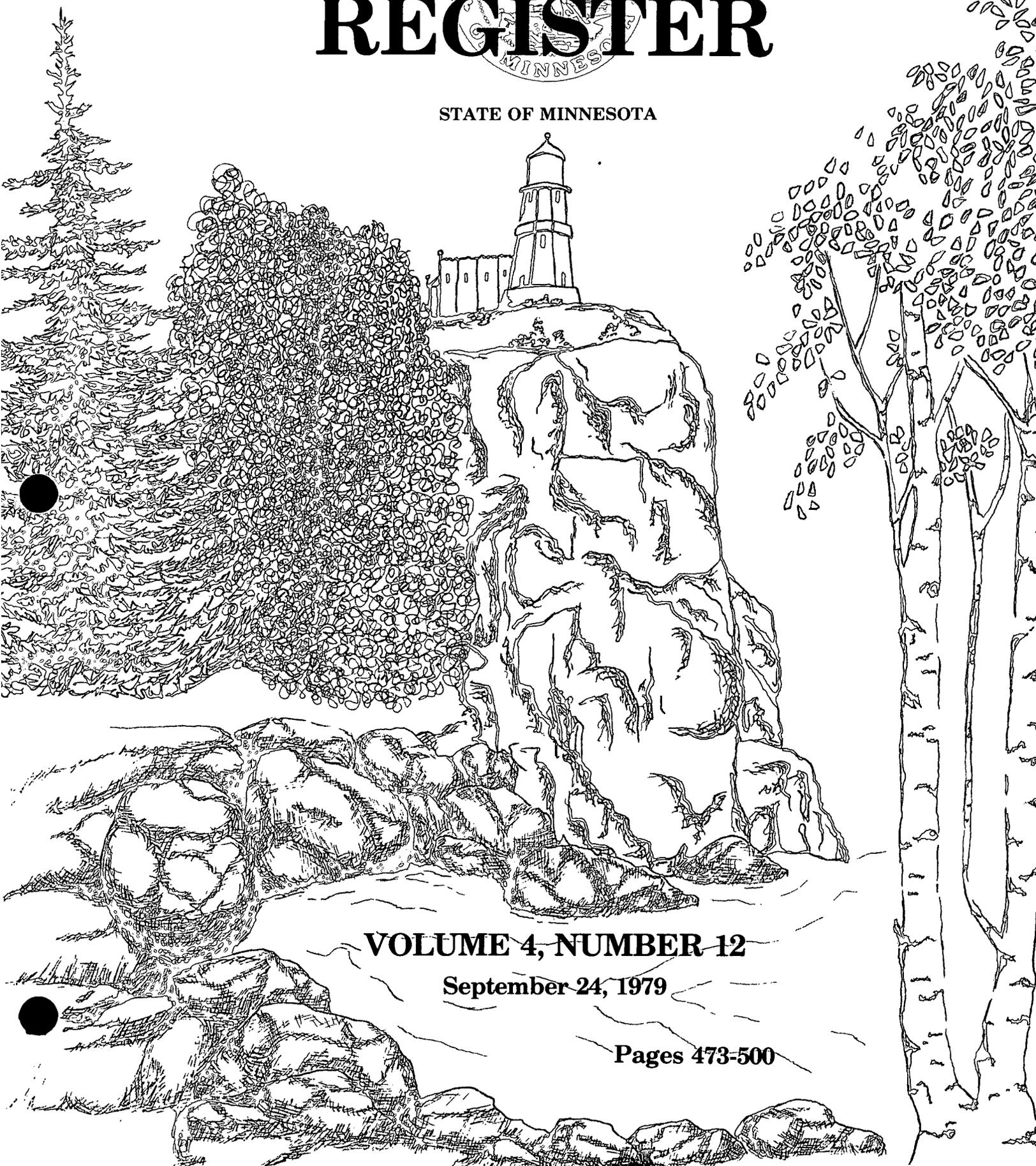


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# STATE REGISTER

STATE OF MINNESOTA



VOLUME 4, NUMBER 12

September 24, 1979

Pages 473-500



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**Volume 4 Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 4			
13	Monday Sept 17	Monday Sept 24	Monday Oct 1
14	Monday Sept 24	Monday Oct 1	Monday Oct 8
15	Monday Oct 1	Monday Oct 8	Monday Oct 15
16	Monday Oct 8	Monday Oct 15	Monday Oct 22

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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# MCAR AMENDMENTS AND ADDITIONS ≡

All adopted rules published in the *State Register* and listed below amend rules contained in the Minnesota Code of Agency Rules (MCAR). Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of all proposed and adopted rules on the following schedule: issues 1-13, inclusive; issues 14-25, inclusive; issue 26, cumulative for 1-26; issues 27-38, inclusive; issue 39, cumulative for 1-39; issues 40-51, inclusive; and issue 52, cumulative for 1-52. The listings are arranged in the same order as the table of contents of the MCAR.

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# RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

## Ethical Practices Board

### Adopted Rules Related to Campaign Financing

The Campaign Financing rules published and proposed at *State Register*, Volume 3, Number 38, pp. 1940-1945, April 23, 1979 (3 S.R. 1940) are now adopted, with the following amendments:

#### Rules as Adopted

##### 9 MCAR § 1.0002 Definitions.

A. "Act" means the Ethics In Government Act, Minn. Stat. ch. 10A, as amended by Laws of 1978, ch. 463, ~~and 793,~~ and Laws of 1979, ch. 59.

**9 MCAR § 1.0005 Allocation of money from general account refused by a candidate.** Monies refused by a candidate from the general account of the State Election Campaign Fund shall be reapportioned to all the office accounts as provided by Minn. Stat. ~~Ch.~~ § 10A.31, subd. 5 (a)-(e) and distributed to all qualifying candidates.

##### 9 MCAR § 1.0012 Change of office sought by candidate.

C. Tax credit subsidy and public financing agreements. A candidate may sign a tax credit subsidy agreement for the calendar year for each office sought until December 31. A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

**9 MCAR § 1.0015 Contribution disclosure-judgeship.** A judicial candidate subject to ~~the act~~ Chapter 10A shall be considered a statewide candidate for purposes of the contribution disclosure requirements set forth in Minn. Stat. § 10A.20, subd. 3(b).

**9 MCAR § 1.0021 Forgiveness and payment of unpaid bills.** When a donation in kind in excess of \$20 which results

from the forgiveness of an unpaid bill or payment of an unpaid bill by an individual, political committee or political fund other than the principal campaign committee causes the aggregate contribution limit of a candidate who accepts money from the State Election Campaign Fund to be exceeded, in accordance with Minn. Stat. § 10A.32, subd. 3(b), a candidate shall return the amount due, but not to exceed the amount received from the State Election Campaign Fund, by a check or money order made out to the State Treasurer with the required amendment or periodic report.

##### 9 MCAR § 1.0025 Joint limits for governor and lt. governor.

B. Candidates for governor and lt. governor may cause their separate principal campaign committees to be combined as one with no limit on the amount of funds transferred between the two committees. Such action may be taken regardless of whether the action results in either principal campaign committee terminated with outstanding unpaid bills or loans provided that the unpaid bills or loans are assumed and continuously reported by the remaining committee until paid or forgiven.

##### 9 MCAR § 1.0035 Reporting and disclosing earmarked contributions.

A. Each individual, political committee or political fund which receives an earmarked contribution of more than \$20 shall record (1) the name, and address, of the source of the contribution and any other information required by statute; (2) the name and address of the candidate, political committee or political fund for whom the contribution is earmarked; (3) the political committee or political fund through which the earmarked contribution is directed; and (4) the amount of each earmarked contribution.

C. The treasurer of a principal campaign committee of a candidate shall disclose on periodic reports the name, and address, of the source of contribution and any other information required by statute, the individual, political committee or political fund through which the contribution was directed, and the fact that the contribution was earmarked when the total aggregate contributions from the same source in a calen-

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

# RULES

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dar year reach the disclosure thresholds of Minn. Stat. § 10A.20, subd. 3(b).

**9 MCAR § 1.0036 Reporting unpaid bills outstanding as campaign expenditures.**

B. An unpaid bill is reportable as a noncampaign disbursement when paid in a succeeding year except as provided in 9 MCAR § 1.0021 by the political committee or political fund that incurred the bill.

**9 MCAR § 1.0038 Sample ballot prepared by a candidate.** The text of § 1.0038 as proposed in 3 S.R. 1945 has been withdrawn. Adopted language follows:

A candidate who prepares and distributes a sample ballot which contains the names of other candidates must include the proper disclaimer required for independent expenditures and must report the total cost of the preparation, printing and distribution of the sample ballot unless the candidate is making an approved expenditure.

**9 MCAR § 1.0043 Termination of Registration.** A Terminated termination report shall cover the period from the closing date of the last previous report filed through the date of termination.



GEORGE BONGA, of Leech Lake, Minnesota, was a famous fur trapper and Indian language specialist. Bongo township in Cass County was named after him.  
(Courtesy of Minnesota Historical Society)

# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Secretary of State Election and Legislative Manual Division

### Proposed Rules Governing Election Judge Training, Absentee Voting Materials and Delivery Procedures, and Proposed Amendments to Rules Governing Voter Registration, Preparation of the White Ballot and Certification and Use of Voting Machines

#### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1978) in Room 57 of the State Office Building, Wabasha Street between Aurora and Fuller Avenues, St. Paul, Minnesota on Tuesday, October 30, 1979, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested persons will have an opportunity to participate. Statements may be made orally, and written materials may be submitted to George A. Beck, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8108, before the hearing, within five (5) working days after the hearing ends or during a longer period not to exceed twenty (20) calendar days after the hearing if ordered by the Hearing Examiner.

Copies of the proposed rules and amendments are now available, and one free copy may be obtained by writing to Secretary of State Joan Anderson Growe, Election Division, 180 State Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Statutory authority to adopt the proposed rules and amendments is contained in Minn. Stat. §§ 204A.13, subd. 6; 207.08, subd. 2, as amended by Laws of 1979 ch. 90, § 7; 207.085; 201.221, subds. 1-4; 203A.31, subd. 3a; and 206.08, subd. 1 (1978).

The proposed rules governing election judges training establish a program for the training of election judges by county auditors and municipal election officials pursuant to Minn. Stat. § 204A.175 (1978). The rules set minimum standards for reports of delegation of training responsibility by county auditors; attendance by county and municipal training officials at conferences conducted by the Secretary of State; content, materials, length, class size and schedule for basic, review, health care facility and emergency training courses; training records, certifications of training; approval of training plans by the Secretary of State; in-service training; and training evaluation.

The proposed rules governing absentee voting materials and delivery procedures establish the form, content, type size and style of applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot; establish procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots; and provide additional methods of return of absentee ballots. The rules permit absentee ballot applications to be printed as postcards, permit an absent voter to appoint an agent to return ballots, require auditors or clerks to maintain records regarding absentee ballots and require clerks to make efforts to insure delivery to the polls of absentee ballots returned by mail.

The proposed amendments to rules governing voter registration permit use of a driving learner's permit to prove residence when registering on election day, eliminate the requirement that county auditors notify voters whose registration cards are removed from the files when they register to vote at a different address, require that county auditors supply polling places with informational posters provided by the Secretary of State, require county auditors to report all delegations of voter registration duties every two years and make housekeeping changes.

The proposed amendments to the rules governing preparation of the white ballot reflect statutory changes removing the

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## PROPOSED RULES

names of public officials from ballots and permitting disabled persons to vote in their vehicles and require county auditors to state that white ballots and summary statements comply with statutes when requesting reimbursement of costs.

The proposed amendments to rules governing certification and use of voting machines eliminate election judge training requirements included in proposed rules governing election judge training, reflect statutory changes requiring delivery of absentee ballots to polling places and eliminating transfer of absentee votes to punch cards and delete a redundant procedure for determining the number of voters.

Please be advised that Minn. Stat. § 10A.03 (1978) requires each lobbyist to register with the Ethical Practices Board within five (5) days after he/she commences lobbying.

“Lobbyist” means any individual:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his/her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

B. Spends more than \$250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

“Lobbyist” does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his/her official capacity;

B. Party or his/her representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he/she is appearing, but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation, as defined in Minn. Stat. § 500.24, subd. 1 (1978) who does not spend over \$250, excluding his/her own travel expenses, in any year in communicating with public officials.

Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Notice: Any person may request notification of the date on which the Hearing Examiner’s report will be available, after

which date the Secretary of State may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted, or resubmitted, to the Attorney General by the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner’s report), or to the Secretary of State (in the case of her submission or resubmission to the Attorney General).

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Office of the Secretary of State and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Secretary of State at the hearing justifying both the need for, and the reasonableness, of the proposed rules and amendments. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Pursuant to Minn. Stat. § 15.0412, subd. 7 (1978), notice is hereby given that the Secretary of State’s reasonable estimate of the total cost to all local public bodies in the state to implement the proposed rules governing election judge training or the proposed rules governing absentee voting materials and delivery procedures or each of the sets of rules for the two years immediately following adoption may exceed \$100,000 in either of the two years.

Because of varying circumstances in the counties of the state with regard to election judge training and absentee voting materials and delivery procedures, it is virtually impossible to determine precisely the costs of the proposed rules in each county.

September 7, 1979

Joan Anderson Growe  
Secretary of State

### Rules as Proposed: (all new material)

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**1 MCAR § 2.5102 Definitions.**

**1 MCAR § 2.5103 Delegation of training duty.**

**1 MCAR § 2.5104 Training conference.**

**1 MCAR § 2.5105 Training program.**

**1 MCAR § 2.5106 Training requirements.**

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**1 MCAR § 2.5109 Basic Training course.**

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## PROPOSED RULES

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**1 MCAR § 2.5113 Training materials.**

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**1 MCAR § 2.5117 In-service review.**

**1 MCAR § 2.5118 Training evaluation.**

**1 MCAR § 2.5119 Effective date.**

**1 MCAR § 2.5101 Scope and purpose.** These rules establish the program for training of election judges required by Minn. Stat. § 204A.13, subd. 6.

A. The purpose of the training program is to provide for uniform application of Minnesota election laws and rules by election judges and to promote accuracy, honesty and efficiency in election procedures.

B. These rules shall be construed as the minimum standards required of training programs conducted pursuant to Minn. Stat. §§ 204A.175, 206.19 and 206.195. Nothing in these rules shall restrict training authorities from implementing training programs more comprehensive than is required by the rules.

**1 MCAR § 2.5102 Definitions.** Terms used in 1 MCAR §§ 2.5103 to §§ 2.5118 shall have the meanings given:

A. Training program. A system of instruction to promote the competence of election judges by supplying necessary information, by improving election-related skills and by aiding in attitude development.

B. Training authority. A county auditor or the municipal election official to whom the county auditor has delegated training duties.

**1 MCAR § 2.5103 Delegation of training duty.** Before May 1, 1980, each county auditor shall notify the secretary of state of municipal election officials to whom the auditor has delegated the duty to train election judges. The notification of delegation shall include the name of the municipality, the date of delegation, the name and address of the municipal clerk and the name and address of the municipal election official delegate, if different from the municipal clerk. Thereafter, when a county auditor delegates to a municipal election official the duty to train election judges, the auditor shall notify the Secretary of State within thirty days after the delegation.

**1 MCAR § 2.5104 Training conference.** Each training authority shall attend a conference on election administration and training conducted by the Secretary of State before each state primary election. If a county auditor delegates the duty to train election judges to a municipal election official and an election is to take place in that municipality prior to the next

training conference held by the Secretary of State, the county auditor shall train the municipal election official in administration of a training program.

**1 MCAR § 2.5105 Training program.** A training program shall consist of a Basic Training course, a Review course, an Emergency Training course and, in municipalities conducting absentee voting pursuant to Minn. Stat. § 207.31, a Health Care Facility Absentee Voting course. A training authority may design the courses to meet the election problems peculiar to the jurisdiction, but the courses shall meet at least the minimum standards set forth in 1 MCAR §§ 2.5109-2.5112.

**1 MCAR § 2.5106 Training requirements.**

A. An election judge who must receive training pursuant to Minn. Stat. §§ 204A.175, 206.19 and 206.195 shall successfully complete a Basic Training course which meets the requirements of 1 MCAR § 2.5109. After completing the Basic Training course, an election judge may serve at future elections by successfully completing a Review course which meets the requirements of 1 MCAR § 2.5110 before service at such election. The Basic Training course need not be repeated if the judge serves at at least one election every four years.

B. The Basic Training course and the Review course shall be conducted not more than twenty-one days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a make-up session shall be held which conforms to the scheduled training session so far as practicable.

C. No election judge who successfully completes the training required by these rules for a primary election shall be required to complete additional training for the succeeding regular election.

**1 MCAR § 2.5107 Health care facility absentee voting requirement.** Each election judge who conducts absentee voting in health care facilities pursuant to Minn. Stat. § 207.31 shall successfully complete the course for Health Care Facility Absentee Voting as provided in 1 MCAR § 2.5111 before performing his duties.

**1 MCAR § 2.5108 Emergency training requirement.** When an election judge is appointed after the opening of the polls and has not completed the Basic Training course or Review course conducted for that election, he shall complete the Emergency Training course as provided in 1 MCAR § 2.5112 before performing his duties.

**1 MCAR § 2.5109 Basic training course.**

A. Length. The Basic Training course shall be at least two hours long.

B. Materials. The training authority shall provide each election judge trainee with copies of all forms which election

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## PROPOSED RULES

judges must complete in the course of their duties; with examples of all forms of identification acceptable for purposes of election day registration, including any forms of student identification issued by educational institutions in the area; and with all materials contemplated in the training plan approved by the Secretary of State pursuant to 1 MCAR § 2.5116. Additional materials may be provided by the training authority as he deems useful.

C. A voting machine, electronic voting system or paper ballot and ballot box shall be utilized at each training session to familiarize each election judge with the voting procedures for the method of voting employed in the precinct where the judge will serve.

D. Course content. A Basic Training course shall include necessary information and skill development in the following areas:

1. Judges' duties before election day
  - a. Supplies
  - b. Voter registration cards
  - c. Voting machine checkout
  - d. Ballots
2. Preparations on election day before polls open
3. Judges' duties during voting hours
  - a. Election day voter registration
  - b. Persons allowed in polling place
  - c. Challenge process
  - d. Voting process
  - e. Spoiled ballots
  - f. Assistance to disabled voters
  - g. Absentee ballots
4. Judges' duties after polls close
  - a. Closing polls
  - b. Canvass process
  - c. Defective and spoiled ballots
  - d. Summary statements
  - e. Delivery of election materials
5. New laws, rules, forms, and procedures
6. Major problems at prior elections

### 1 MCAR § 2.5110 Review course.

A. Length. A Review Course shall be at least one hour long.

B. Participation. The maximum number of election judge trainees in each session shall be 75.

C. Course content. The training authority shall plan a Review course which is tailored to the needs of the jurisdiction as demonstrated by performance and problems in prior elections. It shall include information on the following topics:

1. Summary of new laws, rules, forms and procedures
2. Summary of specific problems in previous elections
3. Step-by-step review of election judges' duties, emphasizing problem areas.

**1 MCAR § 2.5111 Course for health care facility absentee voting.** The course content shall include information on the following topics:

- A. Who is eligible to vote absentee from health care facilities
- B. Application process
- C. Registration process, including methods for providing proof of residence
- D. Assistance to voters
- E. Voting procedures
- F. Procedures for transporting voted ballots
- G. Particular problems encountered in previous elections.

### 1 MCAR § 2.5112 Emergency training course.

A. The chairman judge shall conduct emergency training at the polling place. The training authority shall provide an outline of emergency training procedures and otherwise ensure that the chairman judge is prepared to conduct emergency training, if necessary.

B. Course content. The chairman judge shall review with an appointed judge the following procedures:

1. Election day registration
2. Step-by-step review of the voting process
3. Challenge process
4. Demonstration of voting system in use in the polling place
5. The duties assigned to the replacement election judge

C. The chairman judge shall provide additional instruction as necessary throughout election day.

**1 MCAR § 2.5113 Training materials.** The Secretary of State shall provide the county auditor with Minnesota Election Judges Guides and training materials concerning changes in election laws, rules, forms and procedures. The county auditor shall transmit these materials to training authorities in the county. At each training session, the training authority shall provide election judge trainees with copies of the Minnesota Election Judges Guide received from the county auditor and with at least one copy for each polling place. The municipal clerk shall ensure that a Minnesota Election Judges Guide is available at each polling place on election day for use by the election judges.

**1 MCAR § 2.5114 Training record.** Each municipal clerk, and county auditor in unorganized territory, shall maintain a record of all election judges who receive training.

## PROPOSED RULES

A. The record shall be a list or a card system containing the name of the election judge; his precinct number; his party affiliation, if any; dates of training; type of course completed on each date; and dates of election judge service.

B. The record shall be kept current for each election judge in the county or municipality.

C. An election judge may be eliminated from the training record if he does not serve as an election judge or receive election judge training during the preceding four years.

**1 MCAR § 2.5115 Certification of training.** Each election judge who successfully completes a Basic Training course or Review course shall receive a Certification of Training.

A. The Certification shall include the election judge's name, municipality, date of training, course completed and the signature of the training authority.

B. Except as provided in Minn. Stat. § 204A.175, each election judge must show a Certification of Training to the chairman judge of the precinct prior to being sworn in on election day.

**1 MCAR § 2.5116 Training plan.** Before May 1 of each general election year, the Secretary of State shall provide each county auditor with materials to aid in the development of a local training plan. County auditors shall transmit this material to each training authority in the county. Each training authority shall submit a training plan to the Secretary of State by July 1 of each general election year.

A. The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the Basic Training course, Review course, Emergency Training course and any Health Care Facility Absentee Voting course.

B. Copies of all materials which will be distributed at the training sessions shall be submitted with the training plan or as soon thereafter as they are available.

C. The training plan shall be subject to approval by the Secretary of State.

D. After 1980, if there is no change in the approved training plan on file with the Secretary of State, the training authority may file a notice to this effect with the Secretary of State in lieu of the training plan.

**1 MCAR § 2.5117 In-service review.** After each primary

election and before each ensuing general, special or municipal election, the training authority shall confer with the chairman judges of each precinct to review problems or questions encountered at the primary. The training authority shall analyze problems indicated by the election returns, incorrect registrations or voter complaints and shall answer questions of the chairman judges.

**1 MCAR § 2.5118 Training evaluation.** Each training authority shall complete a training evaluation form provided by the Secretary of State after each election for which election judge training is conducted.

**1 MCAR § 2.5119 Effective date.** These rules shall be effective for all elections occurring after September 1, 1980, except that 1 MCAR §§ 2.5103 and 2.5116 shall become effective April 1, 1980.

### Rules as Proposed (all new material)

#### Contents

#### Chapter One: Forms for Absentee Voting

**1 MCAR § 2.4101 Absentee ballot application.**

**1 MCAR § 2.4102 Ballot envelope.**

**1 MCAR § 2.4103 Instructions to absent voter.**

**1 MCAR § 2.4104 Absent voter's certificate.**

**1 MCAR § 2.4105 Absentee ballot return envelope.**

#### Chapter Two: Methods and Procedures for Return of Absentee Ballots

**1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes.**

**1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of absentee ballot return envelope.**

**1 MCAR § 2.4203 Retaining ballots.**

**1 MCAR § 2.4204 Safeguarding procedures.**

**1 MCAR § 2.4205 Mail pick-up.**

#### Chapter One: Forms for Absentee Voting

**1 MCAR § 2.4101 Absentee ballot application.**

A. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minn. Stat. § 207.04, subd. 2, shall be in the following form:

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

# PROPOSED RULES

Absentee Ballot Application for \_\_\_\_\_  
(print or type your name)

## READ INSTRUCTIONS BEFORE COMPLETING.

I hereby apply for absentee ballots to be voted upon in my precinct at the next election for the following reason:

(Check one box)

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

My legal residence address is:

Street or Route no. \_\_\_\_\_ Apt. no. \_\_\_\_\_ Rural box no. \_\_\_\_\_

City \_\_\_\_\_  Township \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_  
(check whichever is applicable)

My current precinct is \_\_\_\_\_ (if known)

Mail my absentee ballot to me at the following address:

Street or Route no. \_\_\_\_\_ Apt. no. \_\_\_\_\_ Rural box no. \_\_\_\_\_

City or Township \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date \_\_\_\_\_

Legal signature \_\_\_\_\_

The following certification and instructions shall be printed on the Absentee Ballot Application:

### INSTRUCTIONS

1. In order to vote by absentee ballot you must be an eligible voter, you must be a resident of the election precinct indicated by your legal residence address on this application and you must not intend to abandon this residence prior to election day.
2. Be sure to check the appropriate box indicating why you are unable to go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.
3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.
4. Give your current precinct number or name IF YOU KNOW IT.
5. Be sure to sign the application.
6. Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. This application form will obtain ballots for only the

NEXT election. You must apply separately for each election.

2. Do not submit more than one application for each election.

3. Your absentee ballots will be mailed or delivered to you as soon as they are available.

office use only

Certification:

This is to certify that ballots were  mailed  delivered in person to the voter named on this application this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(county auditor, clerk)

B. The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the county auditor or municipal clerk. If the application is printed as a postcard application, it shall be printed in the following manner:

1. The postcard shall be white with black ink.
2. The postcard shall weigh not more than one ounce.
3. The size shall be no smaller than 3½ inches by 5 inches and no larger than 6¼ inches by 11½ inches.

## PROPOSED RULES

4. The postcard shall be at least .007 inches thick.

**1 MCAR § 2.4102 Ballot envelope.** The ballot envelope shall be printed in the following manner:

A. The envelope shall be buff in color with black ink.

B. The envelope shall be of a size to fit inside the absentee ballot return envelope.

C. The words "Ballot Envelope" shall be printed on the front of the envelope.

D. The words "Received" and "Rejected" shall be printed on the front of the envelope. Next to each word shall be printed a box in which the election judges may make a mark indicating whether the envelope is received or rejected.

E. Two lines shall be printed below the boxes. Under the bottom line shall be printed the words "Election Judges."

**1 MCAR § 2.4103 Instructions to absent voter.** Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the following form:

### Instructions to Absent Voter

Follow these instructions carefully. AN IMPROPERLY-COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

(1) Locate a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station, any officer having authority to administer an oath or an eligible voter in your county. This person will be your witness.

(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

(3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

- a. valid Minnesota Driver's License or Learner's Permit or a receipt for either;
- b. valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof;
- c. a student identification card, student fee statement, or copy of a student registration card that contains your valid address in the precinct in which you are registering;
- d. valid registration in the same precinct under a different address;

e. "ineffective registration notice" mailed by the county auditor;

f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness and have him indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BALLOT ENVELOPE.

(4) Exhibit the unmarked ballots to your witness.

(5) In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically unable to mark your ballot or cannot read English, you may ask him to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the Absentee Ballot Return Envelope. Your witness must insert the state and county where you mark your ballots; date the certificate; sign his name; print or type his name; indicate his official title if he is an official, or indicate his address if he is a registered voter in the county.

(9) Insert the Ballot Envelope in the Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the Absentee Ballot Return Envelope. Seal the Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election.

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# PROPOSED RULES

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(12) If you designate an agent to deliver in person your Absentee Ballot Return Envelope, you must complete the Agent Appointment form on the lower portion of this page. The agent must give this Appointment to the auditor or clerk along with your SEALED Absentee Ballot Return Envelope before your Absentee Ballot Return Envelope will be accepted. Be sure to complete the entire Appointment! If the Appointment is incomplete, your Absentee Ballot Return Envelope will not be accepted.

time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the U.S. Postal Service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before 5 p.m. on the day before an election day.

(complete this form if an agent is delivering in person your Absentee Ballot Return Envelope)

(13) You may mark and mail or deliver your ballots at any

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Detach here

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## AGENT APPOINTMENT

I, \_\_\_\_\_, residing at  
(print name of absent voter)

\_\_\_\_\_, do hereby designate  
(give legal address)

\_\_\_\_\_, as my agent to deliver in person  
(print name of agent)

my Absentee Ballot Return Envelope to the election official from whom I received my absentee ballots.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(legal signature of absent voter)

I, \_\_\_\_\_ do hereby promise to deliver the above named voter's Absentee Ballot Return  
(print name of agent)  
Envelope and this Appointment promptly and without interference to the appropriate official.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(legal signature of agent)

\_\_\_\_\_  
(legal address of agent)

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# PROPOSED RULES

## 1 MCAR § 2.4104 Absent voter's certificate.

A. The Absent Voter's Certificate shall be printed in the following form:

ABSENT VOTER'S CERTIFICATE  
OF

\_\_\_\_\_  
(legal name of absent voter)

\_\_\_\_\_  
(legal address of absent voter)

I swear that on election day I will meet the requirements provided by law to vote by absentee ballot.

\_\_\_\_\_  
(legal signature of voter)

County of \_\_\_\_\_

State of \_\_\_\_\_

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in such manner that I could not see his vote, he marked the ballots and enclosed and sealed them in the Ballot Envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope then he provided proof of his residence as indicated below.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(legal signature of witness)

\_\_\_\_\_  
(print or type name of witness)

\_\_\_\_\_  
(official title if witness is an official)

\_\_\_\_\_  
(legal address of witness if a registered voter)

Method used by voter to prove residence if registering:

- Driver's License \_\_\_\_\_  
or Permit or Receipt (number)
- Minn. ID Card or \_\_\_\_\_  
receipt (number)
- Registration in same  
precinct

- Notice of Ineffective  
Registration
- Student ID \_\_\_\_\_  
(number)
- Registered voter in  
precinct

\_\_\_\_\_  
(legal signature)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(legal address)

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# PROPOSED RULES

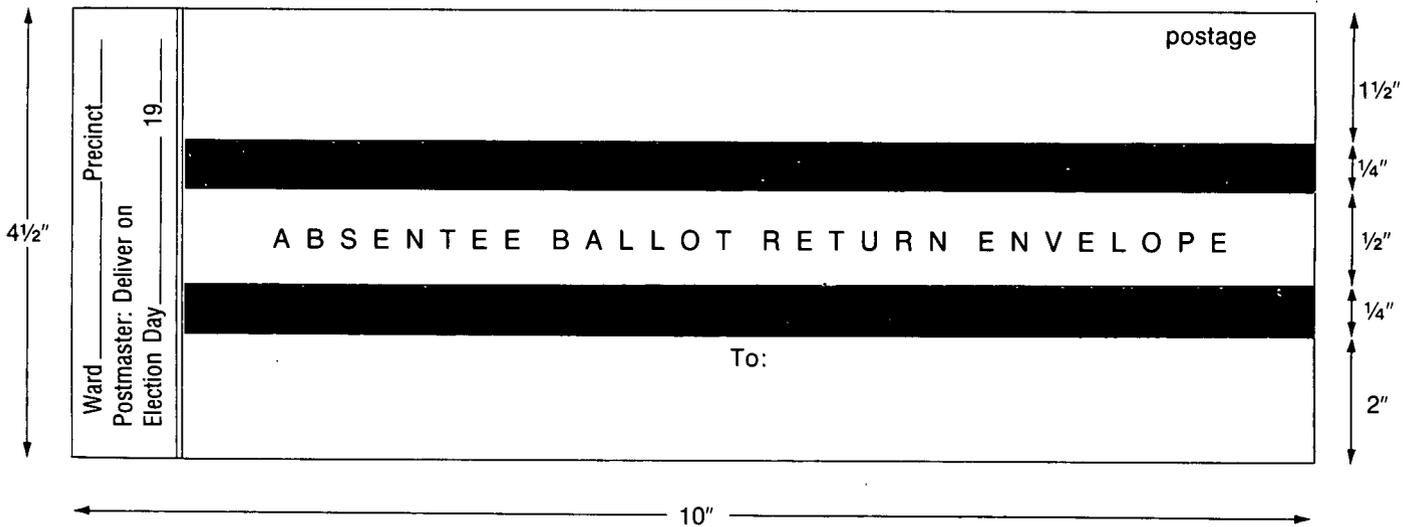
B. The county auditor or municipal clerk may complete the first two lines of an Absent Voter's Certificate by printing the name and address of the absent voter.

C. The Certificate shall be printed on the right-hand three-fourths of the back of the Absentee Ballot Return Envelope. The words "ABSENTEE BALLOT RETURN ENVELOPE" shall

be printed in 12 point bold type in capital letters. The remainder of the certificate shall be printed in 11 point medium type.

## 1 MCAR § 2.4105 Absentee ballot return envelope

A. The Absentee Ballot Return Envelope shall be printed in the following form:



B. The Absentee Ballot Return Envelope shall be printed according to the following specifications:

1. The envelope shall be 10 inches by 4½ inches.
2. A solid rule line 1½ picas wide shall be placed 1½ inches from the top of the envelope and another placed 2 inches from the bottom of the envelope.
3. The words and numbers printed on the left-hand end of the envelope shall be in 12 point bold type.
4. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope shall be in 18 point bold type in capital letters.
5. The envelope shall be white in color with black ink.

C. County auditors and municipal clerks shall cause a mailing address to be printed on each Return Envelope which

they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. Each county auditor or municipal clerk shall determine which of the following address forms shall be used on each Return Envelope in his county as the facts require:

1. A Return Envelope may be addressed to the county auditor who mailed or delivered the absentee ballots to the absent voter.

Example: To: Anoka County Auditor  
Courthouse  
Anoka, MN 55303

2. A Return Envelope may be addressed to the municipal clerk of the city or town in which the absent voter is eligible to vote.

# PROPOSED RULES

Example: To: Edina City Clerk  
City Hall  
4801 W. 50th St.  
Edina, MN 55424

3. A Return Envelope may be addressed to the election judges of the precinct in which the absent voter is eligible to vote provided that the polling place of the precinct is located on a regular mail delivery route. On each Return Envelope addressed to the election judges, the county auditor or municipal clerk shall cause to be clearly printed or typed the address of the polling place in a manner to expedite handling by the U.S. Postal Service. The name and street address, rural route or township address, if applicable, of the polling place shall be on the address block. The city or town, state and zip code shall appear in that order on the bottom line of the address block.

Example: To: Election Judges  
% Webster School  
500 Holly St.  
St. Paul, MN 55102

4. When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. The clerk shall make an initial notification to the county auditor of polling place addresses in his municipality before August 1, 1980. Thereafter, the clerk shall notify the auditor of every change of polling place address within 30 days after the change.

D. The official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's ward and precinct number and the date of the election in the spaces provided on the left-hand end of the Return Envelope.

E. County auditors shall notify the Secretary of State in the annual report required by Minn. Stat. § 201.091, subd. 5, which methods of returning Absentee Ballot Return Envelopes have been adopted in their counties and where each method is in effect.

## Chapter Two: Methods and Procedures of Return of Absentee Ballots

**1 MCAR § 2.4201 Mailing or delivering absentee ballot return envelopes.** Except as provided in Minn. Stat. § 207.31, an absent voter who receives his absentee ballots by mail or in person may cause his Absentee Ballot Return Envelope to be returned by any of the following methods:

- A. Causing the envelope to be mailed to the address on it.
- B. Delivering the envelope in person to the county

auditor or municipal clerk from whom the ballots were received.

C. Designating an agent who shall deliver in person the sealed envelope and completed Agent Appointment to the county auditor or municipal clerk from whom the ballots were received. An agent shall be at least 18 years old. No individual may be designated as the agent of more than three absent voters in any one election.

### **1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of Absentee Ballot Return Envelope.**

A. Absentee Ballot Return Envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by 5 p.m. on the day before election day.

B. Before accepting an Absentee Ballot Return Envelope which is hand-delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the Absent Voter's Certificate and any Agent Appointment is properly completed.

1. When an absent voter hand delivers an envelope which is unsealed or has an improperly completed Absent Voter's Certificate, the absent voter shall be allowed to seal the envelope, correct or complete the certificate.

2. When an agent hand delivers a sealed envelope with an improperly completed Absent Voter's Certificate or Agent Appointment, the agent may return the envelope to the absent voter for correction or completion.

3. When an agent hand delivers an envelope which is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted and shall be destroyed by the auditor or clerk in the presence of the agent. A Notice of Nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent and the reason for non-acceptance.

B. When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the auditor or clerk shall compare the absent voter's signature on the Agent Appointment with the signature on the Absent Voter's Certificate. If the signatures are not the same, the auditor or clerk shall not accept the envelope, shall destroy it in the presence of the agent, and shall send a Notice of Nonacceptance to the absent voter.

C. When an Absentee Ballot Return Envelope has been destroyed pursuant to this rule, the auditor or clerk shall indicate on the record of Absentee Ballot Return Envelopes required by 1 MCAR § 2.4204, in addition to the required information, the fact that the Return Envelope was de-

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## PROPOSED RULES

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stroyed. The absent voter whose Return Envelope was destroyed may apply for replacement absentee ballots.

**1 MCAR § 2.4203 Retaining ballots.** A county auditor or municipal clerk who receives an Absentee Ballot Return Envelope from an absent voter or an agent may deposit the envelope in the mail or retain it in his office as provided in 1 MCAR § 2.4204; provided, however that if an auditor or clerk receives the Return Envelope less than three working days before the election, he shall retain the Return Envelope in his office as provided in 1 MCAR § 2.4204.

**1 MCAR § 2.4204 Safeguarding procedures.** The county auditor or municipal clerk shall establish measures for safeguarding Absentee Ballot Return Envelopes received by him prior to election day.

1. If an auditor or clerk intends to deposit in the mail Return Envelopes received three days or more before an election, he shall do so promptly upon receipt of the Return Envelope from the absent voter or agent.

2. The auditor or clerk shall establish a record of those Absentee Ballot Return Envelopes which are retained in his office or destroyed pursuant to 1 MCAR § 2.4202. The record shall state the absent voter's name, address and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

3. All retained envelopes shall be placed in a locked, secure location after being dated, stamped and recorded. The

envelopes shall not be removed from this location or handled until election day, except as necessary in an emergency.

4. A part-time municipal clerk who receives Return Envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

B. On election day all Absentee Ballot Return Envelopes retained by the county auditor or municipal clerk shall be removed from the place of safekeeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the Secretary of State promptly. Each Return Envelope shall then be delivered to the polling place in the precinct where the absent voter resides.

**1 MCAR § 2.4205 Mail pick-up.** Each municipal clerk shall communicate with the U.S. Postal Service facility serving his municipality with regard to the handling of Absentee Ballot Return Envelopes received by the post office on election day after the last regular mail delivery has commenced. The municipal clerk shall take all reasonable steps to ensure that all Return Envelopes received by the post office before 4 p.m. on election day are delivered before the closing of the polls to the election judges in the precinct where the absent voter resides.

### Amendments as Proposed

**Chapter Five: 1 MCAR §§ 2.0501-2.0513 Notifications**  
**1 MCAR § 2.0506**

# PROPOSED RULES

## NOTICE OF INEFFECTIVE REGISTRATION

### IMPORTANT INFORMATION ABOUT YOUR VOTER REGISTRATION

To: \_\_\_\_\_

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

1.  Wrong County. Your registration has been forwarded to \_\_\_\_\_  
County.
2.  Incomplete: \_\_\_\_\_
3.  Your registration was received fewer than 20 days before the upcoming election. It will be effective on \_\_\_\_/\_\_\_\_/\_\_\_\_  
(day after next election).
4.  Minnesota law provides that pre-election day registration for the upcoming \_\_\_\_/\_\_\_\_/\_\_\_\_ election be received in  
this office by \_\_\_\_/\_\_\_\_/\_\_\_\_.

You may register to vote at the polling place on election day by presenting either:

- (a) this mailed notice;
- (b) a valid Minnesota Driver's License, Learner's Permit or receipt thereof for either;
- (c) a Minnesota Identification Card or receipt thereof;
- (d) a student identification card that contains the student's valid address;
- (e) a student fee statement that contains the student's valid address;
- (f) a copy of a student registration card that contains the student's valid address;
- (g) a registered voter in your precinct who can attest to your address; or
- (h) a valid registration in the same precinct under a different address.

Your Polling Place is \_\_\_\_\_

\_\_\_\_\_  
(signature) County Auditor \_\_\_\_/\_\_\_\_/\_\_\_\_  
(date)

**1 MCAR § 2.0512 Removal of cards.** Whenever a registration card is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered at a new address in the county, or registered in another county or state, the county auditor shall notify the person whose card is to be removed of such action and the reason for such action in writing. The cards removed shall be maintained in separate files for one year.

**1 MCAR § 2.0601 Residence.** Any person otherwise qualified but not registered to vote in the precinct in which he resides may register to vote on election day at the polling place of the precinct in which he resides in areas with voter registration. To register on election day a person must complete and sign the original card, sign the duplicate card and

provide proof of his residence. A person may prove his residence on election day only by presenting a valid Minnesota Driver's License, Learner's Permit, or a receipt thereof, a valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof, a student identification card that contains the student's valid address, a student fee statement that contains the student's valid address or a copy of a student registration card that contains the student's valid address; by having a valid registration in the same precinct under a different address; by presenting an "ineffective registration notice" mailed by the county auditor; or by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the following oath:

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I, \_\_\_\_\_ swear that I am a registered voter in \_\_\_\_\_ and that I personally know that \_\_\_\_\_ is a resident of this precinct.  
(name of person registering)

\_\_\_\_\_  
Signature of Registered Voter

\_\_\_\_\_  
Subscribed and sworn to before me

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Election Judge

The above oath shall be attached to the voter registration card until the address of the applicant is verified by the county auditor. The above oaths shall be printed on a 4" x 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

**1 MCAR § 2.0604 Notation.** When a voter uses either a Minnesota Driver's License, Learner's Permit, Minnesota Identification Card or receipt thereof to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of original card.

**1 MCAR § 2.0608 Posters.** The county auditor shall supply each polling place with posters furnished to the county by the Secretary of State. The election judges shall post the posters in an appropriate location in the polling place prior to opening the polls.

## 1 MCAR § 2.0902 Information on the report.

E. The name of each governmental unit to which the county auditor has delegated voter registration duties pursuant to 1 MCAR § 2.0101, and the date of the delegation.

## 1 MCAR § 2.0903 Information on the report compiled during years when there is no state primary or general election.

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

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

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

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

## Chapter Eleven: Violations

**1 MCAR § 2.1101 County attorneys to report.** County attorneys shall report the outcome of any investigation of alleged violations of voter registration laws to the ~~commissioner~~ Secretary of State within 10 days of the determination.

## Amendment as Proposed

**1 MCAR § 2.2111 Back of ballot.** On the back of the white ballot shall be printed the words "OFFICIAL BALLOT," the date of the election; a ~~facsimile of the official signature of the county auditor under whose direction the ballot is printed~~ and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

**1 MCAR § 2.2112 Type styles and sizes.** The words "Put an (X) opposite the name of each candidate you wish to vote for in the square indicated by the arrow" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The words "STATE BALLOT," shall be printed in upper case in as close to 18 point Franklin Gothic type as practicable.

The office and its identification shall be printed in upper case in as close to 10 point Century Bold type as practicable.

The words "VOTE FOR ONE" shall be printed in upper case in as close to 8 point Century Bold type as practicable.

The names of the candidates shall be printed in upper case in as close to 8 point Century Bold type as practicable.

The party designation or political principle and the words "Nominated Without Party Designation," "Incumbent" and "Nominated by Petition" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The words "OFFICIAL BALLOT" on the back of the ballot shall be printed in upper case in as close to 18 point Cheltenham Bold as practicable, the date in upper case in as close to 8 point Antique as practicable; ~~the words "County Auditor" in lower case in as close to 8 point Antique as practicable~~ and the word "Judge" in upper and lower case in as close to 10 point Caslon Old Face Italic as practicable.

**1 MCAR § 2.2113 Binding of ballots.** The white ballots shall be bound in blocks of 50, and there shall be a band around each block of 50 ballots. The band around the block of ballots shall contain a facsimile of the state seal, the words "50 State Ballots," ~~the official signature of the county auditor preparing the ballots~~ and the date of the election. The band shall also contain the following instructions to the election judges: "Instructions to Judges of Election"

The Judge of Election receiving the ballots for delivery to the Election Board must not remove this slip or withdraw a ballot from the package, but must deliver it as he receives it to the Election Board.

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

No official ballot shall be distributed except ~~in the voting room~~ to voters in the voting room about to vote, or to disabled voters in their vehicles pursuant to Minn. Stat. § 204A.34,

# PROPOSED RULES

subd. 2, and no ballot which is not officially endorsed in the handwriting of such judges shall be placed in the box.

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

**1 MCAR § 2.2115 Reimbursement of costs.** The Secretary of State shall reimburse counties for the cost of printing the white ballot, the white sample ballot and the summary statement for white ballot offices and constitutional amendments. On or before December 31 of every general election year and within 45 days of a special election, the county auditor shall submit to the Secretary of State a statement of the costs of preparation of these supplies. The statement shall contain the name and address of the printer, the number of white ballots printed, a statement that the white ballot and summary statement prepared by the county conformed to the form prescribed by the Secretary of State, pursuant to Minn. Stat § 204A.46, subd. 5, the cost to the county of printing and an itemization of costs.

## Amendments as Proposed

### Chapter One: 1 MCAR §§ 2.3101-2.3104 Definitions and Other General Matters

**1 MCAR § 2.3103 Training.** The official in charge of the election for the election jurisdiction shall deliver to the Secretary of State 60 days before the election the plan and content for the training of election judges as required by Minn. Stat. §§ 206.19 and 206.195. The training shall include but need not be limited to the following procedures:

- A. pre-election checkout at the polling place;
- B. information and supplies that are to be displayed in the polling place;
- C. explanation of the duties of judges including but not limited to:
  1. encouraging the voter to practice the method of voting by use of the demonstration model of the voting machine;
  2. explaining use of any apparatus necessary to use with the voting machine, such as stylus, marking device, insertion of ballot card;
  3. explaining the ballot label and its relation to the ballot card;
  4. if a primary election, explaining that a voter may vote in the election of only one party and indicate how that choice may be made;
  5. if a general election, indicating the method for write-in votes;

6. indicating how the voter can check his ballot before leaving the voting booth;

7. informing the voter of the proper method of completing the ballot, including use of ballot envelope;

D. activities involved in closing the polls, preparing the ballots for tabulation, and transporting of ballots to the counting center;

E. provision for individualized training for any persons who will serve as judges in the case of emergency when a trained judge is unable to serve.

### Chapter Seven: 1 MCAR §§ 2.3701-2.3702 Conduct of Elections, Including Absentee Voting

#### 1 MCAR § 2.3702 Absentee ballots.

C. Absentee votes shall be cast on paper absentee ballots. These paper absentee ballots shall be delivered either to an absentee ballot precinct as provided by law or to the polling place in the voter's precinct.

D. Upon receipt of the last mail at the polling place in the precinct on election day, two election judges not of the same political party shall number the absentee ballots, serially, and transfer the intent of the absentee voter and the serial number from the absentee ballot to the official vote recording medium used in the precinct. In absentee ballot precincts, this procedure may be done during the day.

E. Two election judges not of the same party shall check each absentee ballot with the vote recording medium to determine that the medium records the absent voter's intent. Any write-in votes shall be recorded as provided in these rules.

F. Vote recording media processed under SeeStat 3702D shall be labeled "absentee", inserted in envelopes, stubs removed, and placed with ballot cards east by voters in person in that precinct.

### Chapter Eight: 1 MCAR §§ 2.3801-2.3802 Election Judges Duties After Polls Close

#### 1 MCAR § 2.3801 Procedures following close of polls.

A. All unused ballot cards and envelopes shall be secured for return to the official in charge of the election for the election jurisdiction.

B. The ballot labels and seals of each voting machine shall be inspected to insure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy shall be noted in the remarks section of the precinct certification.

C. The election judges shall compare the number of certificates of registered voters with the number of names recorded on voter registration list, voter registration cards, or election register as having voted that day. The number of electors who voted as indicated by these records. The total number of voters, determined pursuant to Minn. Stat. § 204A.41, subd. 1, shall be entered on the precinct certification.

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

# OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on

the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

## Department of Agriculture Agronomy Services Division

### Notice of Special Local Need Registration for Vitavax-25 DB

Pursuant to Minn. Stat. § 18A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on September 13, 1979 issued a Special Local Need Registration for Vitavax-25 DB EPA #400-115 manufactured by Uniroyal Chemical, 74 Amity Rd., Bethany, CT 06525.

Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide on small grains (wheats, oats and barley) to control smut, bunt and various seedling diseases which affect these small grains.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d); 18A.23; and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN # MN 79-0016) is on file for inspection at:

Minnesota Department of Agriculture  
Pesticide Control Section  
656 State Office Building  
Saint Paul, Minnesota 55155  
(612) 296-8379

A federal or state agency, a local unit of government, or any person or group of persons filing with the Commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has 30 days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15 for the purpose of revoking, amending, or upholding this registration.

September 13, 1979

Mark W. Seetin  
Commissioner

## Ethical Practices Board

### Notice of Regular Meeting

The next regular meeting of the Ethical Practices Board will be held Friday, September 28, 1979, at 1:00 p.m., Room 14, State Office Building, St. Paul, MN.

#### Preliminary Agenda

1. Minutes (August 24, 1979)
2. Chairperson's Report
3. Wage and Salary Committee Report
4. Legal Counsel Report
5. Economic Interest Rules
6. Advisory Opinion — Communicating For Agriculture
7. Advisory Opinion — D.F.L. Voter Survey Plan
8. Public Financing Study
9. Executive Director's Report
  - a. Financial Report
  - b. Annual Report
10. Other Business

## Minnesota State Retirement System

### Notice of Intent to Solicit Outside Opinion Regarding Deferred Compensation Plan

Notice is hereby given that the Executive Director of the Minnesota State Retirement System is considering a revision of the Minnesota Deferred Compensation Plan rules in order to bring them into harmony with Section 457 of the Internal Revenue Code and Minn. Stat. § 352.96, increase the flexibility of the various options available to participants under the plan, regulate the allocation of administrative costs against the assets accumulated under the plan and repeal all existing rules.

The proposed rules are authorized by Minn. Stat. § 352.96 which authorize the Executive Director of Minnesota State Retirement System to establish rules and procedures to adopt and administer a deferred compensation plan for all public employees of the State of Minnesota and its governmental subdivisions.

All interested or affected persons or groups may submit information on this subject. Written or oral information and comment should be addressed to:

## OFFICIAL NOTICES

Mr. Paul L. Groschen  
Executive Director  
Minnesota State Retirement System  
529 Jackson Street  
St. Paul, Minnesota 55101

All statements of information and comment must be received by October 8, 1979. Any written material received by this date will become part of the record of any rules hearing held on this subject.

September 24, 1979

Paul L. Groschen  
Executive Director

### Office of the Secretary of State Election and Legislative Manual Division Notice of Vacancy in Multi- Member Agency—Application and Appointment Procedures

Notice is hereby given to the public that a vacancy has occurred in a multi-member state agency, pursuant to Minn. Stat. § 15.1597, subd. 4. Application forms may be obtained at the Office of Secretary of State, 180 State Office Building, St. Paul, MN 55155; (612) 296-2805. **Application deadline is Tuesday, October 9, 1979.**

The Minnesota Great Lakes Commission has a vacancy open immediately for a public member for an indefinite term. The committee assists in the orderly, integrated and comprehensive development of water resources in the Great Lakes area. Members meet with representatives of other Great Lakes states to study matters dealing with water conservation, navigation, commerce, environmental quality, shoreline use, fisheries and wildlife. Meetings are held quarterly on weekdays. Members receive travel expenses and per diem. The governor is the appointing authority. For specific information contact Timothy Edman, (612) 224-5705.

The Medical Policy Directional Committee on Mental Health has a vacancy open immediately for a term to expire June 30, 1980. The member category is for a psychologist with research experience. The committee advises the Commissioner of Public Welfare on all phases of professional standards, including patient care, training of personnel, establishment of treatment programs, staffing, and records establishment to meet professional requirements in mental institutions of the state. The committee usually meets monthly on the first Friday of each month, 7:30 to 10:00 a.m. Members are reimbursed for expenses and receive \$50 per diem. Appointing authority is the Commissioner of Public Welfare. For more information contact Dr. Young's office, Dept. of Public Welfare, Centennial Office Bldg., St. Paul, 55155; (612) 296-3058.

## Department of Public Welfare Social Services Division

### Notice of Intent to Solicit Outside Opinion Concerning a Rule Amendment Relating to Minnesota Public Social Services

Notice is hereby given that the Minnesota Department of Public Welfare is considering editorial and policy changes in 12 MCAR § 2.160, Administration of Minnesota Public Social Services.

The Minnesota Department of Public Welfare is interested in soliciting comments on the adequacy of the present rule and suggestions for improvement.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

J. Philip Peterson  
Service Administration Section  
Department of Public Welfare  
Centennial Office Building, Fourth Floor  
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3970.

All statements of information and comment must be received by October 15, 1979. Any written material received by the Department shall become part of the hearing record.

## Errata

### Department of Public Welfare

1. At 4 S.R. 318 the effective date listed in the last sentence of the fourth and fifth paragraphs should be January 1, 1980, rather than January 1, 1979.
2. At 4 S.R. 334 the effective date listed in the last sentence of the first and second paragraph should be January 1, 1980, rather than January 1, 1979.
3. At 4 S.R. 343 the effective date listed in the last sentence of the third and fourth paragraph should be January 1, 1980, rather than January 1, 1979.

# STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any

consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

## **Department of Economic Security Employment and Training Division Balance of State Office Work Equity Project (WEP)**

### **Notice of Request for Proposals (RFPs) for Participant Advocate in Regard to Work Equity Programs (WEP)**

1. Agency name and address: Minnesota Department of Economic Security, Employment and Training Division, Balance of State Office, 690 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101.

2. Contact person: Persons or organizations wishing to receive this request for proposal package, or who would like additional information, may write the contracting officer, Stanton Steege, at the address above, or call (612) 296-3571.

3. Description: A notice for RFP has been issued on September 24, 1979, for the purpose of contracting, with a third party agency or organization, to provide participant advocate services to any potential participant or participant of the Work Equity Project who requests this service. To provide a system of advocacy to serve at each WEP location to assure that the legal rights of recipients are protected throughout the WEP process.

4. Cost: Up to three awards will be granted, each award not to exceed a total of \$15,000.

5. Final proposal submission date: Proposals must be received by 4:30 p.m. October 12, 1979.

## **Department of Economic Security Office of Statewide CETA Coordination Notice of Request For Proposals for Operation of Senior Community Service Employment Program**

In accordance with Laws of 1976, ch. 480, the Minnesota Department of Economic Security, Office of Statewide CETA Coordination, (OSCC), is requesting proposals from qualified organizations to operate a Senior Community Service Employment Program in the nine (9) counties of Minnesota Development Region Nine, through a grant from the U.S. Department of Labor, under the Older Americans Amendments of 1978, Title V. The estimated amount of this contract is \$90,000.00.

Request for Proposal application is available upon request. Inquiries and requests should be directed to:

Richard T. O'Toole  
Office of Statewide CETA Coordination  
690 American Center Building  
St. Paul, Minnesota 55101  
(612) 296-8359

Request for Proposal applications will be accepted to 4:00 p.m., Friday, October 19, 1979.

**Decisions Filed Friday,  
September 14, 1979**

**Compiled by John McCarthy, Clerk**

**48906/11 Kraft, Inc., petitioner, vs. State of Minnesota, by William L. Wilson, Commissioner, Department of Human Rights, Appellant. Ramsey County.**

Absent a compelling and overriding bona fide occupational qualification, an antinepotism employment rule denying full-time employment to individuals married to persons already employed full time by the employer constitutes a discriminatory practice based on marital status within the meaning of the Minnesota Human Rights Act [MINN. STAT. § 363.03, subd. 1 (1978)].

Reversed and remanded. Sheran, C. J. Took no part, Otis, J.

**48508/25 Farm Bureau Mutual Insurance Company, Appellant, vs. Milbank Mutual Insurance Company, LeRoy Nelson, Terrance E. Olson, defendant and third party plaintiff, vs. Ernest Duckwitz, et al. Otter Tail County.**

An automobile insurance policy provision which affords coverage for the use of a non-owned vehicle by one who is liable for use by the named insured applies where the named insured's use is merely vicarious.

No colorable claim for contribution or indemnity exists where the claimant was found negligent and paid less than his share of a judgment. Claimant in those circumstances has no defense to a valid contribution claim against him by another.

In the absence of an express provision or an agreement to the contrary, the proceeds of an insurance policy apply equally to all persons entitled to its coverage.

Affirmed in part, reversed in part. Otis, J.

**48537/127 County of Ramsey, petitioner, vs. Joseph Stevens, Appellant, Northern States Power Company, et al. Dakota County.**

Where appellant had failed either to prove an illegal denial of building permits or to bring an inverse condemnation action, the trial court did not err in rejecting appellant's demand that all zoning ordinances enacted after September of 1972 be disregarded and in instructing the jury in the condemnation proceeding that the date of taking was the date on which the condemnation award of the court-appointed commissioners was filed.

Although appellant was not barred by res judicata from attacking the validity of the district court's order compelling the enactment of a flood plain ordinance, we conclude, on the record before us, that as a matter of law the trial court did not err in upholding the flood plain ordinance in the condemnation proceeding against appellant's property or in excluding evidence of subsequent zoning ordinances.

Affirmed. Otis, J. Took no part, Todd, J.

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