Office of the Secretary of State of Minnesota

NOTICE OF HEARING

Proposed Permanent Rules Relating to Elections

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

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

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

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

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

A free copy of the rules is available upon request from the agency contact person. The agency contact person is: Bert Black at the Office of the Secretary of State, 180 State Office

Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, 651-201-1326, (voice) 651-215-0682 (FAX) Bert.Black@state.mn.us (email). TTY users may call the Office through the Minnesota Relay Service at 711.

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

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

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

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

Alternative Format/Accommodation. Upon request, the agency can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.
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Modifications. The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

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

agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

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

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

November 16, 2009	Mark Ritchie Secretary of State