

# Minnesota Office of the Secretary of State

## REQUEST FOR COMMENTS

### **Promulgation of Rules Governing Presidential Primary Election Administration and the Possible Amendment of Rules Governing Election Administration, Voter Registration, Petitions, Absentee Ballots, Voting System Testing, Optical Scan Voting Systems, Recounts, Election Judge Training Program, Ballot Preparation and Redistricting, *Minnesota Rules*, 8200, 8205, 8210, 8220, 8230, 8235, 8240, 8250 and 8255; Revisor's ID Number R-04487**

**Subject of Rules.** The Minnesota Office of the Secretary of State requests comments on possible rules governing the administration of presidential primary elections. The Office is considering rules that may prescribe:

- The method for administering absentee voting and mail ballot voting in a presidential primary;
- Presidential primary ballot preparation;
- Presidential primary polling place roster preparation;
- Modifications to absentee and mail materials necessary for the administration of a presidential primary;
- Instructions to voters related to voting in a presidential primary;
- Election judge training related to a presidential primary;
- Recount procedures for a presidential primary; and
- Voting system testing procedures for a presidential primary.

The Office may consider other presidential primary related rule provisions that may arise and rule provisions suggested by those submitting comments, but only as time permits.

In addition, the Office of the Minnesota Secretary of State requests comments on its possible amendment to rules governing Election Administration, Voter Registration, Petitions, Absentee Ballots, Voting System Testing, Optical Scan Voting Systems, Recounts, Election Judge Training Program, Ballot Preparation and Redistricting. The Office is considering rules and rule amendments including but not limited to amendments to reflect statutory changes made in recent years as well as: affecting voter registration generally, including but not limited to the manner, format, content of and procedures relating to voter registration materials and records; petitions generally, including but not limited to the manner, format, content and procedures relating to petitions; absentee and mail balloting generally, including but not limited to the manner, format, content of and procedures for absentee and mail balloting materials and records; voting system testing generally, including but not limited to the scope and standards for voting system examination and testing, the examination and certification of voting systems, the preparation and testing of election programs, the security of voting systems and programs; optical scan voting systems generally, including but not limited to procedures for central count optical scan voting systems and precinct-count optical scan voting systems; election judge training programs generally, including but not limited to training requirements and standards, training methods and programs, courses and materials, records, plans, certifications, feedback and schedules; and ballot preparation generally, including but not limited to the format and layout of partisan and nonpartisan ballots, ballots for electronic voting systems, and redistricting, as well as other elections-related rule provisions that may arise but only as time permits, as well as changes suggested by the recipients of this request for comments, or the general public.

**Persons Affected.** The rules and possible amendments to rules would likely affect voters, local election officials and election staff, political parties, candidates, election equipment vendors and manufacturers, private and county attorneys, and election advocacy groups.

**Statutory Authority.** *Minnesota Statutes*, section 207A.11, Minnesota Laws 2016, chapter 162, section 9, requires the Office of the Secretary of State to adopt rules to implement the provisions of *Minnesota Statutes*, chapter 207, Minnesota Laws 2016, chapter 162, establishing a presidential primary election in Minnesota. *Minnesota Statutes*, sections 201.022, 201.061, 201.071, 201.091, 201.221, 203B.04, 203B.08, 203B.09, 203B.125, 203B.14, 204B.071, 204B.14, 204B.25, 204B.45, 204C.361, 204D.08, 204D.11, 205.17, 205A.08, 206.57, 206.81, 206.82, 206.84, 206.882, 211C.03, 211C.04 and 211C.06, authorize the Office: to adopt rules for the administration of the statewide voter registrations system; to define documentation sufficient for election day registration; to define the form of the voter registration application and the voter certificate of eligibility; to provide for public information list or statewide information system requests; governing the general administration of voter registration and the format and use of polling place rosters; governing absentee ballot procedures for persons permanently unable to go to the polling place due to illness or disability; providing procedures for the accurate and timely return of absentee ballots; establishing methods and procedures for issuing ballot cards and related absentee ballot forms; establishing the form, content and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot; providing for the reconciliation of voters and ballot cards; governing the manner in which petitions required for any election are circulated, signed, filed and inspected; establishing programs for the training of county auditors, local election officials and election judges; providing for the conduct of mail balloting, including instructions to voters, procedures for the challenge of voters, public observation of the counting of ballots, and procedures for the proper handling and safeguarding of ballots to ensure the integrity of the election; adopting uniform recount procedures; providing for the format and preparation of the state primary ballot and the state general election ballot as well as municipal and school district ballots; providing for the examination and use of electronic voting systems; providing for the experimental use of electronic voting systems; specifying test procedures for electronic voting systems and electronic ballot markers; providing for procedures to instruct election judges and voters in the use of electronic voting systems and electronic ballot markers, as well as standard ballot formats for electronic voting systems; governing the rotation of candidate names; and prescribing the manner and form of a recall petition as well as the evaluation of the number and eligibility of signers of a recall petition.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on September 25, 2017. The Office of the Secretary of State also requests comments about the “cumulative effect of the rule with other federal and state regulations,” as required by *Minnesota Statutes*, section 14.131(8), and whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 for one small city or business, as required by *Minnesota Statutes*, section 14.127.

**Rules Drafts.** The Office of the Secretary of State has not yet drafted the possible rules and rule amendments, and is seeking feedback on the goals and objectives that should inform the drafting of these rules and rule amendments from interested persons and stakeholders. The Office of the Secretary of State does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Julie Strother, Government Relations Director at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155; Phone 651-201-1342; Fax 651-296-3073; Email [julie.strother@state.mn.us](mailto:julie.strother@state.mn.us). TTY users may call the Office of Secretary of State at 711.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: July 18, 2017

Steve Simon  
Secretary of State