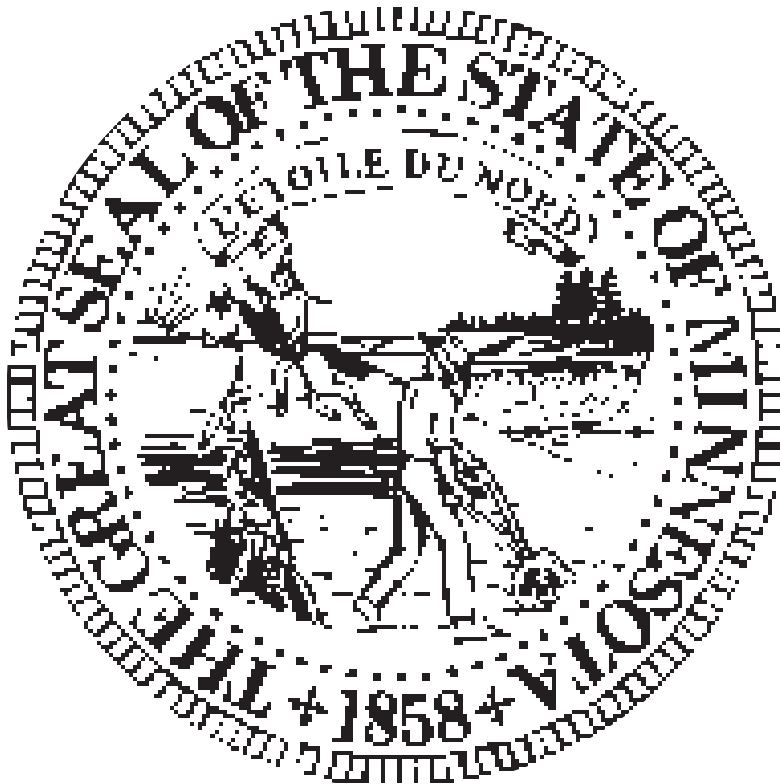


The Minnesota

State Register

Rules and Official Notices Edition



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

Monday 15 June 1998
Volume 22, Number 50
Pages 2189-2274

State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 22 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 50	Monday 15 June	Noon Wednesday 3 June	Noon Tuesday 9 June
# 51	Monday 22 June	Noon Wednesday 10 June	Noon Tuesday 16 June
# 52	Monday 29 June	Noon Wednesday 17 June	Noon Tuesday 23 June
Vol. 23 # 1	Monday 6 July	Noon Wednesday 24 June	Noon Tuesday 30 June

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Grove, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A. McGrath, State Treasurer 612/296-7091
Department of Administration:	Communications.Media Division	Robin PanLener, Editor 612/297-7963
Elaine S. Hansen, Commissioner 612/296-1424	Mary Mikes, Director 612/297-3979	Gretchen Stark, Assistant Editor 612/296-0929
Kent Allin, Asst. Commissioner 612/297-4261		Jessie Rahmeyer, Subscriptions 612/297-8774

Copyright © 1998 Communications.Media Division, Department of Administration, State of Minnesota.
Publication Number: 326630. (ISSN 0146-7751)

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 612-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$84.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

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

SUBSCRIPTION SERVICES: The *State Register* is published by Communications.Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning. Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. TTY relay service phone number: 1-800-627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (612) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. See the *State Register* "Table of Contents" on our website: <http://www.comm.media.state.mn.us>

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

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

Minnesota Rules: Amendments & Additions
 Volume 22, issue 50 (issues #1-39 cumulative
 appeared in issued #39) 2192

Proposed Rules

Bureau of Mediation Services
 Public employment labor relations 2194

Department of Revenue
 Aggregation of capital gains and losses of a unitary
 business..... 2199

Secretary of State
 Elections..... 2202

Official Notices

Administration Department
 State Register available free on the Internet beginning
 July 6, 1998 2249

Attorney General's Office
 Meeting regarding revision of the brochure "Landlords
 and Tenants: Rights and Responsibilities" on
 Monday 22 June 1998..... 2249

Children, Families & Learning Department
 Updated child care fund sliding fee co-payment schedule 2250

Health Department
 Membership of rulemaking advisory committees..... 2253

Labor and Industry Department
 Notice of addition to prevailing wage rates 2254

Law Library, Minnesota State
 Joint notice of county law library filing fees 2254

Metropolitan Council
 1999 Metropolitan Council Environmental Services budget.. 2255

Natural Resources Department
 Public hearing to consider opening the Zumbro Falls Woods
 Scientific and Natural Area to deer hunting 2255

Otter Tail County
 Five dollar conciliation court law library filing fee 2256

Revenue Department
 Comments sought for a proposed rule and amendments
 to rules relating to lawful gambling, and annual audits
 and reviews 2256

Professional, Technical & Consulting Contracts

Administration Department

Proposals sought for Department of Corrections, new
 60-bed high-security segregation unit at the Minnesota
 correctional facility, Oak Park Heights 2257

Proposals sought for the Department of Corrections for
 the replacement of existing plumbing, upgrade of existing
 restrooms, and installation of sprinkler system in the
 education building at the Minnesota correctional
 facility, St. Cloud..... 2260

Proposals sought for the University of Minnesota,
 Crookston for renovations to Kiehle Hall..... 2263

Proposals sought for the University of Minnesota,
 St. Paul Campus for laboratory renovations to Gortner
 and Snyder Buildings..... 2267

Gambling Control Board

Proposals sought for an integrated database management
 system 2270

Office of the Revisor of Statutes

Request for Computer Services 2271

Non State Public Bids, Contracts & Grants

Metropolitan Council

Bids sought for new and remanufactured toner cartridges
 and printer ribbons..... 2271

Minnesota Historical Society

Bids sought for chilled water piping modification at Fort
 Snelling Interpretive Center..... 2272

University of Minnesota

Bid information service (BIS) available for all potential
 vendors..... 2272

Commodity, Service and Construction contracts are published in a
 bulletin, the *State Register Contracts Supplement*, published
 Tuesday, Wednesday and Friday. Award results are available
 from the Materials Management Helpline 612/296-2600.

Professional, Technical and Consulting contract awards are
 published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are
 available through Minnesota's Bookstore, (612) 297-3000 or
 1-800-657-3757.

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 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

Volume 22, issue 50

(issues #1-39 cumulative appeared in issue #39)

Administration Department

1300.2100; .2400; .3900; .4900; .5300; .6100; 1305.0010; .0020; .0107; .0308; .0704; .0904; .1000; .1009; .1019; .1506; .1614; .1616; .1618; .1625; .1632; .1701; .2320; .2326; .3401; .4313; .4332; .4415; .4416; .4429 (proposed).....	2044
1365.0050; .0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; (proposed repealer)	2044

Agriculture Department

1552.0050 (proposed)	1811
1552.0040 s.2 (proposed repealer).....	1811

Animal Health Board

1700.2950; .3010; 1705.2400; .2434; .2440; .2460; .2470; .2476; .2480; 1715.0105; .0550; .0705; .1450 (proposed).....	2003
1705.2482 (proposed repealer)	2003
1710.1300; .1350; .1360; .1385; .1390; .1420; .1450 (adopted).....	2075

Dietetics and Nutrition Practice Board

3250.0050 (proposed)	2112
----------------------------	------

Education Board

3501.0300-.0469 (adopted).....	2075
--------------------------------	------

Health Department

4610.0420; .0600; .0650; .2800 (withdrawn)	1943
4610.0420; .0600; .0650; .2800 (re-proposed)	1944
4610.0420; .0600; .0650; .2800 (re-proposed)	2012
4690.0800; .4400; .7000; .8200; .8300 (adopted).....	1877
4690.0900 s.5; .8300 s.6 (repealed)	1877

Plumbing Code

4715.0100; .0420; .0510; .0520; .0530; .0540; .0570; .0580; .0590; .0600; .0610; .0700; .0810; .1000; .1300; .1390; .1430; .1750; .1770; .1910; .2100; .2110; .2210; .2240; .2300; .2330; .2520; .2560; .2580; .2600; .2710; .2800; .2820 (proposed).....	2057
---	------

Labor and Industry Department

5205.0010 (adopted exempt; adoption by reference)	2014
5205.1500; 5207.0005 (adopted exempt)	2086

Mediation Services Bureau

5510.0310; .0410; .0510; .1210; .1510; .1810; .1910; .2010; .2410; .2710; .2905; .2930; .5170 (proposed).....	2194
5510.0310 s.5; .2905 s.5 (proposed repealer)	2194

Natural Resources Department

6216.0100; .0200; .0230; .0250; .0260; .0265; .0270; .0280; .0290; .0300; .0350; .0400; .0500; .0600 (adopted).....	2076
6216.0200 s.4 (repealed).....	2076
6216.0350 (superseding permanent rule repealed)	2076
6216.0370 (adopted expedited emergency)	1943
6232.2800; .3055 (adopted expedited emergency)	2013
6262.0500; 6264.0400 (adopted expedited emergency)	1907
6264.0400 s.4, 8, 9, 10, 11 (repealed).....	1907

Optometry Board

6500.0100; .0150; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700 (proposed).....	2113
6500.0150 (proposed renumbering to 6500.0950).....	2113
6500.0200 (proposed repealer)	2113

Pollution Control Agency

7001.0020; .4200; .4210; .4215; .4220; .4230; .4240; .4250; 7151.1100; .1200; .1300; .2100; .3100; .4100; .5100; .5200; .5300; .5400; .5500; .5600; .5700; .6100; .6200; .6300; .6400; .6500; .6600; .6700; .7100; .7200; .7300; .7400; .7500; .8100; .8200; .8300; .8400; .8500; .9100; .9200; .9300; .9400; .9500; .9600 (proposed).....	1813
7007.0050; .0100; .0500; .0750; .1200; .1500; .3010 (proposed).....	1835
7007.0501; .0801; .1400; 7011.0551; .0625; .1201; .1205; .1210; .1215; .1220; .1225; .1227; .1228; .1229; .1230; .1235; .1240; .1260; .1265; .1270; .1272; .1275; .1280; .1281; .1282; .1283; .1284; .1285; .1290; (adopted).....	1975

Minnesota Rules: Amendments and Additions

7011.0010; .0105; .0510; .0510; .0610; .0710; .0805; .1305; .1405; .1410; 7017.2001; .2005; .2015; .2018; .2020; .2025; .2030; .2035; .2045; .2050; .2060 (proposed).....	1861
7011.1201 s.7, 10, 47; .1240 s.4, 6; 1265 s.9; 1285 s.4a (repealed) ...	1975
7011.7340; .7360; .7380; .7400; .7420; .7440 (adopted).....	1877
7100.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090 (proposed repealer)	1813
Public Safety Department	
7410.0100; .0200; .0300; .0400; .0425; .0500 (proposed).....	2117
7410.0100 s.6 (proposed repealer).....	2117
Crime Victims Reparations Board	
7505.0700; .2700; .3200; .3400; .3500; .3750; .3800; .4100 (proposed)	2008
Public Utilities Commission	
7811.0050; .0100; .0150; .0200; .0300; .0350; .0400; .0500; .0525; .0550; .0600; .0700; .0800; .0900; .1000; .1050; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; 7812.0050; .0100; .0200; .0550; .1400; .1800; .2000; .2100 (adopted)	2079
7812.0100 s.44a (repealed).....	2079
Minnesota Racing Commission	
7869.0100; 7872.0100; 7877.0100; .0110; .0120; .0175; 7883.0100; .0150; 7884.0190; 7890.0140; 7897.0110 (adopted).....	1785
Revenue Department	
8019.0500 (proposed)	2199
8125.1301 (adopted)	2156

Secretary of State	
8200.1200; .2800; .2900; .2950; .3100; .3550; .5100; .5400; 8210.0100; .0200; .0225; .0500; .0600; .0700; .0800; .2200; .2400; .3000; 8220.0050; .0150; .0250; .0325; .0350; .0450; .0550; .0650; .0700; .0750; .0800; .0825; .0850; .0950; .1050; .1150; .1350; .1450; .1550; .1650; .1750; .1850; .2050; .2850; 8230.0050; .0150; .0250; .0560; .0570; .0580; .0650; .0850; .1050; .1130; .1150; .1350; .1450; .1850; .1860; .2010; .2020; .2030; .2040; .2050; .2150; .2250; .2450; .3450; .3550; .3560; .3750; .3850; .3950; .4050; .4150; .4325; .4355; .4360; .4365; .4370; .4375; .4380; .4385; .4390; .4395; 8235.0500; .1000; 8240.1600; 8250.0350; .0360; .0365; .0370; .0375; .0385; .0390; .0395; .0397; .0400; .0500; .1400; .1550; .1800 (proposed).....	2202
8200.3100 s.2; 8210.3005; .3010; .3015; .9910; .9915; .9916; .9917; .9918; .9920; .9925; .9930; .9935; .9945; .9950; .9955; 8220.0250 s.3, 4, 5, 6, 7, 8, 9, 12, 13, 19, 22, 25, 28, 29, 37; .1250; .2150; .2350; .2450; .2550; .2650; .2950; .3050; .3150; .3250; .3350; .3450; .3550; .3650; .3750; .3850; .3950; .4050; .4150; .4250; 8230.0350; .0450; .0550; .0750; .0950; .1150 s.2; .1250; .1550; .1650; .1750; .1950; .2350; .3050; .3150; .3250; .3350; .3650; .3750 s.3; .4250; .4350; 8235.0900; 8250.1700; .0010 .9920 (proposed repealer)	2202
Water and Soil Resources Board	
8420.0100; .0102; .0103; .0105; .0110; .0112; .0115; .0122; .0200; .0210; .0230; .0240; .0250; .0260; .0268; .0290; .0300; .0350; .0400; .0505; .0510; .0520; .0530; .0540; .0550; .0610; .0620; .0650; .0720; .0730; .0740; .0750; .1010; .1040 (adopted).....	1877
8420.0110 s.5, 13, 26, 27, 47; .0120; .0250 s.2; .0710 (repealed).....	187

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*.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Public Employment Labor Relations

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Relating to Public Employment Labor Relations, *Minnesota Rules*, Chapter 5510

Introduction. The Bureau of Mediation Services intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Carol S. Clifford, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, MN, 55108, Phone - (612) 649-5423 and Fax - (612) 643-3013. TTY users may call the Minnesota Relay Service (MRS) at 1-800-627-3529. A MRS Communication Assistant will act as your direct connection to the Bureau.

Subject of Rules and Statutory Authority. The proposed rules are about Public Employment Labor Relations. The statutory authority to adopt the rules is *Minnesota Statutes*, section 179.04, subd. 3(6). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on July 17, 1998, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 17, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. 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 written request for a hearing, a public hearing will be held unless a sufficient number 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 the effect with 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. Upon request, this Notice 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.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement 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. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted 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 to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 15 June 1998

Lance Teachworth
Commissioner

5510.0310 DEFINITIONS.

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

Subp. 4. **Act.** "Act" means the Public Employment Labor Relations Act of 1971, *Minnesota Statutes*, sections 179A.01 to 179A.25, as amended.

Subp. 5. [See repealer.]

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

Subp. 12. **Effective date of orders.** "Effective date of orders" means, for any ~~determination or decision~~ order issued by the commissioner, the day following issuance unless otherwise provided.

[For text of subs 13 to 24, see M.R.]

5510.0410 FILING PETITION.

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

Subp. 2. **Eligibility; single-party petition.**

A. An employee organization may file petitions for:

- (1) certification of exclusive representative; ~~and~~
- (2) challenge of affiliation; and
- (3) representation.

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

Subp. 3. **Eligibility; joint-party petition.**

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

B. An exclusive representative and an employer may file a joint petition for unit clarification and amendment of certification.

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

Subp. 4. **Petition requirements.** A petition must be in writing ~~on forms available from the bureau~~ and shall contain the name, address, and ~~phone~~ telephone number of:

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

Proposed Rules

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

5510.0510 LIMITATION ON FILING PETITION.

Subpart 1. **Contract bar.** If there is an exclusive representative and a labor contract in effect, the commissioner shall consider a petition for clarification, decertification, ~~or~~ representation, or certification only:

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

Subp. 2. **One-year election bar.** When a certification election, representation election, or decertification election has been held, no petition seeking an election shall be entertained for a one-year period from the date the commissioner has issued the ~~certification~~ or order certifying the results of the election.

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

Subp. 4. **Arbitration bar.** If there is an exclusive representative and a labor contract, and impasse in the negotiation of a successor contract has been certified for arbitration under *Minnesota Statutes*, section 179A.16, subdivision 1 or 2, a petition raising a question of certification, representation, or decertification shall not be considered following certification of impasse ~~to the board~~. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to *Minnesota Statutes*, section 179A.20, subdivision 1.

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

Subp. 7. **Petitions filed with commissioner.** All petitions concerning representation matters or fair share fee challenges shall be filed with the commissioner in person ~~or~~, by mail, or by facsimile.

5510.1210 TRANSFER OF EXCLUSIVE REPRESENTATIVE STATUS.

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

Subp. 2. **Right to transfer.** An exclusive representative may transfer its rights and obligations to another employee organization by complying with subparts 3 ~~and~~ 4, 5, and 6.

[For text of subps 3 to 6, see M.R.]

Subp. 7. **Order.** Based on the record of hearing or an investigation, the commissioner may:

- A. issue ~~an amended certification~~ a transfer of exclusive representative order;
- B. order a representation election; or
- C. dismiss the petition.

[For text of subp 8, see M.R.]

5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

Subpart 1. **Filing petition.** A petition challenging a fair share fee assessment may be filed by individual employees and must include:

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

F. the specific activities or expenditures of the exclusive representative which the petitioner believes are not in conformance with the statutory prerequisites of *Minnesota Statutes*, section 179A.06, subdivision 3; ~~and~~

- G. the date on which the petitioner received notice of the fair share fee assessment;

[For text of items H to K, see M.R.]

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

5510.1810 JOINT-PARTY PETITION.

Subpart 1. **Certification of exclusive representative.** A joint petition for certification of an exclusive representative must include:

- A. ~~notarized~~ signatures of the parties;

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

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

5510.1910 HEARINGS OR INVESTIGATIONS.

Subpart 1. **Policy.** ~~The bureau believes that~~ Stipulations or agreements reached by the parties are conducive to harmonious and stable labor and management relationships. The bureau will encourage the parties to enter into these agreements whenever possible and will accept stipulations which are consistent with bureau policies and the act.

[For text of subps 2 to 10a, see M.R.]

Subp. 10b. **Preparation of case record on appeal to PERB.** Any person or party appealing a determination of the commissioner ~~to the board~~ must agree in writing to pay for the cost of preparing the transcript of the hearing upon which the determination was based, as well as the costs of duplicating all relevant exhibits and other written case file material. If the appeal involves only a portion of the elements or factors decided by the commissioner, and only parts of the hearing are relevant to that element or factor, a partial transcript and record may be purchased. The extent of the transcript and record necessary to provide ~~the board with the~~ a complete record upon which that portion of the commissioner's determination was based will be determined by the commissioner, based upon the scope of the issues under appeal. However, any party to an appeal may request that a portion of the entire record be added to the record submitted by the commissioner ~~to PERB~~. The party making such a request must agree in writing to pay for the cost of preparing this additional record. Any partial transcript shall include all testimony and evidence relevant to the issues under appeal.

[For text of subps 11 to 14, see M.R.]

Subp. 15. **Order pending appeal.** Any unit determination, unit clarification, or fair share fee challenge order which is appealed ~~to the board~~ shall continue in effect unless stayed by the commissioner upon request of one or more parties or ~~the board~~ as directed by an appellate court.

5510.2010 ELECTIONS.

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

Subp. 3. **Order.** An election order shall be mailed to all parties at least ten calendar days prior to the date of the on-site election or the date of the ~~tabulation~~ mailing of ballots for a mail ballot election. The election order shall:

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

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

Subp. 5. Correction of voter eligibility list.

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

B. Names shall not be added to the voter eligibility list after the close of the hearing on the election petition unless names were inadvertently omitted or the cutoff date for voter eligibility is changed because of an appeal ~~to the board~~ or court order.

C. Names shall be deleted from the voter eligibility list based on:

(1) transfer, promotion, or demotion of an employee out of the unit which is not prohibited by an order maintaining the status quo;

(2) an appeal ~~to the board~~ or court action which delays the conduct of the election or changes the cutoff date for voter eligibility; or

(3) voluntary or involuntary termination of an eligible voter who has not appealed the termination.

The deletion shall be made immediately prior to the opening of the polls or tabulation of the ballots.

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

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Absentee ballot.** Any eligible voter unable to be present at an on-site election may secure an absentee ballot by submitting an individual written request to the commissioner which must be received by the commissioner no later than specified in the election order. The written request must be dated and contain the name and home mailing address of the eligible voter, identification of the employer, signature of the eligible voter, bureau case number, and date of the election.

Upon receipt of a timely request for an absentee ballot, the commissioner shall mail a ballot, return envelope, and a letter of explanation to the voter.

Absentee ballots must be received by the commissioner in the return envelope no later than specified in the election order.

[For text of subps 9 and 10, see M.R.]

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

Proposed Rules

Subp. 11. **Status of scheduled election during appeal to board.** In the event of an appeal ~~to the board~~, the commissioner shall proceed with any pending election unless the commissioner determines that the nature of the appeal precludes a reasonable determination of the question of representation to be decided by the election. Any party wishing to stay an election pending resolution of an appeal ~~to the board~~ shall notify the commissioner in writing within five days of the appeal setting forth the reasons why the question of representation cannot be resolved during the pendency of the appeal. The commissioner shall respond to the notification in writing within ten days.

[For text of subps 12 to 15, see M.R.]

5510.2410 APPLICATION.

Parts 5510.2410 to 5510.3210 govern the conduct of negotiations between an exclusive representative and an employer, the conduct of mediation, the certification of unresolved items to ~~the board~~ arbitration, the arbitration of unresolved items, and the notification of intent to strike.

5510.2710 NEGOTIATION NOTICE.

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

Subp. 4. **Late notice penalty.** A \$10-per-day penalty shall be the only penalty for late notice of a desire to negotiate a subsequent labor contract and may be imposed by the commissioner upon request by a party adversely affected by the failure to provide timely notice or the commissioner's own motion. A request or motion to assess a penalty shall be made in writing and served upon the commissioner and the other party to the labor contract within ten days of the requesting party's first knowledge of the other party's desire to negotiate or, in the case of the commissioner's own motion, within 15 days of the receipt of a request for mediation assistance involving the same parties and contract. A request from a party or motion by the commissioner shall specify the date of first knowledge of the desire to negotiate, the expiration date of the current labor contract, and a brief statement of the adverse results or impact of the late notice. Upon receipt of a written request or after the commissioner's own motion to assess a penalty for late notice, the commissioner shall investigate the matter pursuant to part 5510.1910. If the commissioner finds that the late notice did not prejudice the commissioner or the other party, the commissioner may waive all or a part of the penalty. The penalty shall be payable to the state of Minnesota general fund. The amount of the penalty and its waiver is not subject to appeal ~~to the board~~.

5510.2905 CONFIDENTIAL INFORMATION.

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

Subp. 2. **Final positions.** Final positions submitted by a party in conjunction with a dispute that has been referred to interest arbitration are regarded as protected nonpublic data with regard to data not on individuals and as confidential data on individuals until both parties have filed their final positions with the commissioner under part 5510.2930, subpart 4. The commissioner may release the information ~~to the board, and the board may release the information~~ to the arbitration panel or arbitrator, to fulfill procedural requirements of the act and parts 5510.2410 to 5510.3210, but the information shall remain nonpublic and confidential until the commissioner has affirmed that final positions have been filed by both parties or until an interest arbitration hearing is commenced by the arbitration panel or arbitrator, at which time the final positions are classified as public data.

5510.2930 ~~REFERRAL~~ CERTIFICATION TO INTEREST ARBITRATION.

Subpart 1. **Referral Certification.** The commissioner may ~~refer~~ certify a matter to ~~the board~~ for arbitration when the commissioner has determined that further mediation efforts would serve no purpose and:

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

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

Subp. 4. **Final positions.** When an agreement or requirement to arbitrate has been established, and the commissioner has determined the items to be submitted to arbitration, the commissioner shall certify the matters to ~~the board~~ arbitration and direct each party to submit their final position on the items certified by the commissioner. Final positions shall be presented in the form of the contract language desired by each party to resolve the matter in dispute. Final positions must be submitted to the commissioner within 15 days of the date ~~when the commissioner certifies the matter to the board~~ of certification. The deadline for submitting final positions may be extended a reasonable period of time by the commissioner upon an adequate and timely showing of good cause by a party.

If the arbitration form is a final offer variety, the final positions of the parties may not be withdrawn or amended except by mutual written consent or to correct nonsubstantive errors of a clerical-technical nature or matters solely of form. When final positions have been received from both parties, the commissioner shall provide each party with a copy of the opposing party's final positions. The commissioner may provide copies of final positions to the arbitrator, but part 5510.2905, subpart 2, shall govern the protected nature of the final positions.

Subp. 5. [See repealer.]

Subp. 6. **Effect of untimely final positions.** The failure of a party to submit timely final positions on an item that has been submitted to final-offer arbitration shall be noted by the arbitration panel or arbitrator and shall result in a default award unless the delinquent party, in the sole discretion of the panel or arbitrator, can demonstrate good cause for the delinquency, in which case the panel or arbitrator may proceed as if the delinquency had not occurred. The failure of a party to submit timely final positions in a conventional arbitration matter shall be noted by the arbitration panel or arbitrator and may be considered by the panel or arbitrator in weighing the testimony, evidence, and overall good faith behavior of that party with respect to the items before the panel or arbitrator.

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

5510.5170 ARBITRATION.

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

Subp. 2. **Selection of arbitrator.** Within ten days of the service of written notice of intent to arbitrate, the employer's chief administrative officer or designee shall consult with the agent of the exclusive representative and endeavor to mutually agree upon an arbitrator to hear and decide the grievance. If the parties do not agree upon the selection of an arbitrator, either party may request a list of impartial arbitrators from the bureau. The parties shall alternately strike names from a list of ~~five~~ seven names to be provided by the bureau until only one name remains, and the remaining name shall be the designated arbitrator. The determination of which party will commence the striking process shall be made by mutual agreement or a flip of a coin. If one party refuses to strike names from the list provided by the bureau, the other party may serve written notice of this fact upon the bureau, with a copy to the offending party. Unless it is confirmed that the parties have otherwise selected or agreed upon an arbitrator within three days of service of the notice of refusal or failure to strike names, the bureau shall designate one name from the list previously provided to the parties and the person so designated by the bureau shall have full power to act as the arbitrator of the grievance.

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

REPEALER. *Minnesota Rules*, parts 5510.0310, subpart 5; and 5510.2905, subpart 5, are repealed.

Department of Revenue

Proposed Permanent Rules Governing the Aggregation of Capital Gains and Losses of a Unitary Business

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing the Aggregation of Capital Gains and Losses, *Minnesota Rules*, part 8019.0500

Introduction. The Department of Revenue intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Stephen E. Krenkel, Attorney; Minnesota Department of Revenue; Appeals, Legal Services & Criminal Investigation Division; 10 River Park Plaza, Mail Station 2220, St. Paul, Minnesota 55146-2220; Phone # (612) 215-5940; Fax # (612) 296-8229. TTY users may call the Department of Revenue at 297-2196.

Subject of Rules and Statutory Authority. The proposed rules are about the aggregation of capital gains and losses for affiliated groups of corporations filing Minnesota corporate franchise tax returns on the basis of a combined report. The statutory authority to adopt the rules is *Minnesota Statutes*, section 270.06, clause (14). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, July 15, 1998, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your

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

Proposed Rules

request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 15, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. 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 written request for a hearing, a public hearing will be held unless a sufficient number 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. Upon request, this Notice 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.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement 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. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted 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 to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

James L. Girard
Commissioner of Revenue

8019.0500 UNITARY BUSINESS: AGGREGATION OF CAPITAL GAINS AND LOSSES.

Subpart 1. General information. *Minnesota Statutes, section 290.17, subdivision 4, provides that if a trade or business conducted wholly within this state, or partly within and partly without this state, is part of a unitary business, the entire income of the unitary business is subject to apportionment under Minnesota Statutes, section 290.191. Minnesota Statutes, section 290.17, subdivision 4, further provides that none of the income of a unitary business is considered to be derived from any particular source, and none may be allocated to a particular place, except as provided by the applicable apportionment formula. In accordance with the unitary business principle, the aggregation of capital gains and capital losses is permitted or required in combined reporting as follows: for open taxable years beginning after December 31, 1986, and ending before the effective date of this part, corporations may file claims for refund in accordance with this part under Minnesota Statutes, section 289A.40, in effect for the year of the claims; and for taxable years beginning after the effective date of this part, capital losses must be aggregated with capital gains.*

Subp. 2. Definitions. *For purposes of this part, the following terms have the meanings given them:*

A. “Capital gain” means the amount of gain from the sale or exchange of capital assets in a taxable year that exceeds the losses from the sale of capital assets in the same taxable year. Capital assets is defined in section 1221 of the Internal Revenue Code.

B. “Capital loss” means the amount of losses from the sale or exchange of capital assets in a taxable year that exceeds the gains from the sale of capital assets in the same taxable year. Capital assets is defined in section 1221 of the Internal Revenue Code.

C. “Change in ownership” means the sale or transfer of voting stock, that is either directly or indirectly owned by a common owner or by common owners, either corporate or noncorporate, of a member of a combined group, which results in less than 50 percent of the voting stock of the member being owned by the previous common owner, or common owners who had owned more than 50 percent of such stock prior to the sale or transfer.

D. “Combined group” means two or more corporations that are part of a unitary business as defined in Minnesota Statutes, section 290.17, subdivision 4, and that file returns on a combined report basis under part 8019.0300 or Minnesota Statutes, section 290.17 or 290.34.

E. “Member” means a corporation or person whose income is included in a combined report.

F. "Net capital loss" means the sum of the capital gains and losses of all of the members of the combined group for a taxable year which results in an overall loss.

G. "Open year" means any taxable year for which the Minnesota commissioner of revenue may issue orders of assessment or the taxpayer may file an amended return to claim a credit or refund.

H. "Taxpayer" means a corporation as defined in *Minnesota Statutes*, section 290.01, subdivision 4, subject to tax imposed by *Minnesota Statutes*, chapter 290.

Subp. 3. **Application of capital losses.** In each taxable year, a member must first apply any capital loss to that member's capital gains. Any capital loss not applied and available must then be aggregated with the capital gains and capital losses of the other members of the combined group. Any capital loss not applied after aggregation must then be carried forward to the next taxable year by each member, subject to subpart 4. Any capital losses not applied through aggregation must be retained by the member that sustained the loss, and that member must carry the loss forward to the next tax year, regardless of the combined group to which the member belongs.

Subp. 4. **Proration of capital losses.** Proration of capital losses is required when more than one member of a combined group has a capital loss, and the combined group sustains a net capital loss. Proration is necessary in order to determine the amount of capital loss used by each member in aggregation, and the amount that is subsequently available for carryover. For any tax year that a combined group has two or more members with capital losses, and the combined group has a net capital loss, each member's capital loss must be aggregated based on its pro rata share of the combined group's total capital loss. The pro rata share of each member's capital loss to be applied to the capital gains is the sum of the capital gains for all the members having capital gains, multiplied by a fraction, the numerator of which is the amount of the member's capital loss, and the denominator of which is the total capital losses for all members of the combined group that had capital losses. The pro rata share of the member's capital loss not used in aggregation must then be available for carryover.

Example: A combined group has the following capital gains and capital losses:

<u>Corporation</u>	<u>Capital Loss</u>	<u>Capital Gain</u>
A	(1,000)	
B	(4,000)	
C	(5,000)	
D		1,000
E		2,000
<hr/>		
Total	(10,000)	3,000

These losses would be prorated as follows:

<u>Corp.</u>	<u>Computation</u>	<u>Loss To Be Aggregated</u>	<u>Computation</u>	<u>Amount Available For Carry Forward</u>
A	$\$3,000 \times (\$1,000) \equiv$	\$300	$(\$1,000) - (\$300) \equiv$	(\$700)
	<hr/>			
	(\$10,000)			
B	$\$3,000 \times (\$4,000) \equiv$	\$1,200	$(\$4,000) - (\$1,200) \equiv$	(\$2,800)
	<hr/>			
	(\$10,000)			
C	$\$3,000 \times (\$5,000) \equiv$	\$1,500	$(\$5,000) - (\$1,500) \equiv$	(\$3,500)
	<hr/>			
	(\$10,000)			
D	N/A	N/A	N/A	N/A

Proposed Rules

<u>E</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
		_____		_____
<u>Total</u>		<u>\$3,000</u>		<u>(\$7,000)</u>

Subp. 5. Carryover from tax years beginning before January 1, 1987. Capital losses incurred by a corporation for tax years beginning before January 1, 1987, must first be carried back three years under *Minnesota Statutes* 1986, section 290.16. Any losses not applied may be allowed as a capital loss carryover, and will offset the capital gains of the combined group of which it is a member in the carryover year.

Subp. 6. Separate return loss carryover. A corporation may not aggregate its capital gains or capital losses in any tax year in which the corporation does not file as a member of a combined group. Capital losses incurred in such tax year must be carried forward and, in years which the taxpayer files as a member of a combined group, must be aggregated under subpart 3.

Subp. 7. Treatment of losses incurred when corporation not subject to tax in Minnesota. Capital losses incurred by a corporation in a year in which it did not file a Minnesota tax return, or was a member of a combined group of which no member filed a Minnesota tax return, are not available for carryover to offset any gains either on a separate or combined return. This subpart applies to all loss years, including those beginning after December 31, 1986.

Subp. 8. Carryover when changes in ownership occur. When a member of a combined group has a change in ownership, the member shall aggregate its capital gains or capital losses that were recognized during the time period of the tax year immediately preceding the change in ownership with those capital gains and losses that were recognized during the same time period by all members of the combined group regardless of whether a short period return has been filed. Such capital gains and losses must be aggregated under subpart 3. Any capital losses not applied through aggregation must be carried forward in accordance with subpart 3 and may only be aggregated with those capital gains and losses that were recognized by the corporation's new combined group for the portion of the corporation's tax year immediately following the change in ownership.

Secretary of State

Proposed Permanent Rules Relating to Elections

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to and Repeal of Rules Governing Voter Registration; Absentee Ballots; Mail Ballots; Ballot Formats; and Voting Machines, *Minnesota Rules*, chapter 8200; chapter 8210; chapter 8220; chapter 8230; part 8235.0500; part 8235.0900; part 8235.1000; part 8240.1600; and chapter 8250.

Introduction. The Secretary of State intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Joseph Mansky
Director, Election Division
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
(612) 215-1440

TTY users may call the Election Division at (612) 297-5353 or (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about (1) the form of and information required on voter registration cards; (2) notices sent to voters when their voter registration status changes or when election officials discover problems with their voter registration cards or records; (3) technical amendments required by changes to the form of the voter registration card and voter notices; (4) absentee balloting procedures and forms; (5) mail balloting procedures and forms; (6) certification and testing of electronic voting systems; (5) security measures for electronic voting systems; (7) procedures for optical scan voting systems and election jurisdictions using optical scan voting systems that must be followed before, during, and after election day; (8)

technical changes necessary to make the rules conform to the repeal of the statutory authority to use lever voting machines and punch card voting systems; and (9) the language and formats required for ballots. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 201.071, subdivision 1 (voter registration card); 201.221 (voter registration); 203B.04, subdivision 1 (absentee ballots); 203B.04, subdivision 5 (absentee ballots); 203B.08, subdivision 4 (absentee ballots); 203B.09 (absentee ballots); 203B.125 (absentee ballots); 204B.45, subdivision 3 (mail ballots); 204B.25, subdivision 2 (chapter 8240); 204C.361 (chapter 8235); 205.17, subdivision 6 (municipal ballot format); 205A.08, subdivision 5 (school district ballots); 204D.08, subdivision 1 (state primary ballot); 204D.11, subdivisions 1, 2, 3, 4, 6 (white, pink, canary, federal white, and gray ballots, respectively); 206.84, subdivision 3 (electronic voting system ballots); 206.57, subdivision 1 (voting systems); and 206.81 (voting systems). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, July 15, 1998, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 15, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. 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 written request for a hearing, a public hearing will be held unless a sufficient number 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. Upon request, this Notice 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.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement 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. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted 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 to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 3 June 1998

Joan Anderson Growe
Secretary of State

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

Proposed Rules

8200.1200 REGISTRATION CARD; FORMAT.

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

A. contain the data elements ~~and certification~~ provided in *Minnesota Statutes*, section 201.071;

B. ~~contain the following certification.~~ I certify that I

~~.~~ will be at least 18 years old on election day;

~~.~~ am a citizen of the United States;

~~.~~ will have resided in Minnesota for 20 days immediately preceding election day;

~~.~~ am not under guardianship of the person;

~~.~~ have not been found by a court to be legally incompetent to vote;

~~.~~ have not been convicted of a felony without having my civil rights restored; and

~~.~~ have read and understand this statement, that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both;

C. be consistent in layout with the data entry screens used by the statewide registration system;

~~C.~~ D. take into consideration readability and ease of understanding;

~~D.~~ E. provide room for including a mailing address for returning the completed registration;

~~E.~~ F. have printed on or with the card a set of instructions for completing the registration; and

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

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

Subp. 2. **Box for office use only.** The voter registration card must contain a box marked for “~~office election day official use only~~” which contains “W __,” “P __,” and “~~S.D. No. —~~” “SD.” These initials stand for “ward,” “precinct,” and “school district.” Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the “~~office election day official use only~~” box.

Subp. 3. **Identifying mark.** The voter registration card may include a mark identifying where the voter obtained the card or how the card was delivered to the county auditor or secretary of state.

8200.2800 REGISTRATIONS RECEIVED FEWER THAN 20 DAYS BEFORE ELECTION.

When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that the applicant must register on election day to vote at the upcoming election. ~~Included in this notification must be information to the voters concerning the manner in which they may register to vote on election day at the polls.~~ In the notice to the applicant the auditor shall explain that the registration card received by the auditor makes the applicant ~~an eligible voter at the next election following~~ registered to vote on the day after the upcoming election.

8200.2900 FAULTY OR DEFICIENT REGISTRATIONS.

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

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

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

8200.2950 ADDRESSES ON VOTER REGISTRATION CARDS.

A person having a residence with a street address who completes a voter registration card must provide the street address assigned to the person's residence in the residence space on the voter registration card. The alternate mailing address space on the voter registration card must be used only when the United States Postal Service will not deliver mail to the registrant's residence address.

8200.3100 NOTICE OF INEFFECTIVE OR LATE REGISTRATION.

Subpart 1. **Conditions requiring.** Upon receipt of a voter registration card that is faulty or defective, filed with the wrong office, or filed during a period when preelection day voter registrations cannot by law be accepted, the notice of ineffective registration in subpart 2 shall be mailed to the person requesting to become registered. The notice shall require that it be returned if not deliverable. If a county auditor receives a voter registration card that is defective, the auditor shall send a notice of ineffective registration to the person seeking to register. If a county auditor receives a voter registration card that is filed during the period when preelection voter registrations cannot be accepted, the auditor shall send a notice of late registration to the person seeking to register. The notice of late registration must require that it be returned if not deliverable. The secretary of state shall provide sample notice forms.

Subp. 2. [See repealer.]

8200.3550 NOTICE OF CHALLENGE REMOVAL.

The county auditor shall mail a notice indicating the individual's name, address, precinct, and polling place to any registered voter whose civil rights have been restored after a felony conviction; who has been removed from under a guardianship of the person; or who has been restored to capacity by the court after being ineligible to vote. The notice must require that it be returned if not deliverable.

8200.5100 REGISTRATION AT PRECINCT ONLY.

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

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

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

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

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

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

8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION CARD.

When a voter uses a Minnesota driver's license, learner's permit, or Minnesota identification card 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 election day official use only"~~ "office election day official use only" area of the registration card.

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

Proposed Rules

CHAPTER 8210 SECRETARY OF STATE ABSENTEE BALLOTS

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 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 of eligibility.

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S FORMER ADDRESS IN MINNESOTA (PLEASE PRINT)

CITY OR TOWN (PLEASE PRINT)

COUNTY (PLEASE PRINT)

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;
- have not been found by a court to be legally incompetent to vote;
- have not been convicted of a felony without having my civil rights restored;
- 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 register to vote in the state in which I now live.

VOTER'S SIGNATURE

DATE

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. Application form. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1, shall be in the form in ~~part 8210.9910~~ subpart 1a. An absentee ballot application prepared pursuant to *Minnesota Statutes*, section 203B.06, subdivision 1, in jurisdictions where absentee balloting is allowed for any reason, shall be in the form in subpart 1b. An absentee ballot application prepared pursuant to *Minnesota Statutes*, section 203B.17, subdivision 2, must be in the form in subpart 1c. An absentee ballot application prepared pursuant to part 8210.0100 must be in the form in subpart 1d. An absentee ballot application for the presidential primary must be in the form in ~~part 8210.9917 or 8210.9918~~ subpart 1e or 1f. An absentee ballot application for an election may include the date of the election.

Subp. 1a. General application form.

ABSENTEE BALLOT APPLICATION
READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

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

I will need an absentee ballot for the following reason:

(Check one)

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

Name _____

(please print)

My legal residence address is:

Street or Route No. _____

Apt. No. _____

Rural Box No. _____

City Township _____

County _____

Zip _____

(check whichever is applicable)

Telephone number (optional) _____

Mail my absentee ballot to me at the following address:

Street or Route No. _____

Apt. No. _____

Rural Box No. _____

City _____

State _____

Zip _____

Date _____

Legal Signature _____

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

Proposed Rules

Subp. 1b. Alternative application form.

ABSENTEE BALLOT APPLICATION
READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

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

Name _____

(please print)

My legal residence address is: _____

Street or Route No. _____ Apt. No. _____ Rural Box No. _____

City Township _____ County _____ Zip _____

(check whichever is applicable)

Telephone number (optional) _____

Mail my absentee ballot to me at the following address:

Street or Route No. _____ Apt. No. _____ Rural Box No. _____

City _____ State _____ Zip _____

Date _____ Legal Signature _____

Subp. 1c. **Military application form.**

ABSENTEE BALLOT APPLICATION

Who may use this application:

You may use this application for an absentee ballot if you (or the voter you are applying for) will be absent from your Minnesota residence on election day because you are

- a member of the armed forces
- a spouse or dependent of a member of the armed forces
- temporarily outside the United States
- permanently living outside the United States.

You may apply on behalf of another voter if you are the spouse, parent, brother, sister, or child age 18 or older of the voter. One application covers both the upcoming primary and general elections.

Please drop-off, mail, or fax this application to the county auditor's office in the county where you reside or resided in Minnesota. Allow enough time for the ballot to be mailed to you and for the ballot to arrive back to the county auditor by election day.

Please complete the following:

Voter's name

Voter's Minnesota address (If the voter is living permanently outside the United States, please give the voter's former address of residence in Minnesota.)

City or township

MN

Check the box that best describes why the voter will be absent from Minnesota on election day:

- Voter is a member of the armed forces.
- Voter is the spouse or dependent of a member of the armed forces.
- Voter is temporarily outside the United States.
- Voter lives permanently outside the United States with no definite intention of returning to the United States (eligible to vote for president, vice-president, and members of Congress only).

Mail the ballot(s) to this address:

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

Proposed Rules

Applicant's signature:

The voter expects to be absent from the precinct on election day. The information I provided on this application is true and correct.

Signature of applicant

Date

Relationship to voter (if applicant is not voter)

Please provide one of the following forms of identification (check one):

Voter's military ID card number _____

or

Voter's passport number _____

or

Signature and title of a person authorized to administer oaths certifying that the applicant has attested to the truthfulness of the contents of this application under oath. (This person may be a military officer ranked sergeant or equivalent or above, a notary public, or any other person authorized to administer oaths.)

Signature

Title

Subp. 1d. Presidential application form.

PRESIDENTIAL ABSENTEE BALLOT APPLICATION

Who may use this application:

Federal law permits you to apply for an absentee ballot that has only the offices of president and vice-president if you:

- will be at least 18 years old on election day;
- are a citizen of the United States;
- are not under a guardianship of the person;
- have not been found by a court to be legally incompetent to vote;
- have not been convicted of a felony without having your civil rights restored;
- previously lived in Minnesota;
- moved from Minnesota to another state within 30 days of the election; and
- are not eligible to register to vote in the state in which you now live.

Please drop-off, mail, or fax this application as soon as possible to the auditor's office in the county where you lived in Minnesota. Allow enough time for the ballot to be mailed to you and for the ballot to arrive back to the county auditor by election day.

Please complete the following:

Your name

Your former address in Minnesota

City or township

County

MN

Mail the ballot to me at:

Please sign.

The information I provided on this application
is true and correct

Your signature

Date

Subp. 1e. **Presidential primary application form.**

PRESIDENTIAL PRIMARY
ABSENTEE BALLOT APPLICATION
Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

_____ Party
_____ Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

I will need an absentee ballot for the following reason:

(Check one)

- absence from precinct
- illness or disability
- religious discipline or

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

Proposed Rules

observance of religious holiday
 service as election judge in another precinct

Name _____

(please print)

My legal residence address is:

Street or Route No. Apt. No. Rural Box No.

City Township County Zip

(check whichever is applicable)

Telephone number (optional) _____

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____

Legal Signature

Subp. 1f. **Alternative presidential primary application form.**

PRESIDENTIAL PRIMARY
ABSENTEE BALLOT APPLICATION
Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

____ Party
____ Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

Name _____

(please print)

My legal residence address is:

Street or Route No. Apt. No. Rural Box No.

City Township County Zip

(check whichever is applicable)

Telephone number (optional) _____

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

CityStateZipDate __________
Legal Signature

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

INSTRUCTIONS

1. ~~In order~~ To vote by absentee ballot
 1. you must be an eligible voter, and
 2. you must ~~be a resident of the election precinct indicated by your~~ reside at the legal residence address you give on this application; ~~and you must not intend to abandon this residence prior to on~~ on election day. ~~Please note that Minnesota law provides that~~ It is a felony to make a false or untrue statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to exhibit show a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote in a precinct or to assist help anyone to cast an illegal vote.
2. Be sure to check the appropriate box indicating why you ~~are unable to~~ cannot go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.
3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.
4. Be sure to sign the application.
5. Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. You must indicate whether you are requesting ballots for the primary or general election, or both.
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.

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

Subp. 4. **Permanent application.** An eligible voter who meets the requirements in *Minnesota Statutes*, section 203B.04, subdivision 5, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in ~~part 8210.9915 subpart 4a~~ for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. ~~The completed form must be attached to the voter's registration card.~~ The voter's permanent application status must be indicated and permanently maintained on the voter's registration record on the statewide voter registration system.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

~~An application submitted by a voter under this subpart must be retained permanently with the voter's registration record. The form must be transferred with the voter's registration record whenever a change in the voter's name, address, or status occurs.~~

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

Proposed Rules

Subp. 4a. Permanent application form.

**APPLICATION TO AUTOMATICALLY RECEIVE
ABSENTEE BALLOT APPLICATIONS**

Name _____

Last

First

Middle

Township or City
of Legal Residence _____

Township or City

County

Address of
Legal Residence _____

Street Address or Route and Box Number

Mailing Address
for Application
(if different) _____

Street Address or Route and Box Number

Mailing City

State

Zip

Telephone Number (optional) _____

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

Signature

Date

[For text of subp 5, see M.R.]

Subp. 6. Agent delivery application. An application for agent delivery may be combined in one document with an absentee ballot application.

8210.0225 APPLICATIONS FROM CHALLENGED VOTERS.

A voter registration card must be sent with the ballot to any challenged voter who applies for an absentee ballot. The absentee ballot process must be administered as if the voter was not registered to vote.

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Subpart 1. Required instructions. 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 form in ~~parts 8210.9920 and 8210.9925~~ subpart 2 or 3. The instructions may include a telephone number or electronic mail address which voters can call or write for help in absentee voting. In election jurisdictions using electronic voting systems, the instructions may explain how to correctly mark and fold the electronic voting system ballots.

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

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

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

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

- a. a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness);
- b. a notary public;
- c. any person having authority to administer oaths; or
- d. a United States Postal Service official, if available.

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

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

- a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address; or
- b. one document from the list in (i) and one document from the list in (ii):
 - (i) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day, and
 - (ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, or Minnesota postsecondary student identification card with your photograph;
- c. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;
- d. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or
- e. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

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

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

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

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

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

Step 10. Your ballot may be returned in one of the following ways:

- a. by mail;
- b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or
- c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

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

Proposed Rules

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

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

Subp. 3. Instructions for registered voters.

INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

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

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

a. a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness);

b. a notary public;

c. any person having authority to administer oaths; or

d. a United States Postal Service official, if available.

Step 2. Show your witness the unmarked ballots.

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

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

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

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

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 is required as well.

Step 8. Your ballot may be returned in one of the following ways:

a. by mail;

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or

c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

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

8210.0600 STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** Except as provided in subpart 4, the statement of absentee voter for persons voting under *Minnesota Statutes*, sections 203B.04 to 203B.15 must be printed in the form shown in ~~part 8210.9930~~ subpart 1a.

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

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

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

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

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

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

↓ PROOF OF RESIDENCE USED BY VOTER ↓

Witness - please check one:

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

VOUCHER'S NAME (PLEASE PRINT)

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

Proposed Rules

VOUCHER'S ADDRESS (PLEASE PRINT)

VOUCHER'S SIGNATURE

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

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 ~~“STATEMENT OF ABSENTEE VOTER”~~ “TO BE COMPLETED BY VOTER” shall be printed in no smaller than 12-point ~~bold~~ type in capital letters. The remainder of the statement shall be printed in no smaller than ~~11-point~~ 8-point medium type.

Subp. 4. **Alternative statement.** As an alternative, a county auditor may print two different versions of the statement. One version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate version may be printed in the form shown in ~~part 8210.9935~~ subpart 4a and must be provided only to absentee voters who are registered to vote at the time of application. The statement must be printed to the specifications of subpart 3.

Subp. 4a. Alternative statement of absentee voter form.

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

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

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
- enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

Proposed Rules

U.S. Postage Paid
42 USC 1973 dd
39 USC 3406

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

E. ~~A solid rule line 1-1/2 picas wide must be placed 1-1/2 inches from the top of the envelope. A second solid rule line 1-1/2 picas wide must be placed one-half inch from the bottom of the first line.~~

F. ~~In the one-half inch space between the two solid rule lines must be printed the words "OFFICIAL ELECTION BALLOTING MATERIAL - VIA AIR MAIL" in 18-point bold type in capital letters. The words "OFFICIAL ABSENTEE BALLOTING MATERIAL — FIRST CLASS MAIL" must be printed in 18-point bold type and inside a box.~~

~~G. F.~~ The envelope must be white in color with Pantone 193 194 U red ink or darker used for all printing.

~~H. G.~~ County auditors or municipal clerks must address the return envelope as provided in part 8210.0700, subpart 3.

~~I. H.~~ Facing identification marks (FIM) must be positioned as specified in United States postal service instructions for facing identification marks.

I. Marks approved by the United States Postal Service to identify ballot materials may be printed on the absentee ballot envelopes.

Subp. 3. **Affidavit of eligibility.** On the back of the absentee return envelope provided for in *Minnesota Statutes*, section 203B.21, an affidavit of eligibility must be printed on the right-hand three-fourths of the envelope in the form shown in ~~part 8210.9955~~ subpart 3a.

Subp. 3a. Form of affidavit of eligibility.

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S PRESENT OR LAST ADDRESS IN MINNESOTA (PLEASE PRINT)

CITY OR TOWN (PLEASE PRINT)

COUNTY (PLEASE PRINT)

I certify that

- . the information above is correct;
- . I have not cast and will not cast any other ballot in this election;
- . I personally marked the enclosed ballot(s) without exhibiting it to any other person, or which, in case of my physical disability, was marked for me under my personal direction; and
- . I am qualified to vote the enclosed ballot(s) as (check category that applies)

a member of the armed forces;

a citizen of the U.S. temporarily residing outside the territorial limits of the U.S.;

a spouse or dependent of a member of the armed forces;

a citizen of the U.S. permanently residing outside the territorial limits of the U.S.

* Military identification or passport number: _____

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

*Note: No witness is required if you provide your military identification or passport number to match the military identification or passport number on your application.

SIGNATURE OF WITNESS

DATE

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.)

Subp. 4. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

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

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

Subp. 2. **Inspecting for seal.** Before accepting an absentee ballot return envelope that 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 is properly completed.

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; and correct; or complete the certificate.

When an agent hand delivers a sealed envelope with an improperly completed absent voter's certificate the agent may return the envelope to the absent voter for correction or completion.

When an agent hand delivers an envelope that is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted. The auditor or clerk shall write "rejected" across the absentee ballot return envelope and shall write the reason for rejection on the envelope. The absentee ballot return envelope shall be retained by the auditor or clerk in the auditor's or clerk's office. 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 nonacceptance. A replacement ballot notice may be sent in place of the notice of nonacceptance. The absent voter may apply for replacement absentee ballots.

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

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, 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.]

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

Proposed Rules

8210.3000 MAIL BALLOTING.

[For text of subps 1 to 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 20 or later than 14 days prior to the election. No ballot may be mailed to a challenged voter. A challenged voter may apply for an absentee ballot.

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 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 people to serve as your witness:

a. a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness):

b. a notary public; or

c. any person having authority to administer an oath, such as a judge.

Step 2. Show your witness the unmarked ballots.

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

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

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

Step 6. Place the tan colored ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

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 is required as well.

Step 8. The ballot return envelope may be mailed or delivered in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

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

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

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

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

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
- enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

Subp. ~~4a.~~ 4c. **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter’s party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked “rejected.”

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under *Minnesota Statutes, sections 203B.04 and 203B.06 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 absent voter’s certificate and instructions to absentee voters must be those specified in parts 8210.9920 and 8210.9930~~ part 8210.0500, subpart 2. The statement of absentee voter must be that specified in part 8210.0600, subpart 1a, or 8210.0800, subpart 3a. The absentee ballot return envelope must be as specified in part 8210.0700 or 8210.0800.

Subp. 6. **Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the ~~auditor official~~ conducting the election by completing a replacement mail ballot affidavit. The spoiled ballot must be returned to the ~~auditor 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 ~~auditor election official~~ shall stamp or mark on all replacement ballot return envelopes the words “REPLACEMENT BALLOT” and shall maintain a record of all replacement ballots issued.

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

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

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

(print or type legal name of voter)

(print or type legal address)

I certify that I am a resident and eligible voter in

(name of township or territory)

I certify that I am requesting a replacement ballot because I spoiled, lost, or did not receive the ballot mailed to me.

I certify that if I spoiled the ballot, I have returned the spoiled ballot to the official who issued the ballot or that it is enclosed with this affidavit.

I certify that if I receive both ballots or find the first ballot, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

(date)

(legal signature of voter)

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. The ~~auditor~~ 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 ~~8210.9930~~ 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 and will 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.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the ~~county auditor, municipal clerk, or school district clerk,~~ official conducting the election by mail, in person, or by designated agent. Ballots returned in person, or by designated agent, must be accepted until 8:00 p.m. on the day of the election. An individual shall not be the designated agent of more than three absentee voters in one election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the election official conducting the election. The number of voting stations set up in the office of the official conducting the election must be sufficient to accommodate the number of voters expected to vote in person on election day. On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots. The governing body shall designate a suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint election judges as provided in *Minnesota Statutes*, sections 204B.19 to 204B.21. During the day of the election at least three election judges must be present at the office of the official conducting the election to accept mail ballots delivered in person and to process persons registering on election day. Additional judges may be appointed as needed. If ~~paper~~ the ballots are used to be counted by hand and there are more than two questions or one office to be voted on, at least one judge must be appointed for the counting of ballots for every 500 persons from whom ballots are expected to be returned.

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, applications for absentee ballots, affidavits for 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.

Prior to 8:00 p.m. on election day, the election judges may examine the return envelopes, mark them “accepted” or “rejected” and 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. At 8:00 p.m. on election day, the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

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

CHAPTER 8220
SECRETARY OF STATE
CERTIFICATION AND TESTING OF
VOTING MACHINES SYSTEMS

8220.0050 CONDUCT OF ELECTIONS.

Except as provided in *Minnesota Statutes* or in parts 8220.0050 to ~~8230.4350~~ 8230.4395, elections shall be conducted in the manner prescribed for precincts using paper ballots in the Minnesota election law.

8220.0150 MINIMUM STANDARDS.

Parts 8220.0050 to ~~8230.4350~~ 8230.4395 set minimum standards for procedures in the use of electronic voting systems. An election jurisdiction may by resolution require additional procedures.

8220.0250 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 8220.0150 to ~~8230.4350~~ 8230.4395, terms defined in *Minnesota Statutes*, section 206.56, have the meanings given them in that section, and the following terms defined in this part have the meanings given them.

Subp. 1a. **Audit trail.** “Audit trail” means any documentation of changes made to voting system programming, the incident report, and the report generated by an electronic voting system on election day.

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

Subp. 2a. **Ballot box.** “Ballot box” means a locked or sealed container into which voters deposit ballots on election day.

Subp. 3. [See repealer.]

Subp. 3a. **Ballot counter.** “Ballot counter” means an automatic tabulator that is capable of counting votes on ballots as they are deposited into the tabulator.

Subp. 4. [See repealer.]

Subp. 4a. **Ballot style.** “Ballot style” means a unique ballot format prepared for use in one or more precincts in which all ballot information is identical.

Subp. 5. [See repealer.]

Subp. 5a. **Central count voting system.** “Central count voting system” means an electronic voting system designed to count ballots from more than one precinct at a central counting center.

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

Subp. 6. [See repealer.]

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

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

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

Proposed Rules

Subp. 10. **Damaged ballot.** “Damaged ballot” means a valid ballot cast by a voter that is mutilated at the precinct, in transportation to the central counting center, or in processing at the central counting center to the extent that it cannot be entered into the ~~computer voting system~~ and must be duplicated.

Subp. 11. **Demonstration ballot.** “Demonstration ballot” means a ballot of a distinctive color used to instruct voters in the use of the voting ~~device~~ system.

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. **Duplicate ballot card.** “Duplicate ballot ~~card~~” means a ballot ~~card~~ on which the word “DUPLICATE” is printed, stamped, or written ~~and which may be of a different color~~ to which election judges transfer a voter’s selections from the original ballot ~~card~~ when necessary.

Subp. 15. **Edit listing.** “Edit listing” means a computer-generated listing showing ~~the names, rotation sequence, and ballot position numbers for each candidate as they appear in the computer program for each precinct, in the order that they appear in the computer program for each precinct, the offices and questions to be voted on and the candidates’ names.~~

Subp. 16. **Election jurisdiction.** “Election jurisdiction” means any municipality, ~~township~~, school district, county, or special election district holding ~~original~~ responsibility for an election or part of an election.

Subp. 17. **Hardware.** “Hardware” means the ~~mechanical~~, electromechanical, and electronic equipment used to ~~record and~~ tabulate votes.

Subp. 18. **Header cards card.** “Header ~~cards card~~” means ~~data processing cards which contain the necessary data to identify the precinct of the following ballot cards to the computer~~ a special ballot used to initiate voting, end voting, or enable tabulation of absentee ballots.

Subp. 18a. **Incident report.** “Incident report” means a record made by election judges in the polling place on election day of unusual events that occurred in that polling place on election day.

Subp. 19. [See repealer.]

Subp. 20. **Operating system.** “Operating system” means a collection of programs that control the overall operation of a ~~computer voting system~~.

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

Subp. 22. [See repealer.]

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

Subp. 22b. **Precinct count voting system.** “Precinct count voting system” means an electronic voting system designed to store ballot configurations and vote totals on a removable memory unit and to tabulate ballots at the precinct polling place as voters deposit the ballots into the ballot box.

[For text of subp 23, see M.R.]

Subp. 24. **Public accuracy test.** “Public accuracy test” means a public test conducted prior to election day for the purpose of demonstrating the accuracy of the computer program and ~~computer voting system~~ which will be used to count the ballots and to demonstrate and explain the testing procedures being used to determine the accuracy.

Subp. 25. [See repealer.]

Subp. 25a. **Secrecy cover.** “Secrecy cover” means a cover to be used by the voter to conceal the votes marked on the ballot.

Subp. 26. **Self-contained voting station.** “Self-contained voting station” means a unit that ~~contains a voting device enclosed beneath and on three sides and lighted~~; when assembled the unit creates ~~one individual voting station~~ a private space enclosed beneath and on three sides and with adequate lighting in which a voter may mark a ballot.

Subp. 27. **Software.** “Software” means programs, languages, or routines that control the operations of a ~~computer voting system~~ used to record and tabulate votes.

Subp. 28. [See repealer.]

Subp. 28a. **Summary statement.** “Summary statement” means the certification supplied by the election jurisdiction to each precinct on which to record the information required by *Minnesota Statutes*, section 204C.24, subdivision 1, and any other information requested by the election jurisdiction or the secretary of state.

Subp. 29. [See repealer.]

Subp. 30. **Test deck.** “Test deck” means a set of preaudited mock voted ~~ballot cards~~ ballots used to determine that the ~~computer voting system~~ and software to be used in the election accurately count and process the votes.

Subp. 31. **Transfer case.** “Transfer case” means a container for transporting voted ballots ~~to the counting center~~.

[For text of subps 32 and 33, see M.R.]

Subp. 34. **Valid vote.** “Valid vote” means a voted ballot cast according to the instructions for the electronic voting system in keeping with the Minnesota election law and parts 8220.0050 to ~~8230.4250~~ 8230.4395.

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

Subp. 36. **Vote.** “Vote” means an indication of voter intent counted by ~~mechanical or~~ electronic methods.

Subp. 37. [See repealer.]

[For text of subp 38, see M.R.]

8220.0325 TIMING.

All applications for examination and 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 1 of the following odd-numbered year.

8220.0350 APPLICATION.

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

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

C. all technical manuals and documentation related to the ~~machine or~~ system;

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

E. a list of all state election authorities that have tested and approved the ~~machine or~~ system for use;

F. a list of all election jurisdictions where the ~~machine or~~ system has been used for elections;

G. a description of any support services offered by the vendor and of all peripheral equipment that can be used in conjunction with the ~~machine or~~ system;

H. recommended procedures for use of the ~~machine or~~ system at Minnesota elections including procedures necessary to protect the integrity of the election;

I. specifications for materials and supplies required to be used with the ~~machine or~~ system;

J. explanation of the level of technical expertise required to program or prepare the ~~machine or~~ system for use at an election; and

K. certification by an independent testing authority approved by the secretary of state of conformance or explanation of variances from any to standards for voting equipment recommended issued by the Federal Election Commission.

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

8220.0450 ACCEPTANCE DEMONSTRATION.

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

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

Proposed Rules

The acceptance demonstration must be provided by the vendor and attended by designees of the secretary of state. The vendor is responsible for demonstrating that the ~~machine or~~ system can meet all requirements of Minnesota election law and parts 8220.0050 to ~~8230.4250~~ 8230.4395. In the acceptance demonstration, the vendor of the ~~machine or~~ system must demonstrate the following concerning the ~~machine or~~ system:

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

C. full audit capability, with an audit trail, ~~in the case of an electronic voting system,~~ which includes a printout of overvotes and undervotes for each office and issue, and with the undervotes recorded directly from the ballots and not determined by subtraction of totals from ~~nonovervoted~~ ballots that were not overvoted;

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

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

[For text of items I to K, see M.R.]

8220.0550 TESTING AND EXAMINATION.

The secretary of state shall investigate and evaluate the experience of other states and election jurisdictions using the ~~machine or~~ system. The secretary of state shall review the results of the acceptance demonstration and perform additional tests as the secretary deems necessary. The additional tests may include field testing at simulated or actual elections, technical evaluation of the hardware and software by a designee of the secretary of state, and experimental use as provided in *Minnesota Statutes*, section 206.81. In determining the need for and extent of additional examination, the secretary of state shall consider the record of use in other states and the extent and experience of use in Minnesota of similar ~~machines or~~ systems.

8220.0650 APPROVAL OF MACHINES OR SYSTEMS.

Subpart 1. **Certification.** If, from the reports of the demonstration and testing, the secretary of state determines that the ~~machine or~~ system complies with *Minnesota Statutes* and parts 8220.0050 to ~~8230.4250~~ 8230.4395 and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the ~~machine or~~ system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. The certification may include stipulations or special procedures for use of the ~~machine or~~ system. No certification may be issued until the vendor has:

A. paid all costs of the examination;

B. certified that the vendor and any agent acting on behalf of the vendor will offer the ~~machine or~~ system for use or sale only in accordance with *Minnesota Statutes* and parts 8220.0050 to ~~8230.4250~~ 8230.4395 and any stipulations of the certification;

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

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

E. deposited with the secretary of state a bond in the amount of \$5,000 conditioned on the vendor offering the ~~machine or~~ system for sale in the manner required by parts 8220.0050 to ~~8230.4450~~ 8230.4395 and any conditions under which the ~~machine or~~ system is certified for use in Minnesota. The form and execution of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the ~~machine, system, or program~~ is discontinued in Minnesota.

Subp. 2. **Decertification.** If a voting ~~machine or~~ system no longer meets the standards of *Minnesota Statutes* or parts 8220.0050 to ~~8230.4250~~ 8230.4395, the secretary of state may withdraw certification of the voting ~~machine or~~ system. The vendor must be given written notification of intent to withdraw certification and may within ten days of receipt of the notification submit a written request to the secretary of state for a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.62.

Subp. 3. **Forfeiture of bond.** If the secretary of state determines that a vendor has offered for sale or use at an election a voting ~~machine or~~ system in a manner other than that required by parts 8220.0050 to ~~8230.4450~~ 8230.4395 or any conditions under which the ~~machine or~~ system was certified, the bond required by subpart 1, item E, must be forfeited. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. No ~~machine or~~ system may be subsequently offered for sale or use at an election by the vendor who has received a notice of intent to forfeit the bond or whose bond has been forfeited, until the vendor has submitted an additional bond in the amount of \$5,000. The secretary of state shall notify each official on the user list of a receipt, forfeiture, or restoration of these bonds.

8220.0700 PERIODIC REEXAMINATION OF SOFTWARE.

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

8220.0750 PREPARATION OF COMPUTER PROGRAMS.

Computer programs must be prepared so as to tabulate accurately each voter's choices for all candidates, offices, and measures for which the voter is lawfully entitled to vote in conformity with the *laws of Minnesota* and parts 8220.0050 to ~~8230.4250~~ 8230.4395.

Computer programs must ~~include instructions requiring that machine-readable~~ require an electronically readable precinct identification be required identifier or ballot style indicator on all ballot cards. Two identical header cards may precede the deck of ballot cards of each precinct. The program may provide that if two identical header cards do not appear in front of the ballot cards of a precinct, no counting of ballots for that precinct may take place.

~~A data processing card may follow the ballots of each precinct instructing the computer that all ballots of the precinct have been counted. The program may provide that if header cards contain instructions to the computer that all ballots of the preceding precinct have been counted, no separate end card is needed ballots.~~

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

A. ~~In nonpartisan races in all elections and in partisan primary elections,~~ The computer program must reflect the rotation sequence of the candidates' names ~~and ballot position numbers~~ as they appear on the ballots in the various precincts.

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

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

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

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

~~E. F.~~ The computer program must ignore marks ~~and punches in on~~ a ballot ~~card~~ in unassigned locations; these marks ~~or punches~~ must have no effect on any portion of the ballot.

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

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

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

~~I. J.~~ If the counting equipment can examine and return a ballot ~~card~~ to the voter before counting it, the computer program must check for and reject without counting any ballot ~~card~~ with an overvote or, at a partisan primary, with votes cast for candidates of more than one party. When the ballot ~~card~~ is returned to a voter, an error message must indicate the type of defect ~~but not and may~~ indicate the specific office or question where the defective condition was found. The error message must print on a paper tape or display electronically while the voting system emits an audible signal.

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

Proposed Rules

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

8220.0800 PROGRAM PREPARATION BONDS.

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

Subp. 2. **Forfeiture of bonds.** If the secretary of state determines that a program used with an electronic voting system was not prepared in the manner required by parts 8220.0050 to ~~8230.4450~~ 8230.4395 and the written instructions of the official responsible for preparation of the ballots, the bond must be forfeited to the extent necessary to cover actual expenses resulting from the failure of the program. The secretary of state shall determine within 45 days after receiving notification of the failure of a program and a request for reimbursement of expenses resulting from the failure of the program from the appropriate election officials, what actual costs were incurred as a result of the program failure. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. If required to meet actual expenses in excess of the amount of the bond posted under subpart 1, the secretary of state shall use, to the extent necessary, any bond posted by the vendor under part 8220.0650 as compensation to the election jurisdiction. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

8220.0825 CANDIDATE ROTATION ALGORITHM.

Subpart 1. **Base rotation.** The county auditor shall determine the base rotation of candidates' names for each race for which rotation is required. The base rotation must be determined by assigning the initial order of the candidates' names by lot.

Subp. 2. **Base number of registered voters.** For purposes of the rotation algorithm, the county auditor shall determine the number of registered voters in each precinct as of 8:00 a.m. on June 1 of the election year.

Subp. 3. **Algorithm.** The algorithm in items A to F must be used to determine the rotation sequence for each race for which rotation is required.

A. Determine the base rotation.

B. Determine which precincts belong to the race being rotated.

C. Arrange the precincts in order of the number of registered voters, from largest number to smallest.

D. Calculate the number of rotations needed by determining the number of candidates for the office.

E. Starting with the largest precinct, assign a precinct to each rotation. If there are more candidates than precincts, stop after the last precinct has been assigned and go on to item F. If there are more precincts than candidates, keep a running subtotal of the total registered voters assigned to each rotation. After each rotation has been assigned one precinct, assign the next largest precinct to the rotation with the lowest subtotal. Continue assigning the next largest precinct to the rotation with the lowest subtotal until all precincts for that race have been assigned.

F. Print a report by race showing rotation subtotals.

8220.0850 SCHEDULE FOR COMPLETING PROGRAMS.

No later than five days after candidates' names are certified by the secretary of state, the election jurisdiction responsible for requesting the computer program must supply any information such as candidates' names and base rotation and the order of offices and questions to be voted on to the individuals designated to prepare the computer program. The official conducting the election also shall supply the programmers with the rotation algorithm in part 8220.0825 or other instructions regarding the proper rotation sequence for the ballots.

The computer program for any election and an exact duplicate of the program for use as backup must be completed and delivered to the election jurisdiction or the county auditor in charge of a common central counting center at least ~~14~~ 21 days prior to the election.

8220.0950 EDIT LISTINGS.

~~The operators~~ person preparing the computer program shall prepare at least two edit listings from the computer program showing, in the order that they appear on the ballots for each precinct, the offices and questions to be voted on and the candidates' names and respective ballot position numbers as they appear in the computer program for each precinct. The edit listings must be delivered to the appropriate election jurisdiction at least ~~14~~ 21 days prior to the election.

8220.1050 PREPARATION OF TEST DECK OR BALLOT IMAGE.

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

~~Simulated ballots through use of ballot images on tape or disc may be used to evaluate the logic of the computer program.~~

~~The test deck or ballot image must include ballots involving no overvotes or marks in unassigned locations as well as ballots involving overvotes, undervotes, and invalid votes in many different combinations.~~

The test deck ~~or ballot image~~ must test in a manner commensurate with the logic of the computer program, the capabilities of the program, and storage to correctly tally the ~~maximum~~ number of votes which might be cast for any office or question in the election.

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

The test deck ~~or ballot image~~ 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 ~~and also must include votes in positions which are assigned to that office for which no candidate's name appears in those positions for 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.

~~Test ballots must be prepared in which votes appear in positions other than those used for candidates or proposals.~~ In preparing the test deck ~~or ballot image~~, 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 ~~or ballot image~~.

~~At least one test ballot must be prepared with votes in all positions where there is a candidate or measure on the ballot.~~

~~A duplicate of the test deck must be prepared to be used with the duplicate or backup computer program.~~

8220.1350 PRELIMINARY TESTING OF COMPUTER PROGRAMS.

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

The election jurisdiction requesting the computer programs shall compare the edit listing against the zero tape and ballots of all precincts to ascertain that the appropriate ballots are in each precinct; ~~and the ballot position numbers for each candidate and proposal appearing on the ballot agree with those recorded on the edit listing for 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 ~~or ballot image~~ prepared under the direction of the election jurisdiction, and the results must be compared against the predetermined results of the test deck ~~or ballot image~~. ~~For the purpose of this test, the test deck may be reproduced onto standard data processing cards.~~

~~All prom packs, memory packs, and similar devices containing the election program must be secured with a metal seal and a certificate must be prepared indicating the seal number.~~

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

Proposed Rules

8220.1450 DUTIES UPON COMPLETION.

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

A. secure all computer programs, ~~including the object code~~; all support software used except the operating system, test decks, ~~test results~~, and predetermined results of the test decks; in a secure sealed container sealed with a numbered seal and stored in a secured area ~~that is subject to normal computer temperature humidity restraints~~;

B. secure all memory units containing the election program;

C. secure a duplicate copy of all computer programs, including support software and application programs, in a location separate from the working copy; and

D. prepare a certificate that all precincts have been tested using the test deck prepared under the direction of the election jurisdiction and that the results agree with the predetermined results of the test deck; which, The certificate must contain the seal number that was numbers of any seals used to seal the container and be attached to the computer results of the test; or memory units and may be combined with the certificate required in part 8220.1750.

~~C. deliver the sealed container and the certificate to the county auditor.~~

8220.1550 PUBLIC ACCURACY TEST.

A public accuracy test must be held within 14 days prior to the election for the purpose of demonstrating the accuracy of the computer programs and ~~computers voting systems~~ to be used at the election. The public accuracy test must be conducted according to *Minnesota Statutes*, section ~~206.73~~ 206.83.

The time and place of the public accuracy test must be designated by the election jurisdiction providing the computer program, which must give at least 48 hours' public notice of the time and place of the test by publication in official newspapers; and by posting a notice; ~~and by notification to the county or legislative district chair of each major political party in the office of the county auditor and each local election official conducting the test.~~

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

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

The backup computer program prepared and delivered according to part 8220.0850 must be tested on the ~~computer voting system~~ on which it would be used on election ~~night day~~. The test decks used in these procedures must be the ones prepared in accordance with parts 8220.0750 to 8220.1850. Any test ~~cards ballots~~ made under parts 8220.0750 to 8220.1850 must be marked "TEST."

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

8220.1650 ADDITIONAL TEST DECKS.

Upon request, the secretary of state must be provided a set of blank ballots to be used as a test deck for any state, county, municipal, ~~special district~~, or school district election computer program; ~~in which case a test deck of at least 50 blank ballots must be delivered to the secretary of state with directions for its use. The state chair of a major political party or designee may obtain a test deck for use at the public accuracy test. The secretary of state may request a test deck from a jurisdiction no later than 15 days prior to the election. The secretary's request shall indicate the number of blank ballots to be delivered for the test deck.~~ The use of test decks provided by the secretary of state ~~or a major political party~~ does not substitute for the requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

8220.1750 ~~CERTIFICATION~~ CERTIFICATE OF PUBLIC ACCURACY TEST.

After the completion of the public accuracy test and an errorless count has been made, the election jurisdiction must certify the results of the test conducted; ~~The certificate must be signed by the witnesses specified in Minnesota Statutes, section 206.73, and attached to or written on the computer results of the public accuracy test. The certificate may be combined with the certificate required in part 8220.1450, item D.~~

8220.1850 SECURING COMPUTER PROGRAMS.

Immediately after certifying the results of the public accuracy test, the election jurisdiction must secure all computer programs, ~~including the object code,~~ software utilized, test decks, certified computer results of the test, and the predetermined results in a ~~metal~~ container which must be sealed ~~with a metal seal~~ in a manner so that the container cannot be opened without breaking the seal. If a precinct ~~ballot counter count voting system~~ is used to count ballots, it must be sealed with the memory pack containing the election programs inside. Attached to or inside the container must be a certificate describing its contents ~~and on which the number of the seal has been recorded.~~ The certificate must be signed by ~~at least two the~~ witnesses ~~as specified in Minnesota Statutes, section 206.73,~~ and if attached to the container in a plastic envelope it must be attached so that it cannot be removed without breaking the seal.

All computer programs, test decks, and other related materials must be clearly identified as to the ~~computer voting system~~ on which they were tested and must be used on no other ~~computer voting system~~ until tested in accordance with parts 8220.1550 to 8220.1850.

~~The election jurisdiction must immediately deliver to the county auditor or the auditor's designee the metal case containing the computer programs and test decks which are to be used to tabulate the results of the election. The county auditor shall retain and secure the programs and deliver them to the counting center on election night no earlier than 6:00 p.m. The container containing backup or duplicate computer programs and related material must be delivered to and secured by the county auditor. It must be the responsibility of the county auditor to store the original and duplicate or backup computer program in separate locations.~~

SECURITY OF ~~COMPUTER~~ VOTING SYSTEMS AND PROGRAMS**8220.2050 ISOLATION FROM OTHER INFLUENCES.**

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

8220.2850 CONTROL OF COMPUTER PROGRAM CHANGES.

After completion of the public accuracy test, every change to a computer program used for vote tallying and under control of the election jurisdiction; ~~even those involving only one statement,~~ must be authorized, approved, and documented by the responsible authority of the election jurisdiction. The documentation must include the time and date of each action.

CHAPTER 8230**SECRETARY OF STATE****POLLING PLACES AND COUNTING CENTERS****CONDUCT OF ELECTIONS IN PUNCH CARD PRECINCTSPROCEDURES FOR OPTICAL SCAN VOTING SYSTEMS****8230.0050 APPLICABILITY.**

Parts 8230.0050 to ~~8230.2350~~ 8230.4395 apply to ~~punch card or other electronic optical scan~~ voting systems ~~where ballot cards are used with a punch instrument or where ballot cards must be inserted into a marking or voting device.~~

8230.0150 PROCEDURES.

Unless otherwise provided for in *Minnesota law* or in parts 8230.0050 to ~~8230.2350~~ 8230.4395, paper ballot procedures as provided in *Minnesota Statutes, chapter 204A* Minnesota election law must be followed to the extent possible.

~~Where combination ballot card and write-in ballots are used, all rules relating to write-in, security, and identification apply to the combination ballot card and write-in ballot.~~

8230.0250 ARRANGEMENT OF VOTING ~~DEVICES~~ STATIONS.

Precincts using ~~punch card or~~ optical scan voting systems may provide ~~voting booths or~~ self-contained voting stations for use by voters in casting their ballots. ~~The booths or stations must be equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated.~~ If a voter claims that the arrangement of the ~~booths or~~ stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the ~~device or booth~~ stations to provide for increased secrecy.

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

Proposed Rules

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. The equipment manufacturer must file recommended procedures and standards for checking ballot specifications with the secretary of state.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. 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 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 50 or 100 and seal or place the ballots into a package or transfer case. The package or transfer case must contain a certificate stating the number of ballots it contains. All ballots not issued to a precinct or assigned for absentee voting must be secured and accounted for by the official conducting the election. The official conducting the election must maintain a record of the number of ballots issued to each precinct. The ballots must be delivered to the chief election judge of each precinct.

8230.0570 SECRECY COVERS.

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

8230.0580 SUPPLIES.

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

The following items must be included in the precinct supplies:

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

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

8230.0650 VOTING PROCEDURE.

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

The election judge shall not deliver a ballot card to a voter until the judge has received a signed voter certificate or a voter receipt. The ballot card number must be recorded on or attached to the certificate or receipt. Ballot cards and envelopes are not to be issued until a voting station is vacant. The voter receipt may contain an example of the target used on the ballot. The election judge must state or demonstrate how to complete the target as the ballot is handed to the voter. A writing instrument without an eraser that will produce marks that can be accurately read by the ballot counter must be provided to each voter.

Upon being issued a ballot card and envelope offered a secrecy cover, the voter shall go to the an unoccupied voting station which is unoccupied and vote. Before leaving the voting station the voter shall place the ballot card in the envelope with the detachable stub exposed.

Upon leaving the voting station, the voter shall publicly hand the envelope containing the ballot card with the stub attached to an election judge. If the voter has not placed the ballot card in the envelope before leaving the voting station, the election judges shall instruct the voter to return to the voting station and place the ballot card in the envelope insert the ballot into the ballot counter or ballot box. The voter may choose to hand the ballot to an election judge who shall insert the ballot into the ballot counter or ballot box.

8230.0850 SPOILED BALLOT CARDS BALLOTS.

If a voter spoils a ballot card by inadvertently defacing it or removing the prenumbered ballot card stub or requests a new ballot card, the voter shall ~~secretly hand the ballot to the election judge.~~ The election judge may look at the ballot if necessary to determine what style of replacement ballot to give the voter. ~~The election judge shall place the ballot card in the spoiled ballot envelope and return it to the election judge and the judge shall give the voter another ballot, card and ballot envelope.~~ The spoiled ballot card and ballot envelope must be placed in the envelope marked "SPOILED BALLOT CARDS." ~~One of the election judges shall note the change in the ballot card number given the voter upon the voter certificate or receipt.~~ The method of changing the number of the ballot card issued must be by drawing a line through the number of the original ballot issued and writing the new number above.

8230.1050 BALLOT CARDS BALLOTS FOUND IN VOTING BOOTHS OR STATIONS.

Any ballot card found in a booth or voting station must be marked "found in booth voting station." The card ballot must be placed in ~~an~~ the spoiled ballot envelope which must be placed in the transfer case. In no case may that ballot be placed with the properly cast ballots. A note of the occurrence must be made in the remarks section of the precinct ~~certification~~ incident report.

8230.1130 EXAMINING AND PROCESSING ABSENTEE BALLOTS.

The election judges shall examine the absentee ballots as they are removed from the secrecy envelopes. Ballots requiring duplication in a precinct using a central count voting system must be duplicated as provided in part 8230.3850. Ballots requiring duplication in a precinct using a precinct count voting system must be duplicated as provided in part 8230.4360.

8230.1150 PROCEDURES FOLLOWING CLOSE OF POLLS.

Subpart 1. **Ballot cards Ballots not issued, secured.** All ballot cards and envelopes ballots which are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

Subp. 2. [See repealer.]

Subp. 3. **Total number of voters.** The total number of voters, determined pursuant to *Minnesota Statutes*, section 204C.20, subdivision 1, must be entered on the ~~precinct certification~~ summary statement.

8230.1350 WRITE-IN VOTES.

At a general election, each ballot in its envelope or the write-in ballot portion of a combination ballot card and write-in ballot must be examined either electronically or manually for write-ins write-in votes. ~~Ballot cards for which no write-ins exist must be separated from their envelopes. The envelopes must be placed in a sturdy container, which must be marked with the precinct name, and delivered at the same time the voted ballots are delivered to the county auditor or municipal clerk.~~

If a write-in vote exists, the judges shall number the ballot envelopes serially beginning with number one and place the same number on the ballot card of the voter and then determine whether the write-in vote is valid.

8230.1450 ~~VALID~~ USING A STICKER TO CAST A WRITE-IN VOTE.

~~A valid write-in vote must have on the appropriate designated place for write-ins the following information: an office to be voted on at that election and any name to be considered as a write-in candidate for that office.~~

Stickers containing this information are permissible. 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.

8230.1850 DEFECTIVE BALLOT.

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

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

Proposed Rules

8230.1860 EXPERIMENTAL PROCEDURES.

The secretary of state may authorize the experimental use of alternate procedures for optical scan voting systems.

PROCEDURES FOR CENTRAL COUNT OPTICAL SCAN VOTING SYSTEMS

8230.2010 APPLICABILITY.

Parts 8230.2010 to 8230.4150 apply to central count optical scan voting systems used in central counting centers.

8230.2020 ELECTION JUDGE DUTIES.

The vote totals for central count optical scan voting systems may be certified by either the election judges who served in the precinct or a set of election judges specifically appointed to serve at the central counting center. When the polling place closes, the election judges designated by the official conducting the election shall complete the steps in parts 8230.2030 to 8230.4150. If the vote totals are to be certified by the central counting center election judges, all processing of the ballots and certification of the returns at the central counting center must be done by the central counting center judges.

8230.2030 POLLING PLACE PROCEDURES.

A. At the polling place after voting hours have ended, the election judges shall open the ballot box, remove the ballots, and determine the total number of ballots in the box. If the number of ballots is greater than the number of persons voting and it is impossible to reconcile the numbers, the ballots must be replaced in the ballot box and one of the election judges shall publicly draw out a number of ballots equal to the excess. The excess ballots must be marked "excess" and placed in an envelope. The envelope then must be sealed. The judges shall write "excess ballots" on the outside of the envelope and put it in the transfer case. A notation of the pertinent facts must be made on the incident report. If the number of ballots counted is less than the number of persons voting, the reason for the discrepancy must be noted in the incident report. If the judges are unable to explain the discrepancy, they shall so state in the incident report.

B. The election judges must identify ballots that will need to be duplicated at the central counting center or process ballots requiring duplication prior to transporting them to the central counting center. Ballots requiring duplication must be duplicated as provided in part 8230.3850.

8230.2040 RECORDING VALID WRITE-IN VOTES.

If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

If the write-in vote does not cause an overvote for that office, the election judges shall enter the candidate's name and the office on the write-in vote tally sheet. The ballot must be placed with the other valid ballots for tabulation.

If the write-in vote causes an overvote for that office and the target next to the write-in vote is not completed, the election judges shall place the ballot in the envelope marked "ballots for which duplicates were or are to be made." The manner of duplication is prescribed in part 8230.3850.

At the discretion of the county auditor, the processing of write-in ballots may be done at the central counting center or at the office of the local election official or county auditor rather than at the precinct polling place.

8230.2050 ITEMS IN TRANSFER CASE.

Subpart 1. **Content.** The election judges shall place in the transfer case for delivery to the official conducting the election or central counting center all of the following items:

- A. valid voted ~~ballot cards~~ ballots;
- B. ~~ballot envelopes with write-in votes;~~
- ~~C. envelope containing paper absentee ballots;~~
- ~~D. envelope containing spoiled ~~ballot cards~~ ballots;~~
- ~~E. C. envelope containing defective ~~ballot cards~~ ballots;~~
- ~~F. D. envelope containing original ~~ballot cards~~ ballots for which duplicates were or are to be made for any reason;~~
- ~~G. E. envelopes with notations concerning any other issued ~~ballot cards~~ ballots contained which are not to be counted;~~
- ~~H. F. certificate signed by the judges indicating number of ~~ballot cards~~ ballots received, issued, and used;~~
- G. summary statement or part of the summary statement provided to the election judges at the polling place;
- H. incident report; and

- I. ~~write-in vote tally return sheet; if write-in votes were counted at the polling place.~~
- J. ~~precinct header card (if included in precinct supplies); and~~
- K. ~~precinct certification.~~

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second ballot box, transfer case, or ~~metal~~ container of a type approved by the election jurisdiction for storage of ballots must be used and the sealing and security handled in the same manner as the transfer case.

Subp. 3. **Other containers.** Any materials not listed in subpart 1 that the official conducting the election has designated for return to the official conducting the election or the central counting center must be placed in a separate container for delivery.

8230.2150 CERTIFICATE OF ELECTION ~~JUDGE~~ JUDGES.

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

- A. the number of persons voting as shown ~~by on the precinct certification summary statement;~~
- B. ~~that prior to the opening the polls, all voting devices were examined and found to be sealed with metal seals bearing the same numbers as certified by the election jurisdiction;~~
- C. ~~that the ballot labels were in their proper places;~~
- D. ~~that the position of order of the offices and questions to be voted on and the candidates' names and ballot numbers on the ballot labels and the ballot cards were on the ballots were the same as appeared in the same position as indicated on the edit listing on the sample ballot;~~
- E. ~~that at the close of the polls each voting device was examined and found to be sealed with the same numbers as verified at the opening of the polls and that the ballot labels were in their correct position;~~
- F. ~~C.~~ the number of ~~ballot cards~~ ballots being submitted for tabulation;
- G. ~~D.~~ that the ~~ballot cards~~ ballots have been counted ~~while in their envelopes~~ and agree with the number of names as shown on the ~~precinct certification summary statement;~~
- E. the number of excess ballots, if any;
- H. ~~E.~~ that all ~~ballot cards~~ ballots requiring duplication are in the proper envelope;
- I. ~~that all ballot cards have been examined for hanging chad;~~
- J. ~~G.~~ that all write-in votes have been properly recorded, if this process was done on election night;
- K. ~~H.~~ that all ~~ballot cards~~ ballots used in the election and all ~~ballot cards~~ ballots that have been or need to be duplicated have been placed in the transfer case and that the case was securely sealed ~~with an official metal seal~~ in such a manner as to render it impossible to open the case without breaking the seal; and
- L. ~~I.~~ the number of the seal numbers of any seals used to seal the transfer case or cases.

8230.2250 DELIVERY OF TRANSFER CASE.

Subpart 1. **Seal and certificate.** The transfer case must be sealed with a seal so that it is impossible to open the case or insert or remove ballots without breaking the seal. Within or attached to the transfer case by the seal must be a certificate signed by the judges indicating its content, the precinct name, and the number of ~~the any~~ seal used to seal the case. ~~The seal number must also be recorded in the certificate of the election judges. The transfer case certificate must be in a clear plastic envelope and affixed to the case by the seal.~~

Subp. 2. **Delivery by two election judges.** The transfer case containing the required items as identified in part 8230.2050 must be delivered to the official conducting the election, central counting center, or collection point for transportation to the official conducting the election or central counting center by two election judges, not of the same political party.

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

Proposed Rules

8230.2450 RETENTION OF BALLOT CARDS AND BALLOT ENVELOPES BALLOTS.

~~Ballot cards and ballot envelopes~~ Ballots which are not issued to voters must be returned to the ~~election~~ official in charge of conducting the election jurisdiction who shall ~~issue a receipt for them and~~ retain them by precinct until the time for contest has expired.

ABSENTEE BALLOTS FOR PUNCH CARD SYSTEMS

COUNTING CENTER PROCEDURES FOR PUNCH CARD SYSTEMS

8230.3450 PRELIMINARY PROCEDURES.

~~The persons who operate the computer used for tabulation of ballots on election night may not be the same persons who wrote the computer program. This does not exclude the official in charge of the election for the election jurisdiction or the official's authorized assistant.~~ The ~~computer~~ operators of the central count voting system shall take and subscribe to the election judges' oath.

The state chair of a major political party or a designee may appoint by written certificate one person to be present in the immediate area of the ~~computer in the counting center~~ central count voting system during all activities and operations of the center. The major political party representative may observe all procedures but may not interfere in any way and may not touch any ~~computer voting system~~ or ballot materials.

Persons assigned to administer the central counting center shall compare the seal number on the container containing the ~~computer programs, computer center header cards,~~ official test deck; and predetermined results with that recorded in the certificate of the public accuracy test to see that they agree.

8230.3550 TEST OF PROGRAM BEFORE AND AFTER DURING TABULATION.

Prior to the tabulation of ballots ~~and again after the last precinct has been counted,~~ the central counting center personnel shall test the ~~computer program and computer voting system~~ as to ~~their~~ its accuracy and certify the results. The accuracy test must be conducted with the test deck ~~or ballot image~~ designated in parts ~~8200.1100 and 8200.1200~~ 8220.1050 and 8220.1150. ~~Copies of these test results must be designated "prior to tabulation of ballots" or "after tabulation of ballots."~~ A copy of each test certificate must accompany the results of the tabulation of the ballots and be filed with the county auditor in the county where the precincts are located. ~~When the official in charge of the counting center certifies that the tabulation has been done in isolation, the test after tabulation need not be performed.~~

Before tabulating the ballots, central counting center personnel shall run a zero report to verify that the initial counts for each precinct are zero.

Authorized central counting center personnel may at their discretion test the program using the official test deck ~~or ballot image~~ periodically throughout the tabulation of ballots to ~~ensure~~ verify that the ~~program and computer are~~ voting system is operating accurately.

8230.3560 USE OF PRECINCT COUNT VOTING SYSTEMS AT CENTRAL COUNTING CENTERS.

Central count voting systems must be used in central counting centers. One precinct count voting system and one memory unit may be used at a central counting center to count ballots for up to ten precincts with a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system.

8230.3750 PROCEDURES FOR TRANSFER CASES.

Subpart 1. **Identifying case.** Upon receipt of the transfer case from the election judges of a precinct, authorized central counting center personnel shall check the identification on the transfer case to see that it matches the identification on the judges' certificate. The transfer case must then be opened and checked to see that it contains the ballots and all other material required by parts 8230.0050 to ~~8230.4250~~ 8230.4150. ~~The opened metal seal from the transfer case must be placed inside the case. The identification on the case must be noted on all reporting materials.~~ Authorized central counting center personnel must then ~~issue sign~~ a certificate ~~to the election judges delivering the case~~ acknowledging receipt of all materials delivered by the election judges.

Subp. 2. **Delivery to central counting center.** The transfer case containing the ~~ballot cards~~ ballots must then be delivered to the proper central counting center personnel for preparation for tabulation. The election official in charge of the central counting center shall provide adequate security at the central counting center.

Subp. 3. [See repealer.]

Subp. 4. **Sealing after count.** Immediately upon the completion of the counting of a precinct, all ~~ballot cards~~ ballots for the precinct ~~and precinct header cards~~ must be returned to the transfer case or other suitable container and sealed as to make it impossible to open the case without breaking the seal. The number of any seal used on a container must be written on the summary statement.

Subp. 5. **Verifying number of ~~cards~~ ballots.** The election official in charge of the central counting center shall determine whether the number of ~~ballot cards~~ ballots tabulated by the ~~computer central count voting system~~ agrees with the number of ~~ballot cards~~ ballots submitted by the election judges at the precinct. If a discrepancy exists, authorized central counting center personnel shall correct it. In the event the discrepancy cannot be resolved, a notation must be made of the pertinent facts on the statement of returns.

8230.3850 DUPLICATION OF BALLOTS.

Any ballots requiring duplication at the polling place or central counting center must be duplicated in the following manner:

A. Whenever a ballot ~~card~~ is required to be duplicated, the duplication process must be performed by two election judges not of the same political party.

B. Whenever it is necessary to duplicate a ballot ~~card~~, the duplicate ~~card~~ ballot and the original ~~card~~ ballot must be identified with a single number written on both ~~cards~~ ballots. The number on the duplicate ~~card~~ ballot must be the same number as on the original. When more than one ~~card~~ ballot is being duplicated in a precinct, the numbering must be serial.

C. The reason for duplication ~~such as "write-in," "chad," or "damaged,"~~ must be written on the duplicate ballot ~~card~~. The election judges duplicating the ~~card~~ ballot shall initial the duplicated ~~card~~ ballot and the original ~~card~~ ballot.

D. When duplicating a ballot ~~card~~, one election judge shall call from the original ballot ~~card~~ the valid selections of the voter; another election judge shall prepare the duplicate ballot with the voter's valid selections. The duplicate ballot ~~card~~ must be compared against the original ballot ~~card~~ to ~~assure~~ ensure it has been accurately duplicated.

E. All original ~~ballot cards~~ ballots which require duplication must be placed in an envelope marked "original ballot cards ballots for which duplicates have been were or are to be made." The duplicated ballot ~~card~~ must be placed with the other valid ~~ballot cards~~ ballots to be tabulated.

~~F. Any writing required on any ballot card must be done with a soft-tip marking instrument.~~

8230.3950 COPIES OF RETURNS SUMMARY STATEMENTS.

The election official in charge of the central counting center must ~~certify at least three copies of the returns~~ prepare one or more summary statements. The ~~certification~~ summary statement must state the name of the ~~community, county, the name of the municipality or township, school district, or special district;~~ precinct ~~numbers, name and code;~~ offices; names of candidates; number of persons registered ~~before polls open at 7:00 a.m. on election day;~~ number of ballots counted; vote totals; and any other data required by the secretary of state ~~such as precinct identification number.~~ Authorized personnel in the central counting center shall ~~transfer any numbers to forms supplied~~ enter this data into the election reporting system established by the secretary of state for the purpose of state reporting of election results. The summary statement of returns may be a computer printout as well as any forms designated by the secretary of state ~~for the purpose of preparing the state canvassing board report and publication of election results.~~

8230.4050 DISTRIBUTION OF ~~RETURNS~~ SUMMARY STATEMENTS.

~~Returns~~ The summary statement referred to in part 8230.3950 must be certified to the ~~municipal clerk who shall retain one copy of the statement of returns and send at least two copies to the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward at least one copy of the a summary statement to the secretary of state together with two copies of the report of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the election must be completed and returned to the secretary of state.~~

8230.4150 DELIVERY OF MATERIAL AFTER COUNTING.

After the last precinct has been counted ~~and the final accuracy test has been conducted,~~ the election official in charge of the central counting center shall ~~deliver all materials to the office of the municipal clerk of each election jurisdiction served by the counting center. That clerk upon filing reports prescribed in part 8230-4050 shall retain ballots and voter certificates related documents for one year for local elections and 22 months for federal elections unless otherwise ordered by a court order or recount procedure pursuant to the Minnesota election laws. Test decks or ballot images, accuracy test results, and computer programs must be delivered to the county auditor.~~

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

Proposed Rules

PROCEDURES FOR PRECINCT COUNT OPTICAL SCAN VOTING SYSTEMS

8230.4325 APPLICABILITY.

Parts 8230.4325 to 8230.4395 apply to precinct count optical scan voting systems used in precinct counting centers.

8230.4355 BALLOT BOXES FOR PRECINCT COUNTING CENTERS.

Ballot boxes used with precinct count voting systems may be separate or part of the ballot counting equipment provided that the ballot is fed directly into a locked or sealed ballot box. At a general election, the ballot box must have two separate compartments into which the ballot counting equipment can feed ballots. One compartment must receive ballots on which all votes have been counted and recorded. The other compartment must receive ballots on which all votes have been counted except those for offices for which the write-in target has been completed. An auxiliary ballot box, that may be separate or an additional compartment, must be supplied to be used if the voting system fails to function or for ballots that cannot be read by the ballot counter.

8230.4360 DUPLICATION OF BALLOTS.

Any ballots requiring duplication at the polling place must be duplicated in the manner described in items A to E.

A. Whenever a ballot is required to be duplicated, the duplication process must be performed by two election judges not of the same political party.

B. Whenever it is necessary to duplicate a ballot, the duplicate ballot and the original ballot must be identified with a single number written on both ballots. The number on the duplicate ballot must be the same number as on the original ballot. When more than one ballot is being duplicated in a precinct, the numbering must be serial.

C. The reason for duplication must be written on the duplicate ballot. The election judges duplicating the ballot shall initial the duplicate ballot and the original ballot.

D. When duplicating a ballot, one election judge shall call from the original ballot the valid selections of the voter; another election judge shall prepare the duplicate ballot with the voter's valid selections. The duplicate ballot must be compared against the original ballot to ensure it has been accurately duplicated.

E. All original ballots which require duplication must be placed in an envelope marked "ballots for which duplicates were or are to be made." The duplicate ballot must be placed with the other valid ballots to be tabulated.

8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.

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

Subp. 2. **Procedure before polls open.** Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct polling place has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts are zero, that the public counter is set at zero, and that the order of the offices and questions to be voted on and the candidates' names on the zero tape is the same as their order on the ballot for that precinct.

Subp. 3. **Procedures during voting hours.** Ballot counters must be programmed to return to the voter a ballot having an over-vote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically while the voting system emits an audible signal. Election judges monitoring the depositing of ballots into the ballot counters must be stationed no closer than six feet from the ballot counter. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance or it is necessary to determine what style of replacement ballot must be given to the voter.

If the voter wants to change the rejected ballot, the election judge shall treat the rejected ballot as a spoiled ballot, place the rejected ballot in the spoiled ballot envelope, and issue the voter a new ballot.

If the voter does not want to change the rejected ballot, the election judge shall override the rejection of the ballot. No means of overriding the rejection of a ballot having defects may be used that does not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. An override message must be printed on the results tape, or be displayed electronically while the voting system emits an audible signal, each time the override is operated.

Subp. 4. **Error messages.** The following messages are sufficient for optical scan voting systems to print or display for the described errors or actions:

- A. overvote for (voting system will supply and print the name of the overvoted office);
- B. overvote for multiple offices;
- C. crossover vote; and
- D. ballot overridden.

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 remove the voted ballots but they shall not count or inspect the 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 the numbers of any seals used to seal the ballot containers.

Subp. 6. **Procedures after voting has ended.** As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges must inspect the seals on each ballot counter to ensure that they have not been altered and are intact and that the seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy must be noted in the incident report.

8230.4370 COUNTING BALLOTS.

The election judges shall open the ballot box and any overflow containers, remove the ballots, and determine the total number of ballots. If the election judges determine that the total number of ballots is greater than the number of persons voting and that it is impossible to reconcile the numbers, the judges shall follow the procedures in *Minnesota Statutes*, section 206.86.

8230.4375 WRITE-IN VOTES.

A. At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and remove the ballots. The election judges shall verify that the number of ballots taken from the write-in compartment is equal to the number of write-in votes counted by the voting system.

B. If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

C. If a write-in vote is determined to be valid and no overvote condition exists, the election judges shall enter the candidate's name and the office on the write-in vote tally sheet.

D. At the discretion of the county auditor, the processing described in items B and C may be done at the office of the local election official or county auditor rather than at the precinct polling place.

8230.4380 SUMMARY STATEMENT.

One unbroken tape that includes the zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the official conducting the election. In the event of equipment or power failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

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

Proposed Rules

8230.4385 TRANSFER CASE PROCEDURES.

Subpart 1. Content. The election judges shall place in the transfer case for delivery to the official conducting the election all of the following items:

- A. valid voted ballots;
- B. envelope containing spoiled ballots;
- C. envelope containing ballots for which duplicates were made; and
- D. envelopes with notations concerning any other issued ballots contained which are not to be counted.

Subp. 2. Second transfer case. If space in the transfer case is inadequate, then a second ballot box, transfer case, or container of a type approved by the election jurisdiction for storage of ballots must be used and the sealing and security handled in the same manner as the transfer case.

Subp. 3. Other containers. The summary statement, incident report, write-in vote tally sheet if write-in votes were counted at the polling place, and any materials not listed in subpart 1 that the official conducting the election has designated for return to the official must be placed in a separate container or containers for delivery.

Subp. 4. Sealing transfer case. A transfer case must be sealed with a seal so that it is impossible to open the case or to insert or remove ballots without breaking the seal. Within or attached to the transfer case must be a certificate signed by the judges indicating its contents, the precinct name, and the number of any seals used to seal the case or cases.

Subp. 5. Delivery of transfer case. The transfer case containing the required items as identified in this part must be delivered by one or more election judges to the official conducting the election or to the collection point for transportation to the official.

8230.4390 CERTIFICATE OF ELECTION JUDGES.

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

- A. the number of persons voting as shown on the summary statement;
- B. that the order of the offices and questions to be voted on and the candidates' names on the ballots was the same on the zero tape and the sample ballot;
- C. the number of ballots in the transfer case;
- D. that the ballots have been counted and agree with the number of names as shown on the summary statement or that any discrepancy has been noted on the incident report;
- E. the number of excess ballots, if any;
- F. that all ballots requiring duplication were duplicated and are in the proper envelope;
- G. that the number of write-in votes for each office has been properly recorded, if this process was done at the polling place;
- H. that all ballots used in the election and all ballots that have been duplicated have been placed in the transfer case and the case was securely sealed with an official seal in such a manner as to render it impossible to open the case without breaking the seal; and
- I. the numbers of any seals used to seal the transfer cases.

8230.4395 RETENTION OF BALLOTS.

Ballots which are not issued to voters must be returned to the official conducting the election who shall retain them by precinct until the time for contest has expired.

8235.0500 SECURING VOTING MACHINES SYSTEMS.

Where ~~lever voting machines~~ or electronic voting systems are used, the ~~machines and marking devices systems~~ must remain sealed and locked under the supervision of the municipal clerk. No ~~candidate, candidate's representative, or other person, one~~ except an election official carrying out election responsibilities, may be granted access to the voting ~~machines or marking devices systems~~. The election official having custody of the ~~machines or marking devices systems~~ is responsible for security of the ~~machines systems~~ and restricting access to them. All counting programs for electronic voting systems must be preserved in the manner required for voted ballots, and the official in charge of the jurisdiction shall certify that the true program used in the election has not been altered in any way and is available for the recount.

8235.1000 ELECTRONIC VOTING SYSTEMS.

In precincts in an election jurisdiction where an electronic voting system is used, the recount official shall determine if the ballots are to be recounted on the ~~automated equipment~~ electronic voting system or manually. ~~If the recount official is the secretary of state or the secretary's designee, the duplicate counting program certified to the secretary of state by the person preparing the program may be used to recount the ballots.~~ If the ballots are recounted on the ~~automated equipment~~ electronic voting system, a test of the program and ~~counting equipment as provided in part 8230.5100~~ the voting system must be made immediately prior to the recount, and a test sample of the ballots must also be counted manually. Unless the jurisdiction has only one precinct, the test sample shall be from at least two precincts, one selected by each candidate. In each of the precincts selected, the sample shall be at least three percent of the ballots cast or 50 ballots, whichever is greater. The test sample must also be counted on the ~~automatic tabulating equipment~~ voting system. Access to the immediate area of the ~~automatic counter or computer~~ voting system is limited to the recount official and legal adviser, officials of the election jurisdiction, the candidates and their representatives, and the technical persons necessary to the operation of the counting equipment. An observation area must be provided for the public. Ballots must be recounted by precinct. ~~Paper absentee ballots must be counted in accordance with part 8235.0800.~~ A report of recount results must be provided for each precinct. After the count of ballots for a precinct has been determined, all ~~ballot cards and paper absentee~~ ballots must be resealed in the ballot container and returned with the other materials to the custodian of the ballots.

8240.1600 BASIC TRAINING COURSE.

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

Subp. 3. **Use of equipment.** ~~A voting machine,~~ An electronic voting system; or specimen 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.

Subp. 4. **Course content.** A basic training course shall include necessary information and skill development in the following areas:

- A. judges' duties before election day: supplies; voter registration cards; voting ~~machine system~~ checkout; and ballots;

[For text of items B to F, see M.R.]

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be ~~5-1/4~~ no less than 2-3/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be ~~three~~ 2-3/4 inches wide.

The statements required by *Minnesota Statutes*, section 204D.08, subdivision 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

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

Subp. 5. **Order of candidates.** The secretary of state or the county auditor shall prepare a separate ballot for each major political party containing the names of the candidates of each party certified by the secretary of state. ~~The names of the candidates must be rotated in the manner provided in Minnesota Statutes, section 204D.08, subdivision 3.~~ In the first position under the last candidate name, the words "UNCOMMITTED DELEGATES" must be printed. In the second position under the last candidate name, a blank line must be printed to allow a voter to write in the name of an individual whose name is not listed on the ballot.

8250.0365 FORM OF PINK BALLOT.

Subpart 1. **General form.** The ballot for constitutional amendments must be prepared in the same manner as the white ballot, except as provided in this part. ~~Ballot pages and ballot cards~~ Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

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

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

Proposed Rules

Subp. 3. **Instructions to voters.** The following instructions must be printed directly below the statement required in subpart 2. “To vote for a proposed constitutional amendment, put an (X) in the square ~~before next to~~ the word “YES” ~~at the left of the proposition for that question.~~ To vote against a proposed constitutional amendment, put an (X) in the square ~~before next to~~ the word “NO:” for that question.” A bold dividing line running the width of the ballot must appear immediately below the instructions.

Subp. 4. **Designation by number.** Each constitutional amendment must be designated by a number. Each constitutional amendment must be preceded by the words “AMENDMENT NUMBER” and the number assigned to the amendment.

8250.0370 FORM OF CANARY BALLOT.

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

Subp. 2. **Ballot order.** County offices must be listed first on the canary ballot in the following order: ~~commissioner, auditor, treasurer, recorder, sheriff, attorney, surveyor, and coroner.~~ and identified as follows in upper case letters:

COUNTY COMMISSIONER

COUNTY AUDITOR

COUNTY TREASURER

COUNTY RECORDER

COUNTY SHERIFF

COUNTY ATTORNEY

COUNTY SURVEYOR

COUNTY CORONER

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

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

The names of candidates to fill vacancies at a special election must be listed under the heading “Special election for (name of office) to fill vacancy in term expiring (date)” with the name of the office, the date of expiration of the term, and any other information necessary to distinguish the office. Vacant offices being filled by special election must be listed with other offices of that type but after any offices for which a candidate will be elected for a full term.

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

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

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

Judicial offices must follow special district offices and appear in the following order: chief justice - supreme court, associate justice - supreme court, judge - court of appeals, and judge - district court. Where judicial seats are designated by number, the offices must be listed in numerical order. Optical scan ballots must be prepared in the order provided in *Minnesota Statutes*, chapter 206. County and judicial offices for which there is only one candidate will appear in the manner provided in *Minnesota Statutes*, section 204D.14.

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

8250.0375 FORM OF GRAY BALLOT.

Subpart 1. **General form.** The judicial nonpartisan office ballot must only be used if the canary ballot exceeds 30 inches in length, except in counties using optical scan ballots, when the gray ballot may be prepared at the discretion of the county auditor. The ballot for judicial nonpartisan offices must be prepared in the same manner as the white ballot, except as provided in this part. ~~Ballot pages and ballot cards~~ Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

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

8250.0385 FORM OF GREEN BALLOT.

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

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

MAYOR

COUNCIL MEMBER

CITY CLERK

CITY TREASURER

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

TOWN SUPERVISOR

TOWN CLERK

TOWN TREASURER

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

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

8250.0390 FORM OF BLUE BALLOT.

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

Subp. 2. **Ballot heading.** ~~The words "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 name of the municipality and the type of election directly under the heading of the blue ballot. The following words must be printed directly under the ballot heading, municipality name, and election type. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question."~~

~~Each municipal ballot question must be designated by a number. Each municipal ballot question 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.~~

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

Proposed Rules

8250.0395 FORM OF BUFF BALLOT.

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

Subp. 2. **Ballot offices.** The school district clerk may add the name and/or number of the school district and the type of election directly under the heading of the buff ballot. School district offices must be identified on the buff ballot as follows in upper case letters:

SCHOOL BOARD MEMBER

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

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

8250.0397 FORM OF GOLDENROD BALLOT.

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

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

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

8250.0400 TOP OF BALLOT.

At the top Under the heading of the white ballot and the name of the county shall be printed in upper and lowercase lower case letters the words "Put an (X) in the square opposite the name of each candidate you wish to vote for." On the left side of the words and directly above the squares in which a voter marks choices shall be printed a small arrow pointing downward.

8250.0500 BALLOT HEADING.

Below the marking instructions on At the top of the white ballot shall be printed the words "STATE GENERAL ELECTION BALLOT" in uppercase upper case letters. The county auditor may add the name of the county directly under the heading of the white ballot.

8250.1400 EXAMPLE BALLOT.

At least 42 days before the presidential primary, state primary, and state general election, 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 presidential primary, state primary, and state general election 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 presidential primary, state primary, and state general election official ballots must conform in all respects to the example ballot.

8250.1550 REIMBURSEMENT OF PRESIDENTIAL PRIMARY BALLOT COSTS.

The secretary of state shall reimburse each county using lever voting machines or electronic voting systems for the preparation of ballot cards, ballot labels, and ballot pages ballots for the presidential primary election, as provided in *Minnesota Statutes*, section 207A.07, from the money appropriated by the legislature for this purpose. The county auditor shall submit a request for payment of ballot costs to the secretary of state no later than 30 days after the presidential primary. The request for payment must be accompanied by an itemized description of actual county expenditures, including copies of invoices. In addition, the county auditor must certify that the request for reimbursement is based on actual ballot costs incurred by the county in the presidential primary and that the ballots were prepared in the manner provided by law. The secretary of state shall complete issuance of reimbursements to the counties no later than 60 days after the presidential primary.

If the total amount of requests for reimbursement of ballot costs from all counties exceeds the total amount appropriated by the legislature for this purpose, the secretary of state shall apportion the reimbursements to the counties on the basis of the number of persons in each county registered to vote at 7:00 a.m. on the day of the presidential primary as a fraction of the total number of persons registered to vote in the state at that time.

8250.1800 FORMAT OF ~~BALLOT CARDS~~ BALLOTS FOR OPTICAL SCAN SYSTEMS.

Subpart 1. **General form.** Ballots for optical scan voting systems must be prepared in the same manner as the white ballot to the extent practicable. Ballots for optical scan voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot order.** The offices must appear on the optical scan voting system ballot in the following order and must be identified as follows in upper case letters:

FEDERAL OFFICES

STATE OFFICES

CONSTITUTIONAL AMENDMENTS

COUNTY OFFICES

COUNTY QUESTIONS

CITY OFFICES

CITY QUESTIONS

TOWN OFFICES

TOWN QUESTIONS

SCHOOL DISTRICT OFFICES

SCHOOL DISTRICT QUESTIONS

SPECIAL DISTRICT OFFICES

SPECIAL DISTRICT QUESTIONS

JUDICIAL OFFICES

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

Subp. 3. **Type sizes.** The type sizes in items A to E must be used in the printing of ~~ballot cards~~ ballots for optical scan voting systems.

A. The titles ~~“FEDERAL OFFICES,” “STATE OFFICES,” and “CONSTITUTIONAL AMENDMENTS”~~ listed in subpart 2 must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type.

B. The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. Immediately under each office title, ~~the instruction “VOTE FOR ONE” or “VOTE FOR ONE TEAM”~~ one of the following instructions must be printed in upper case 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.

The office titles must either be shaded with a screen of ten percent or less, or printed white on black.

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

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

Proposed Rules

D. The number and title of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. The question numbers and titles must be shaded with a screen of ten percent or less or printed white on black. The body of the question must be printed in upper and lower case 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 ~~to the left of the vote targets~~ in upper case and bold face in as large as practicable but no smaller than 10-point type.

E. On each write-in line the words ~~“Write In If Any”~~ “write-in, if any” must appear in ~~upper and~~ lower case in as large as practicable but no smaller than 6-point type. The words ~~“Write In If Any”~~ “write-in, if any” must be aligned next to the vote target.

Subp. ~~2.~~ **4. 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. **5. Two-sided ballots.** On two-sided ballots, the words “VOTE FRONT AND BACK SIDES OF BALLOT” must be printed in upper case 10-point bold type at the bottom of both sides of the ballot.

Subp. ~~3.~~ **6. 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. **7. 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 8200.3100, subpart 2; 8210.3005; 8210.3010; 8210.3015; 8210.9910; 8210.9915; 8210.9916; 8210.9917; 8210.9918; 8210.9920; 8210.9925; 8210.9930; 8210.9935; 8210.9945; 8210.9950; 8210.9955; 8220.0250, subparts 3, 4, 5, 6, 8, 9, 12, 13, 19, 22, 25, 28, 29, and 37; 8220.1250; 8220.2150; 8220.2350; 8220.2450; 8220.2550; 8220.2650; 8220.2950; 8220.3050; 8220.3150; 8220.3250; 8220.3350; 8220.3450; 8220.3550; 8220.3650; 8220.3750; 8220.3850; 8220.3950; 8220.4050; 8220.4150; 8220.4250; 8230.0350; 8230.0450; 8230.0550; 8230.0750; 8230.0950; 8230.1150, subpart 2; 8230.1250; 8230.1550; 8230.1650; 8230.1750; 8230.1950; 8230.2350; 8230.3050; 8230.3150; 8230.3250; 8230.3350; 8230.3650; 8230.3750, subpart 3; 8230.4250; 8230.4350; 8235.0900; 8250.1700; 8250.9910; and 8250.9920, are repealed.

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.

Department of Administration

Communications Media Division

State Register Available Free on the Internet Beginning July 6, 1998

The *State Register* will be available free on the Internet beginning with the first issue of volume 23 on July 6, 1998. The website address is: www.comm.media.state.mn.us

For reliability, ease of service, and convenience, paper copies will continue to be available at current prices: \$5.00 per individual copy, \$10.00 per copy with an "affidavit of publication," and \$160 for a full year's subscription, including cumulative indices.

In addition, the "State Register Contracts Supplement" will appear free of charge on the Internet website listed above, beginning July 1, 1998 with issue # 775, as well as the text of the *Minnesota Guidebook to State Agency Services 1996-1999*. Paper copies will be sold for both items.

To assist those with busy schedules, limited time, and occasional "forgetfulness," the print versions of these publications will remain available through subscriptions, as well as FAX for the "State Register Contracts Supplement." These will continue to provide reliable, convenient, and easy ways of notifying you of important information, rather than leaving the burden of searching up to you and your staff.

The "State Register Contracts Supplement" will be available for an annual paper subscription at \$135 per year (156 issues), and by FAX for \$150 per year. Individual paper copies cost \$1.00.

The *Minnesota Guidebook to State Agency Services 1996-1999* has been reduced to half-price for paper copies (\$14.98 for either spiral-bound or looseleaf [binder sold separately at \$7.95]). Compact disks of the *Guidebook* have also been marked half-price: \$29.98 for single user, \$117.98 for small network CD (2-10 users), and \$499.98 for large network CD (11-unlimited use).

For more information, call Minnesota's Bookstore at (612) 297-3000, or toll-free: 1-800-657-3757, FAX: (612) 297-8260.

Office of the Attorney General

Notice of Meeting Regarding Revision of the Brochure "Landlords and Tenants: Rights and Responsibilities"

Pursuant to *Minnesota Statute* 504.22, subdivision 4a, the Attorney General's Office will hold a public meeting regarding proposed revisions to the brochure, "Landlords and Tenants: Rights and Responsibilities." The meeting will be held on Monday, June 22 from 1:00-1:30 p.m. at 1400 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101. If anyone attending needs a reasonable accommodation, please contact Jennifer Freeman at (612) 297-5268 by Thursday, June 18.

Comments are strongly preferred by mail, phone or fax. Please contact Jennifer Freeman, Assistant Consumer Information Specialist, 1400 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101, for a copy of the brochure. Comments can be faxed at (612) 296-9663 or called in at (612) 297-5268. We would appreciate receiving your comments by phone, fax or mail by Monday, June 29, 1998.

Official Notices

Department of Children, Families & Learning

Office of Community Services

Updated Child Care fund Sliding Fee Co-Payment Schedule

Pursuant to *Minnesota Statutes* section 119B, and *Minnesota Rules*, part 3400.0100, Subp. 5 (Family Co-Payment Schedule), the Department of Children, Families & Learning hereby gives notice of the updated Sliding Fee Co-Payment Schedule. This revised schedule is based on the 1998 state median income as published in the February 20, 1998 *Federal Register*. The schedule published is for family sizes of two through five and is effective July 1, 1998 until further notice. Please contact the Child Care Assistance Program for the schedule for larger families. This revised fee schedule replaces the schedule published June 16, 1997.

Any questions about the new schedule should be directed to:

Child Care Assistance Program
 Department of Children, Families & Learning
 Office of Community Services
 Saint Paul, Minnesota 55101
 (612) 297-2359

Two Person Household					
State Median Income	\$38,216		22,551	22,741	156
Poverty Threshold	\$10,850		22,742	22,932	162
			22,933	23,124	169
			23,125	23,315	175
			23,316	23,506	181
			23,507	23,697	188
			23,698	23,888	194
			23,889	24,079	201
			24,080	24,270	208
			24,271	24,461	216
			24,462	24,652	224
			24,653	24,843	232
			24,844	25,034	240
			25,035	25,225	248
			25,226	25,416	256
			25,417	25,608	265
			25,609	25,799	273
			25,800	25,990	282
			25,991	26,181	290
			26,182	26,372	299
			26,373	26,563	308
			26,564	26,754	317
			26,755	26,945	326
			26,946	27,136	335
			27,137	27,327	344
			27,328	27,518	353
			27,519	27,709	363
			27,710	27,901	372
			27,902	28,092	382
			28,093	28,283	391
			28,284	28,474	401
			28,475	28,665	411
			28,666		INELIGIBLE

Department of Health

Membership of Rulemaking Advisory Committees

This publication contains the membership of rulemaking advisory committees that commented on rules under active consideration within the Department of Health during the last year. This publication refers to those committees where the membership list has not been published in the *State Register* during the past year. This is being published in the *State Register* to comply with *Minnesota Statutes*, section 14.101, subdivision 2. If you have any questions about this publication, contact Dave Orren by mail at the Minnesota Department of Health, Health Policy and Systems Compliance Division, P.O. Box 64975, 121 East Seventh Place, Suite 400, St. Paul, Minnesota 55164-0975, by telephone at (612) 282-6310, or by e-mail at david.orren@state.health.mn.us. TTY users may call the Minnesota Department of Health at (612) 623-5522.

For the Department's Food Code Rule that is being developed jointly with the Department of Agriculture, *Minnesota Rules*, chapter 4726 (a new chapter), the following organizations participated in rule advisory committee meetings: St. Louis County; City of St. Paul; Minnesota Grocers' Association; Pillsbury Company; University of Minnesota; Minnesota Environmental Health Association; Minnesota Retail Merchants; City of Brooklyn Park; Minnesota Automatic Merchandisers' Association; Minnesota Department of Children, Families and Learning; Minnesota Bakers' Association; Eco Lab; and Minnesota Restaurant, Hotel & Resort Association.

For the Department's Health Risk Value Rules, *Minnesota Rules*, chapter 4717, the following organizations participated in rule advisory committee meetings: Metropolitan Council; Ashland Petroleum; American Plastics Council; Minnesota Department of Agriculture; Koch Refining Co.; Minnesota Medical Association; Minnesota Public Health Association; Dakota County Environmental Health; Iron Mining Association; American Lung Association; Minnesota Environmental Coalition—Labor and Industry; Boise Cascade; Oppenheimer, Wolff, and Donnelly; NSP; Minnesota Pollution Control Agency; Lake Superior Paper; International Poison Center; University of Minnesota School of Public Health; Rust Environmental; Braun Intertec Corporation; Minnesota Chamber of Commerce (3M); Minnesota Center for Environmental Advocacy; and Minnesota Building & Construction Trades.

For the Department's Radiation Rules, *Minnesota Rules*, chapter 4730, the following organizations participated in rule advisory committee meetings: Minnesota Radiologic Society; Minnesota Dental Licensing Board; Minnesota Dental Association; Minnesota Veterinary Licensing Board; Minnesota Veterinary Association; Minnesota Podiatric Association; Minnesota Medical Association; University of Minnesota; St. Joseph Hospital; Mayo Foundation; and Park Nicollet Clinic.

For the Department's Food Manager Certification Rules, *Minnesota Rules*, chapter 4625, the following organizations participated in rule advisory committee meetings: City of St. Paul; Minnesota Department of Children, Families, and Learning; Minnesota Environmental Health Association; a representative from the public; Minnesota Restaurant, Hotel, and Resort Association; Minnesota Association of Meat Processors; St. Louis County; Hospital Institute of Technology and Management; and Minnesota Department of Agriculture.

For the Department's Lead Hazard Reduction Rules, *Minnesota Rules*, chapter 4761, the following organizations participated in rule advisory committee meetings: City of Minneapolis; Ramsey County; Dakota County; St. Louis County; Stearns County; Independent School District #270; Builders Association of Minnesota, Painting and Decorating Contractors' Association; Midwest Environmental Consultants (training provider); University of North Dakota (training provider); Construction Laborers' Education & Training Fund (training provider); Southeast Consultants, Inc. representing the Minnesota chapter of the Nation Association of Housing and Redevelopment Officials (NAHRO); Lead Coalition of Minnesota; Minnesota Housing Finance Agency; EnviroBate (lead contractor); Newell Construction (lead contractor); and American Society of Home Inspectors.

For the Department's Supervised Living Facility Rules, *Minnesota Rules*, chapter 4665, the following persons and organizations participated in advisory committee meetings: Association of Residential Resources in Minnesota; Association of Retarded Citizens; Governor's Planning Council on Developmental Disabilities; Minnesota Association of Mental Health Residential Facilities; Minnesota Detox Association; Minnesota Medical Association; Minnesota Nurses Association; Ombudsman for Mental Health & Mental Retardation; a provider of residential services; a health information management professional; a registered dietitian; Minnesota Department of Human Services - Licensing Division; Minnesota Department of Human Services - Chemical Dependency Division; Minnesota Department of Human Services - Division for Persons With Developmental Disabilities; Minnesota Department of Human Services - Mental Health Division; and Minnesota Department of Health - Facility & Provider Compliance Division.

For the Department's Home Care and Hospice Licensure Rules, *Minnesota Rules*, chapter 4668, the following persons and organizations participated in advisory committee meetings: Minnesota Home Care Association; Minnesota Hospice Organization; Minnesota Nurses Association; Public Health Nurses Association; Association of Residential Resources in Minnesota; Office of Ombudsman for Mental Health and Mental Retardation; a home health provider; a county public health administrator; a durable medical equipment provider; Care Providers of Minnesota; Minnesota Health & Housing Alliance; Minnesota Board of Nursing;

Official Notices

Minnesota Department of Human Services - Home & Community Based Services; Minnesota Department of Health - Environmental Health Division; Minnesota Department of Health - Public Health Nursing; and Minnesota Department of Health - Facility & Provider Compliance Division.

For the Department's Assisted Living Home Care Provider Rules, the following persons and organizations participated in advisory committee meetings: AARP; Association of Residential Resources in Minnesota; a family member; Home Care Ombudsman; Anoka County Social Services; Dakota County Public Health; Hennepin County; home care providers; housing with services establishments; a registered nurse; S.A.I.L. (Seniors Agenda for Independent Living); Minnesota Board of Nursing; Minnesota Department of Human Services; Care Providers of Minnesota; Minnesota Health & Housing Alliance; Minnesota Home Care Association; Minnesota Hospice Organization; Minnesota Hospital and Healthcare Partnership; Minnesota Nurses Association; Minnesota Professional Direct Caregivers Association; Minnesota Department of Health - Public Health Nursing; Minnesota Department of Health - Environmental Health Division; and Minnesota Department of Health - Facility & Provider Compliance Division.

Dated: 28 May 1998

Dave Orren, Rule Writer
Department of Health

Department of Labor and Industry

Labor Standards Division

Notice of Addition to Prevailing Wage Rates

Additional classes of labor, **Code 430, Wiring System Technician and Code 431, Wiring System Installer**, have been determined for the Commercial Prevailing Wage Rates in **Norman County** which were certified 10/20/97.

Copies of the corrected certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306 or by calling (612) 296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Minnesota State Law Library

Joint Notice of County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.09 and 134A.10, the following law library fees are either currently in effect, or will be in effect on July 1, 1998. Civil fees include probate matters except as noted. Criminal conviction includes felonies, gross misdemeanors, and misdemeanors except as noted.

<u>COUNTY</u>	<u>CIVIL</u>	<u>CONCILIATION</u>	<u>CRIMINAL CONVICTION</u>	<u>PETTY MISDEMEANOR</u>
Fillmore	10	10	12*	10
<i>*Fillmore assesses \$10 on misdemeanors.</i>				
Goodhue	10	10	10	10
Hennepin	10	5	2	2*
<i>*Nothing on parking tickets.</i>				
Houston	10	10	12	10
Ramsey	10	10	5	5*
<i>*Nothing on parking tickets.</i>				
Rice	10	10	---*	5
<i>*Rice assesses \$50.00 on criminal misdemeanors</i>				
Steele	10	10	5	5
Todd	10	10	10	10

Metropolitan Council

Public Hearing on 1999 Metropolitan Council Environmental Services Budget

On Thursday, July 23, 1998, the Metropolitan Council will hold a public hearing on the proposed 1999 budget for the Council's Environmental Services Division. This hearing will be held as part of the 4 p.m. Metropolitan Council meeting in the Council Chambers, Mears Park Centre, 230 E. Fifth Street, St. Paul.

All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Katie Elliott at (612) 602-1016 or (612) 229-3760 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

Comments also may be submitted as follows:

- Send written comments to: Lois Spear, Controller, Metropolitan Council Environmental Services, 230 E. Fifth Street, St. Paul, MN 55101.
- Fax comments to Lois Spear at 602-1130.
- Record comments on the Council's Public Comment Line: (612) 602-1500.
- Send comments electronically to: data.center@metc.state.mn.us

Comments must be received by 4 p.m. August 13, 1998.

Free copies of the public hearing draft of the proposed 1999 Environmental Services budget may be obtained from the Council's Regional Data Center by calling (612) 602-1140 or (612) 291-0904 (TTY).

Department of Natural Resources

Notice of Public Hearing to Consider Opening the Zumbro Falls Woods Scientific and Natural Area to Deer Hunting

The Department of Natural Resources (DNR) will conduct a public hearing to consider opening the Zumbro Falls Woods Scientific and Natural Area (SNA), located in portions of Sections 8, Township 109N, Range 13W, in Wabasha County, to deer hunting by the public. The hearing will be held June 23, 1998, from 1:00 pm to 2:00 pm, in the 3rd floor conference room, at the Department of Natural Resources headquarters, 500 Lafayette Road, St. Paul, Minnesota. The purpose of the hearing is to take public testimony regarding opening this scientific and natural area to deer hunting by the public. All other existing regulations will remain in effect should this proposal be approved.

Whitetail deer populations on and in the vicinity of this SNA periodically cause damage to crops on private lands. To assist in managing the whitetail deer population so as to limit crop damage on adjacent or nearby private lands it is proposed to open Zumbro Falls Woods SNA to deer hunting during the gun season. This SNA would only be opened for a limited number of antlerless deer permits in those years when high deer populations warrant it based on the advise of the Department of Natural Resources area wildlife manager.

A hearing examiner will record all testimony on whether or not the SNA cited above should be opened to public hunting as is proposed above. An official of the Department of Natural Resources will be present to discuss this measure. Written statements will also be accepted by the Department of Natural Resources concerning the above mentioned matter. Written testimony may be forwarded to the following address and will be accepted until June 23, 1998.

Regional Administrator
c/o Scientific and Natural Areas
Mn Department of Natural Resources
1200 Warner Road
St. Paul, MN 55106

Official Notices

Otter Tail County

Notice of Five Dollar Conciliation Court Law Library Filing Fee

NOTICE IS HEREBY GIVEN, that by resolution of the Board of Trustees of the Otter Tail County Law Library dated May 12, 1998, which was approved by the Otter Tail County Board of Commissioners on May 19, 1998, a Five Dollar (\$5.00) Conciliation Court Law Library fee is created, effective July 1, 1998.

Department of Revenue

Request for Comments on a Proposed Rule Relating to Lawful Gambling, Annual Audits and Reviews, *Minnesota Rules*, part 8122.0510; Planned Amendments to Rules Governing Lawful Gambling, Annual Audits and Reviews, *Minnesota Rules*, parts 8122.0550 and 8122.0600

Subject of Rules. The Minnesota Department of Revenue requests comments on its proposed rule and planned amendments to rules governing the annual audit and financial reviews of organizations licensed to conduct lawful gambling. The Department is considering a proposed rule relating to more than a 12-month audit or review and the department is considering amendments to rules relating to annual audits and reviews. The Department is also considering rule amendments that will update the lawful gambling rules by taking into consideration recent legislative changes. In addition, the Department believes that the rules need clarification and elaboration on several points, and in addition, these amendments will bring the rule into conformity with industry practice.

Persons Affected. The proposed rule and amendments to the rules would likely affect organizations licensed to conduct lawful gambling in Minnesota.

Statutory Authority. *Minnesota Statutes*, section 270.06, clause (14) authorizes the Department to adopt rules for the administration and enforcement of state tax laws, and *Minnesota Statutes*, section 297E.06, subdivision 4 (b), requires the Commissioner of Revenue to prescribe standards for audits and financial reviews for certain organizations licensed to conduct lawful gambling.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on August 14, 1998. The Department does contemplate appointing an advisory committee to comment on the planned rules. If you are interested in being a member of the advisory committee, you must contact the agency contact person (listed below) by July 1, 1998. Advisory committee meetings are expected to begin in July.

Rules Drafts. The Department has not yet prepared a draft of the proposed rule or planned rule amendments. When a draft is available, it may be obtained by contacting the agency contact person (listed below).

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to:

Patrick J. Finnegan, Attorney
Appeals & Legal Services Division
Minnesota Department of Revenue
10 River Park Plaza
St. Paul, MN 55146
Phone: (612) 296-1904
Fax: (612) 296-8229
TTY: (612) 297-2196

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.

James L. Girard, Commissioner
Minnesota Department of Revenue

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$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, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Department of Administration

State Designer Selection Board

Request for Proposals for Department of Corrections, New 60-Bed High-Security Segregation Unit at the Minnesota Correctional Facility, Oak Park Heights (SDSB Project 9-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, June 29, 1998, to:

Sharon Schmidt, Acting Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
(612) 297-5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at (612) 297-5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. Nine (9) copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for microfiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

- a. Name of firm and its legal status;
- b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);

Professional, Technical & Consulting Contracts

- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (612) 297-5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. " THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
 - 1) **A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or**
 - 2) **A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or**
 - 3) **A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or**
 - 4) **A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.**
- 5. Additional Mandatory Proposal Contents:
 - a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.
- 6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. PROJECT 9-98

Department of Corrections
MCF - Oak Park Heights
5329 Osgood Avenue
Stillwater, MN 55082

a. PROJECT DESCRIPTION:

The Department of Corrections is in need of a new high-security 60 bed segregation unit at their maximum security facility at Oak Park Heights, which was built in the early 1980s. This unit is an addition to the existing earth sheltered facility, and represents a step up in security to the level of the facilities at Florence, Colorado or Pelican Bay, California. It is desirable to have this addition be earth sheltered. There will be several levels of security within the unit initially, with the ability to covert all levels to the most secure level in the future. The unit shall be designed to keep staff safe; inmate movement within the unit shall occur without direct staff contact, and ideally each cell would be a self-contained living unit with a shower and its own ventilation system.

b. REQUIRED CONSULTANT SERVICES:

The architects will be required to assist the department and facility staff in developing the predesign document; and then proceed with schematic design, design development and contract documents. Consultant fees to provide bidding assistance and construction administration services will be included with the request for construction and other project related funding during the 2000 legislative session.

The architectural firm and its consultants must be familiar with the development of maximum security correctional institutions; specifically those with detention/segregation units. The need for specialized materials and sophisticated electronics will require special detail and attention by the firms. A specialized security consultant with experience at the custody level of the facilities at Florence, Colorado or Pelican Bay, California is desirable.

c. PROJECT BUDGET/FEES:

The current budget for design is estimated to be \$602,500. Construction costs are estimated to be \$10,633,000.

d. PROJECT SCHEDULE:

The predesign phase shall be completed by the end of January 1999. The schematic design phase will begin after approval of the predesign document and be completed by June 30, 1999. Design development shall be done by the end of October 1999. The construction document phase shall begin after legislative approval and be completed by June 1, 2000.

e. PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):

An information meeting will be held on Tuesday, June 23, 1998, at 9:30 a.m. at MCF-Oak Park Heights, 5329 Osgood Avenue, Stillwater, Minnesota. All firms interested in this tour must contact Brian Pawlak, Physical Plant Director, at (612) 779.1450 to sign up. No cameras, cell phones, pocket knives or tobacco products will be allowed in the facility. All participants will be required to walk through the metal detector.

f. STATE DESIGNER BOARD SCHEDULE:

Project Site Visits:	Tuesday, June 23, 1998, at 9:30 a.m.
Project Proposals Due:	Monday, June 29, 1998, by 4 p.m.
Project Short List:	Tuesday, July 14, 1998
Project Interviews & Award:	Tuesday, July 28, 1998

g. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

Mr. Brian Pawlak, Physical Plant Director
MCF - Oak Park Heights
5329 Osgood Avenue, Box 10
Stillwater, MN 55082
Phone: (612) 779-1450
FAX: (612) 779-1321

Professional, Technical & Consulting Contracts

Mr. Joseph R. Miller, Capital Resources Administrator
Department of Corrections
450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219
Phone: (612) 642-0247
FAX: (612) 603-0150

Ms. Kath Ouska, Project Manager
Division of State Building Construction
Department of Administration
50 Sherburne Avenue, Room G-10
St. Paul, MN 55155
Phone: (612) 296-4644
FAX: (612) 296-7650

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Department of Administration

State Designer Selection Board

Request for Proposals for Department of Corrections for the Replacement of Existing Plumbing, Upgrade of Existing Restrooms to Conform to ADA Regulations and Installation of Sprinkler System in Education Building at the Minnesota Correctional Facility, St. Cloud (SDSB Project No. 8-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, June 29, 1998, to:

Sharon Schmidt, Acting Executive Secretary

State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
(612) 297-5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at (612) 297-5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. Nine (9) copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the**

Professional, Technical & Consulting Contracts

top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.

4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

- a. Name of firm and its legal status;
- b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);
- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (612) 297-5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**

- 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- 2) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- 3) A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or
- 4) A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.

5. Additional Mandatory Proposal Contents:

- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
- b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
- c. A discussion of the firm's understanding of and approach to the project.
- d. A listing of relevant past projects.

Professional, Technical & Consulting Contracts

6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. PROJECT 8-98

Department of Corrections

MCF-St. Cloud

2305 Minnesota Blvd. S.E.

St. Cloud, Minnesota 56302

a. PROJECT DESCRIPTION:

The Education Building has four stories, including the basement, and was built in the early 1950's. About 150 inmates use the building each day for classes, and staff have offices scattered throughout the building. The construction work shall need to be phased to allow for some continued occupancy of the building.

The existing hot and cold water, and waste lines, run in galvanized pipe which is leaking and corroded almost to the point of closure in some areas. All of this piping shall be replaced as part of this project. In addition, the water main shall be replaced in both this building, and the next building downstream, the industry building. One inmate restroom on each floor (four total), and two staff bathrooms (two total), shall be remodeled as required to meet current ADA codes. In accordance with orders from the Fire Marshal, a sprinkler system shall also be installed throughout the building.

b. REQUIRED CONSULTANT SERVICES:

The selected designer shall be responsible for schematic design, design development, contract and bidding documents, and construction administration. Services required include architectural, mechanical, registered fire protection engineer, electrical, and cost estimating.

c. SERVICES PROVIDED BY OTHERS:

Asbestos abatement shall be completed by others.

d. PROJECT BUDGET/FEES:

The current construction budget is \$1,397,727 including contingency. The total project cost including fees, permits and tests is \$1,725,000. Design fees available for this project are approximately \$121,772.

f. PROJECT SCHEDULE:

Schematic design shall be completed by October 1, 1998, and design development by November 1, 1998. The construction document phase shall begin after legislative approval to proceed has been obtained, and shall be completed on January 1, 1999. Construction is expected to begin the end of February and be completed within seven months.

g. PROJECT INFORMATIONAL MEETING/SITE VISIT:

An informational meeting/site visit shall be held June 22, 1998, at 10 a.m. in the administration building at the MCF-St. Cloud, 2305 Minnesota Blvd. S.E., St. Cloud, Minnesota. All firms interested in registering for the informational meeting/site visit shall contact Mark Weis, Acting Physical Plant Director, at 320.240.3085. No cell phones, cameras, pocket knives or tobacco products shall be allowed in the facility. All participants shall be required to walk through the metal detector.

h. STATE DESIGNER BOARD SCHEDULE:

Project Site Visit:	Monday, June 22, 1998, at 10 a.m.
Project Proposals Due:	Monday, June 29, 1998, by 4 p.m.
Project Short List:	Tuesday, July 14, 1998
Project Interviews & Award:	Tuesday, July 28, 1998

i. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

Mr. Mark Weis, Acting Physical Plant Director
MCF - St. Cloud
2305 Minnesota Blvd. S.E.
St. Cloud, Minnesota 55302
Phone: (320) 240-3085
FAX: (320) 240-7095

Mr. Joseph R. Miller, Capital Resources Administrator
Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
Phone: (612) 642-0247
FAX: (612) 603-0150

Ms. Kath Ouska, Project Manager
Division of State Building Construction
Department of Administration
50 Sherburne Avenue, Room G-10
St. Paul, Minnesota 55155
Phone: (612) 296-4644
FAX: (612) 296-7650

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Department of Administration

State Designer Selection Board

Request for Proposals for the University of Minnesota, Crookston for Renovations to Kiehle Hall (Project 12 - 98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, June 29, 1998, to:

Sharon Schmidt, Acting Executive Secretary

State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
(612) 297-5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at (612) 297-5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. Eight (8) copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.

Professional, Technical & Consulting Contracts

2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**

4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

- a. Name of firm and its legal status;
- b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);
- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (612) 297-5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
 - 1) **A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or**
 - 2) **A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or**
 - 3) **A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or**
 - 4) **A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.**

5. Additional Mandatory Proposal Contents:
 - a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.
6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. PROJECT 12-98

University of Minnesota Crookston, Minnesota

a. PROJECT DESCRIPTION:

The University of Minnesota is planning to renovate and expand the 87 year old Kiehle Hall on the Crookston Campus to address code deficiencies, physical deterioration, and program obsolescence. Approximately 23,600 gross square feet of space will be remodeled to upgrade Kiehle Auditorium and to expand library functions. An addition will be constructed to provide new facilities for the music, theater arts and humanities programs. Preliminary project planning funding was provided by the 1997/1998 legislative bonding bill, construction funding will be requested in the 1999/2000 session.

The library/Learning Research Center (LRC) and Kiehle building complex on the Crookston Campus includes facilities used to support the research, study, distance learning, music, and fine arts programs. All the buildings are physically connected. The library/LRC contains primarily library space which will be expanded by relocating the existing music and fine arts programs now on the upper level of the Kiehle building to a new addition. The Kiehle building contains the largest auditorium/assembly space on campus, classrooms, student support and administrative space. The Kiehle buildings' infrastructures are sound, but the space is outdated for music and fine arts instruction. This project will reconfigure and expand selected spaces for more flexible and efficient use, while updating building systems.

The project will:

- 1) Update the facility for current code deficiencies.
- 2) Provide a fully accessible, ADA compliant building.
- 3) Correct deferred maintenance items.
- 4) Preserve and renovate the historic WPA era wall mural, as determined by the art conservator.
- 5) Upgrade all interior finishes, lighting, electrical, communication and HVAC systems.
- 6) Upgrade stage systems and curtains.
- 7) Construct high quality acoustic and noise isolation rooms for the programs.

b. REQUIRED CONSULTANT SERVICES:

The selection of a firm and their assigned individual staff for this renovation project will be confined to those having experience with both the many aspects of library, music and fine arts instruction and the renovation and expansion of existing facilities. Specific experience in HVAC systems for separation of sound, designing for digital technology systems and high tech instructional spaces incorporating advanced electronic and telecommunication equipment is desirable. Examples should include similar renovation with well designed additions compatible with the building or building complexes.

Professional, Technical & Consulting Contracts

Required service includes architecture; preservation/restoration expertise (art conservator); civil, electrical, mechanical, fire protection, and structural engineering; landscape architecture; acoustic vibration isolation expertise; communications networking; project scheduling; and project cost estimating. These services for the predesign, programming, schematic design, design development, and construction document phase are currently allocated. Funding for bidding and construction administration phases of the project is anticipated in the 2000 legislative session.

This selected design firm will be responsible for the development of the predesign package for submittal to the Minnesota Department of Administration for approval.

c. **PROJECT BUDGET/FEES:**

The current construction budget is estimated to be approximately \$2,430,000. The total project cost, including all fees, permits and departmental equipment purchases has been fixed at a maximum of \$3,300,000. The maximum designer fees available for all phases of the project, including predesign; programming; all basic services; travel and other reimbursables is approximately \$230,000.

d. **PROJECT SCHEDULE:**

Development of an overall project schedule for planning and phasing of the project is essential to ensure delivery of the contract documents by January 1, 2000, prior to the 1999-2000 legislative funding session.

e. **PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):**

A site visit for all firms shortlisted for interview by the State Designer Selection Board will be held on the University of Minnesota, Crookston Campus, prior to the required State Designer Selection Board interview date. Shortlisted firms will be contacted directly by the University with confirmed site tour time, location and date information.

f. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

Project Proposals Due: Monday, June 29, 1998, by 4 p.m.

Project Shortlist: Tuesday, July 16, 1998

Project Site Visit for Shortlisted Firms: Date to be determined

Project Interviews & Award: Tuesday, July 30, 1998

g. **PROJECT CONTACT(S):**

Questions concerning the project should be referred to:

Charles K. Koncker, AIA, Owners Representative
University of Minnesota, Twin Cities Campus
400 Donhowe Building, 319 - 15th Avenue, S.E.
Minneapolis, MN 55455

Phone: (612) 624-0828

FAX: (612) 625-2595

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Department of Administration

State Designer Selection Board

Request for Proposals for the University of Minnesota, St. Paul Campus for Laboratory Renovations to Gortner and Snyder Buildings (Project 13 - 98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, June 29, 1998, to:

Sharon Schmidt, Acting Executive Secretary

State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
(612) 297-5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at (612) 297-5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. Seven (7) copies of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**
4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

 - a. Name of firm and its legal status;
 - b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);
 - c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
 - d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
 - e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

Professional, Technical & Consulting Contracts

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at (612) 297-5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: “No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights.” THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**
- 1) **A copy of your firm’s current certificate of compliance issued by the Commissioner of Human Rights; or**
 - 2) **A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or**
 - 3) **A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or**
 - 4) **A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.**
5. Additional Mandatory Proposal Contents:
- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm’s qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm’s understanding of and approach to the project.
 - d. A listing of relevant past projects.
6. Design firms wishing to have their proposals returned after the Board’s review shall follow one of the following procedures:
- a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. PROJECT 13-98

**University of Minnesota - St. Paul Campus
1475 Gortner Avenue
St. Paul, MN 55108**

a. PROJECT DESCRIPTION:

Approximately 13,000 GSF will be remodeled and approximately 1,500 GSF will be added. In addition, ventilation, code and exterior envelope issues will be addressed in the remodeling of Snyder Hall.

The project will include:

- 1) Renovation of laboratory space for the Advanced Genetic Analysis Center.
- 2) Renovation of the Biological Sciences Imaging Center to accommodate confocal microscopes and to reconfigure to a more efficient arrangement.

Professional, Technical & Consulting Contracts

- 3) Reconfiguration of the Bioprocessing Pilot Facility (BPF) to accommodate new fermentation equipment and the relocation of existing equipment.
 - 4) Renovation of the Biological Processing Technical Institute (BPTI) labs to accommodate molecular and cellular biology and microbiology.
 - 5) Creation of office and instruction space for the Biotechnology Outreach Office.
 - 6) Consolidation of mass spectrometry equipment into a single lab.
 - 7) Snyder Hall will be upgraded through the installation of a new HVAC system, a new fire alarm system, new fire sprinklers and replacement of the exterior windows.
 - 8) A small addition to accommodate new HVAC equipment.
 - 9) Current code, accessibility and energy efficiency issues.
- b. **REQUIRED CONSULTANT SERVICES:**
- 1) Full architectural/engineering services for the project including programming, mechanical, electrical, structural, architectural, registered fire protection consultant, acoustic/vibration isolation, scheduling and cost estimating services.
 - 2) Coordinate services provided by others with consultant services.
- c. **SERVICES PROVIDED BY OTHERS:**
- 1) Asbestos abatement will occur in areas affected by the remodeling and will be contracted separately by the University.
 - 2) Commissioning
- d. **SPECIAL CONSIDERATIONS:**
- The design team shall demonstrate experience in:
- 1) The mechanical retrofit of an existing building.
 - 2) Laboratory design for molecular and cellular biology, electron and light microscopy, DNA sequencing laboratories and computer analysis centers.
 - 3) Familiarity with an institutional environment, its standards, resolving multiple user conflicts and responding to program and facility needs.
- e. **PROJECT BUDGET/FEES:**
- The current construction budget is estimated at \$2,806,000. The total project costs, including all fees, permits and certain departmental equipment purchases have been fixed at \$4,035,000. The maximum designer fees available for all phases of the project, including all basic services, programming, additional construction phase services, travel and other reimbursable expenses is \$327,000.
- f. **PROJECT SCHEDULE:**
- Development of an overall project schedule for planning and phasing the project to ensure delivery of the construction documents by April 1, 1999.
- g. **PROJECT INFORMATIONAL MEETING(S)/SITE VISIT(S):**
- The University will facilitate a pre-proposal meeting at the site for all interested firms on June 18, 1998. Call Ken Almer at (612) 624-3211 to register. The University will then facilitate a question and answer session with the shortlisted firms approximately five (5) days in advance of the presentation date.
- h. **STATE DESIGNER BOARD SCHEDULE:**
- | | |
|---|-------------------------|
| Project Site Visits: | Thursday, June 18, 1998 |
| Project Proposals Due: | Monday, June 29, 1998 |
| Project Shortlist: | Tuesday, July 16, 1998 |
| Informational meeting for shortlisted firms: | Date to be determined |
| Project Interviews & Award: | Tuesday, July 30, 1998 |

Professional, Technical & Consulting Contracts

i. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

Ken Almer, University's Owner's Representative
207 Facilities Management Building
1936 Commonwealth Avenue
St. Paul, MN 55108
Phone: (612) 624-3211
FAX: (612) 625-1753
Internet: almerk@fm.facm.umn.edu

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Gambling Control Board

Notice of Request for Proposals for an Integrated Database Management System

Proposals are requested from qualified vendors for professional services in development, implementation, and support of an integrated database management system to support the Gambling Control Board and its activities. Successful completion of this project will accomplish the following:

- A database management and software system which incorporates all Gambling Control Board functions
- A system that supports electronic submission of forms
- Development and implementation of software and systems to electronically link regional board offices and other state agencies
- A World Wide Web page on the State of Minnesota Northstar system
- System to allow for downloading forms and information

A complete statement of requirements and other terms and conditions governing this RFP is available free of charge by contacting:

Steve Pedersen
Gambling Control Board
1711 West County Road B Suite 300 South
Roseville MN 55113
Phone: (612) 639-4000

All proposals must be received by the Gambling Control Board by 3:00 pm CDT July 8, 1998.

Office of the Revisor of Statutes

Notice of Request for Computer Services

The Office of the Revisor of Statutes intends to contract for the continued development of UNIX based data processing programs for drafting, editing, engrossing and publishing laws and administrative rules for the period ending June 30, 1999.

The programs must be designed to work in coordination with existing mainframe based programs until the existing programs are fully replaced. For this work, experience with the prior development of the legislature's data processing needs is of the highest value to the Revisor. Responses must be received by the Acting Revisor by Wednesday, June 24, 1998. Inquiries and responses may be directed to:

Lorna Breiter
Acting Revisor of Statutes
Office of the Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297
(612) 296-2868
TTY use State Relay Services 1-800-627-3529

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Invitation to Bid on New and Remanufactured Toner Cartridges and Printer Ribbons

Bids must be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, for new and remanufactured toner cartridges and printer ribbons on or before 3:00 P.M., Tuesday, June 30, 1998.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling (612) 602-1499 or via Fax request at (612) 602-1083. All bids to be considered must be submitted on Council approved bid forms.

An optional pre-bid information meeting will be held on June 22, 1998, at 10:00 A.M., at Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101. For further information, please call (612) 602-1038.

The award will be based upon, but not necessarily limited to, factors of price, lead time, agreement to the terms and conditions and past experience with the Metropolitan Council.

The Metropolitan Council reserves the right to accept or reject any and all bids, or any part of any bid and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

Non-State Public Bids, Contracts & Grants

Minnesota Historical Society

Request for Bids for Chilled Water Piping Modification at Fort Snelling Interpretive Center

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies including containment of cement dust, site clean-up, and minimal site disturbance to complete chilled water piping modification to include approximately 200 feet of supply and return water piping and cutting off cement to install an access panel. All work will be in accordance with the Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract, and the Request for Bids.

The Request for Bid is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863 (jenna.gruen@mnhs.org).

All bids must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Wednesday, July 1, 1998. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

There will be a pre-bid meeting for all interested parties on June 24, 1998 at 11:00 a.m. at the site. Fort Snelling Interpretive Center is located between the Mississippi River and Twin Cities International Airport-just minutes east of the Mall of America. Take the Fort Snelling exits on Minnesota Highways 5 or 55.

Complete specifications and details concerning submission requirements are included in the Request for Bids.

University of Minnesota

Purchasing Services

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

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

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