprehensive support and leadership to local governments in Minnesota in fulfilling their mission to protect the public. These objectives are accomplished through prevention, preparedness, response, recovery, education and enforcement activities focused on saving lives, providing efficient and effective public safety services and by developing strong partnerships with those local governments. As communication and technology has advanced, so too has the department's role in coordinating routine access to interoperable public safety communication resources and the data and information services essential for public safety agencies to fulfill their mission.

One component of this role is demonstrated by DPS's role in the implementation of the Allied Radio Matrix for Emergency Response (ARMER) Minnesota's standards based interoperable public safety communication system. It is a 700/800 megahertz (MHz) trunked communication system developed around the Motorola Smart Zone technology. The backbone for the ARMER system was initially constructed in nine counties in the Minneapolis/St. Paul metropolitan area (Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, and Washington) in 2001.

In 2005, the Minnesota legislature provided funding for the continued implementation of the ARMER backbone into 23 counties of central and southeastern Minnesota. Implementation in the remaining 55 counties of the state was authorized in 2007 and the Minnesota

Department of Transportation (Mn/DOT) anticipates substantial completion of the statewide implementation by the end of 2012. When completed, the ARMER backbone will consist of a statewide network of over 300 base radio sites (radio towers) designed to provide 95% mobile coverage on a county-by-county basis. Additional details of the ARMER plan, including technical and operating standards, are available on the Statewide Radio Board (SRB) website: [www.srb.state.mn.us](http://www.srb.state.mn.us). A copy of the most recent tower site map and status of those sites is also available at that website under "ARMER Project"- "Status".

In 2008, the Division of Emergency Communication Networks (DECN) commissioned a Wireless Data Feasibility Study to determine the feasibility and alternatives upon which a strategy for statewide wireless public safety data might be predicated. The final report of that



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study can be found at the SRB website under “Studies/Reports”. Of particular note, with respect to this study is the fact that the current Federal Communication Commission (FCC), 700 MHz D-Block situations has stalled wireless data product developments. The final recommendation of the Wireless Data Feasibility Study was that Minnesota should consider the opportunity to leverage the significant resources of the ARMER system and the 700 MHz public safety data frequencies that may be available with the resolution of the D-Block question and other public safety spectrum in a private public partnership to develop a statewide wireless public safety data network.

Since that time, there have been significant moves by national public safety entities to identify common technologies for the implementation of wireless data networks in the 700 MHz frequency band. Earlier this year, the Association of Public-Safety Communications Officials International (“APCO”), the National Emergency Number Association (“NENA”), the National Public Safety Telecommunications Council (“NPSTC”), and the Public Safety Spectrum Trust (“PSST”) each endorsed Long Term Evolution (“LTE”) as the preferred fourth generation (“4G”) wireless technology for advanced public safety communications systems. Of particular note to these endorsements is the intent to promote the use of a common technology, such as LTE, to ensure wide scale interoperability of public safety networks across the country. NPSTC has developed a set of technical requirements that it recommends be endorsed by the FCC. It would appear that the use of a common technology could further enhance the opportunity to develop private public partnerships to expand the availability of public and public safety wireless networks within the state.

As part of the American Recovery and Reinvestment Act, a substantial amount of economic stimulus funding has been directed at rural broadband development. Although the focus of these rural broadband grants is to create jobs and to provide a platform for economic development through the expansion of broadband connectivity, there is a noted interest and priority in expanding access to broadband services for public safety agencies throughout the state. From that perspective, Minnesota has a history of promoting the expansion of broadband service networks to serve both public and private interests.

## RFI Objectives

The objective of this Public Safety Wireless Data Development Project RFI is to determine the feasibility and next steps required to develop a plan for a public-private partnership to provide a comprehensive wireless public safety data network for public safety agencies across the state. This project seeks to identify the potential opportunities to leverage the significant resources of the ARMER public safety communication system, which includes over 300 communication towers dispersed throughout the state and the 700 MHz spectrum which is potentially available to Minnesota public safety agencies for data networks to cooperatively develop and expand wireless data services within the state and make those services broadly available to public safety agencies across the state. Through this RFI, DPS is specifically interested in advancing discussion of these project objectives with local, statewide and national wireless data service operators.

An ideal approach for public safety wireless broadband data services would be a solution that builds upon existing or planned commercial broadband networks, expands those commercial networks into unserved and underserved areas of the state and finally extends public safety broadband service into areas of the state where there is no potential for commercially viable expansion. In this ideal approach, the state would seek seamless statewide access to the network for public safety agencies with appropriate consideration for the value of resources (ARMER infrastructure and public safety spectrum) contributed to the transaction through the public-private partnership.

## Specific Information Requested

To address the objectives of this RFI, DPS requests responses to the following questions that will assist the state in shaping a subsequent request for proposals:

- 1) Is there an opportunity for the state to work with a commercial operator to extend the availability of commercial wireless broadband services for public safety use to underserved and unserved areas of the state?
  - a) If there is an opportunity, what kind of organizational structure would be appropriate for such a cooperative venture (generically referred to as a public-private partnership)?
  - b) Are there any examples of a public-private partnership that might demonstrate how such a cooperative venture might be structured and put into place?
  - c) Are there any examples of a public-private partnership related to deployment and use of communication spectrum allocated by the Federal Communication Commission (FCC) and/or the National Information and Telecommunication Administration (NITA) that might demonstrate how such a cooperative venture might be structured and put into place?
- 2) In developing a private public partnership to extend wireless broadband services for public safety use, what resources of the ARMER system might be leveraged by the state to further the expansion of wireless broadband services?
  - a) Resources of the ARMER backbone (towers, microwave network, RF control network).

- b) Spectrum available to public safety (D-Block or other public safety frequencies in the 700 MHz band), or
- c) Other tangible or intangible assets.

3) Is there a specific wireless broadband technology that provides the greatest opportunity to develop a public-private partnership extending the availability of commercial wireless broadband services for public safety use to underserved or unserved regions of the state?

a) Would the use of Long Term Evolution (LTE) technology by the state (which has already been endorsed by several national public safety organizations) make it easier to develop a public-private partnership to extend the availability of commercial wireless broadband services for public safety use, as well as ensure compatibility and interoperability with other public safety agencies around the country?

b) Would the use of some other technology provide the same opportunities to develop a public-private partnership to extend the availability of commercial wireless broadband services for public safety use, and what (if any) risks or penalties would result from using a technology that is not widely used by other public safety agencies?

4) What capabilities of a prospective commercial partner should the state consider to be the most important in its efforts to extend wireless broadband services for public safety use?

a) How should the state weigh factors such as coverage and reliability as compared to the costs of building an extensive broadband network and providing service that meets public safety's more rigorous requirements?

b) If a potential vendor does not have a broad statewide coverage footprint, are there ways to address this lack of coverage such that public safety users would still have seamless access to wireless broadband services across the state?

c) What types of data devices are commercial providers planning to provide for use on advanced commercial networks, and will these same devices be available for use by public safety and on networks that use public safety spectrum?

5) What immediate actions and steps should the State take to maintain an option, if one exists, to develop a public-private partnership to extend commercial wireless broadband services for public safety use within the state?

a) Should the State consider filing a waiver request to any pending or proposed action of the FCC related to the D-Block issue, and if so, what are the specific purposes of that waiver?

6) Although the focus of this RFI is public safety users, is there a potential that a public-private partnership to extend wireless broad band services for public safety might also expand that service to underserved or unserved communities in the state?

a) If there is a potential, are there any additional issues and considerations that should be factored into the discussion of this issue?

7) Is there an opportunity to coordinate the expansion of commercial broadband wireless services for public safety agencies with any grants made available under the American Recovery and Reinvestment Act.

a) If there is an opportunity, how should the public-private partnership be structured to take advantage of those opportunities?

b) What are the timelines for the rural broadband grants?

8) Are there any other questions of issues, not previously addressed, the State should investigate or consider as part of any public private partnership designed to provide statewide public safety wireless broadband data?

### Key Issues

A. The ARMER system is a mission critical public safety services requiring a very high level of reliability. Although a similar level of reliability is desirable in any wireless public safety network, there is recognition that objective may not be practical or reasonably obtainable.

B. Although the FCC D-Block discussion is not yet completed, there appears to be a number of states and local governments seeking waivers to develop public/private partnerships for geographically broad wireless data networks for public safety users in 700 MHz spectrum assigned to public safety, including potentially the D-Block.

C. DPS is committed to a process that provides the greatest opportunity for initial comment and the subsequent participation in any competitive process by any potential commercial entity capable of providing services to public safety agencies within the state.

D. Although beyond the scope of this RFI, there are unique network security issues required for access to some public safety

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databases. As a number of agencies currently use commercial broadband services to access those databases, addressing security issue has not been an insurmountable obstacle to the expansion of those networks.

E. The expansion of commercial wireless broadband services to underserved or unserved Minnesota communities, whether incidental or by intention, would be a clear benefit to the state and any proposed project.

F. Any opportunity to coordinate the expansion of commercial broadband wireless services with any grants made available under the American Recovery and Reinvestment Act should be discussed and considered.

## Goals

The overall goal of this project is to determine and identify whether opportunities exist to leverage the substantial infrastructure of the ARMER system and the potentially available D-Block public safety data channels to develop a public private partnership to provide a statewide public safety data network for public safety agencies across the state. And, if an opportunity does exist to develop a public private partnership for public safety wireless data to identify the organizational structure, the essential components (resources, level of participation, technology requirements) necessary for a public-private partnership to develop with benefits to all participants.

## Questions

Questions regarding this RFI should be e-mailed to Scott Wiggins so that they are received no later than 2:00 p.m. Central Saving Time on December 11, 2009. Questions received after that time may not receive responses. Questions and answers are anticipated to be e-mailed to all respondents requesting an answer by the end of the business day on December 17, 2009.

Scott Wiggins, Emergency Communication Networks Division Director  
Minnesota Department of Public Safety  
444 Cedar Street, Suite 137  
St. Paul, MN 55101-5137  
**FAX:** (651) 296-2665  
**E-mail:** *scott.wiggins@state.mn.us*

Other personnel are NOT authorized to discuss this RFI with responders.

## Additional Information Requested

DPS would also request the following additional information in your response to this RFI:

1. Contact Information
  - a. Company name, address, and contact information (phone and e-mail)
  - b. Individual(s) assigned to provide the response: Name, address, phone, e-mail, and resume
2. Company Profile (if applicable)
  - a. History of company
3. Qualifications and Experience
  - a. Describe the qualifications and experience of the company and individual(s) responding to this RFI.
  - b. Report on similar projects individual(s) have conducted, and describe the results produced
4. Specify whether you would be willing and interested in discussing your response in person or via conference call with the Statewide Radio Board, Steering Committee as it considers this issue.

## Response Format & Due Date

Responses must be submitted to:

Scott Wiggins, Emergency Communication Networks Division Director  
Minnesota Department of Public Safety  
444 Cedar Street, Suite 137  
St. Paul, MN 55101- 5137  
**Phone:** (651) 201-7546  
**Fax:** (651) 296-2665  
**E-mail:** *scott.wiggins@state.mn.us*

Responses should be submitted by e-mail to Scott Wiggins. Responses received by DPS before 2:00 p.m. Central Savings Time on January 15, 2010.

**Minnesota Department of Public Safety (DPS)****Driver and Vehicle Services Division****Notice of Request for Information (RFI) for Replacement of Legacy Driver's License and Motor Vehicle Information Systems**

The Department of Public Safety (DPS), Driver and Vehicle Services Division (DVS) is soliciting information regarding current products and services of qualified vendors specifically related to the implementation of an integrated Driver's License and Motor Vehicle System.

DVS is currently developing a Request for Proposal (RFP) to procure the services of a vendor to design, develop, implement and transition an integrated Driver's License and Motor Vehicle System. This system will include Driver's License, Driver Compliance, Vehicle Title and Registration, Dealer Licensing, Inventory, and Finance Processes.

The purpose of this Request for Information (RFI) is to identify and obtain information from potential vendors from the industry to assist DVS in finalizing the RFP. The release of this RFI does not guarantee that DVS will release the RFP. This RFI is strictly for informational purposes.

Details are contained in a complete Request for Information (RFI) which may be obtained by contacting Paul Meekin directly by mail, or e-mail, as stated below:

Paul Meekin  
Project Director, Enterprise Solutions  
Department of Public Safety  
MNLARS Project  
444 Cedar Street, Suite 200  
Saint Paul, Minnesota 55101-5200  
**E-mail:** [dvs.mnlars@state.mn.us](mailto:dvs.mnlars@state.mn.us)

All questions concerning this RFI should be e-mailed to Paul Meekin: [dvs.mnlars@state.mn.us](mailto:dvs.mnlars@state.mn.us) and received no later than 2:00 p.m. Central Standard Time on Friday, November 20, 2009. Answers to questions are anticipated to be e-mailed out to all entities requesting a complete RFI by the end of workday on Tuesday, December 1, 2009. Responses submitted in response to this RFI must be received at the DPS Reception Desk (if hand delivered or delivered by messenger) or via US Mail at the following address:

Paul Meekin  
Minnesota Department of Public Safety  
Attn. "RFI: Replacement of Legacy Driver's License and Motor Vehicle Information System"  
444 Cedar Street  
St. Paul, MN 55105

Responses are due no later than 2:00 pm Central Standard Time on **Friday, December 11, 2009**, as indicated by the time stamp made by the Department of Public Safety reception desk or the DPS mail room. **Late responses will NOT be considered.** Fax or e-mailed responses will NOT be considered. See the RFI for detailed requirements about the media and content of the responses. This RFI does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

**Minnesota Department of Public Safety (DPS)****State Patrol Division (Patrol)****Requests for Proposals (RFP) for Electronic Citation (E-Citation) Project**

The Minnesota Department of Public Safety, State Patrol Division is requesting proposals from professional organizations to provide the Patrol with an electronic citation application. This electronic citation application will include uniform traffic citation, warning, and administrative citation modules.

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Details are contained in a complete RFP that may be obtained by e-mailing: *Doug.Sailer@state.mn.us*. All questions concerning this RFP must be submitted and received by Doug Sailer no later than 2:00 p.m., Central Standard Time (CST), on November 20, 2009. A full collection of all the questions and answers will be emailed to all entities/individuals requesting a complete RFP by the end of business day November 25, 2009. Final date for submitting proposals is 2:00 p.m., Central Standard Time (CST), on December 7, 2009. Late proposals will not be considered.

This Request for Proposal does not obligate the State to complete the proposed project and the State reserves the right to cancel solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this notice shall be borne by the responder.

## **Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")**

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Juanita Voigt  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul, MN 55155

## **Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

### Non-State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

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