

Office of the Minnesota Secretary of State

ORDER ADOPTING RULES

Adoption of Rules Governing Voter Registration, Petitions, Absentee Ballots, Optical Scan Voting Systems, Recounts, Election Judge Training Program and Ballot Preparation, Minnesota Rules, Chapters 8200, 8205, 8210, 8230, 8235, 8240 and 8250; OAH Docket No. OAH 3500-30741; Revisor's Tracking No. R-4193.

BACKGROUND INFORMATION

1. The Office of the Minnesota Secretary of State has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. The Office of the Minnesota Secretary of State adopts the Administrative Law Judge's Report dated February 28, 2014, and incorporates the Report into this Order.

3. There are a number of minor modifications to the rules as proposed and published in the State Register of November 25, 2013. The Administrative Law Judge's Report dated February 28, 2014, concluded that these modifications are not substantially different from the proposed rules as published in the State Register within the meaning of Minnesota Statutes §§ 14.05, subdivision 2, and 14.15, subdivision 3. These modifications are reflected in the Revisor's draft AR4193 provided previously, dated February 10, 2014, and are again reflected in the draft dated March 21, 2014.

There are two additional minor modifications in the rules in response to the Administrative Law Judge's Report's findings number 78, 81, and 82. These minor modifications reflected in Revisor's draft AR4193, dated March 21, 2014, and are outlined below.

Minn. R. 8200.9940

In the proposed rules, the Office of the Secretary of State proposed clarifying language to the form that precinct election officials use to record details of same-day voter registration. The Office of the Secretary of State proposed including the following statement in the instructional portion of the form: "Employees of residential facilities may vouch for an unlimited number of voters." The Administrative Law Judge's Report noted that this language was inaccurate to the extent it did not indicate that the voter that is being vouched for must be a resident in the residential facility and the facility must be within the boundaries of the precinct. The Office of Secretary of State has adopted the Administrative Law Judge's Report's proposed cure for this defect, and the rule language now states: "Employees of residential facilities may vouch for an unlimited number of facility residents who are registering to vote at the facility's address." As noted in the Administrative Law Judge's Report, this change is needed and reasonable, and is not a substantial change from the rules as originally proposed.

Minn. R. 8205.3200, subp. 1(C)

In the proposed rules, the Office of the Secretary of State proposed clarifying language to the directives on review of petitions for recognition of major and minor political parties. The proposed rule contained the following language: “The secretary of state shall inspect each petition to determine whether or not is has been signed by a number of persons eligible to vote ...” The Office of Secretary of State adopts the Administrative Law Judge’s Report’s recommendation that the rule include the proper and intended word (“it” as opposed to “is”), and as noted in the Report this change is needed and reasonable, and is not a substantial change from the rules as originally proposed.

4. The rules are needed and reasonable.

ORDER

The above-named rules, in the form published in the State Register on November 25, 2013, with the modifications as indicated in the Revisor’s draft, file number AR4193, dated March 21, 2014, are adopted under my authority in Minnesota Statutes, sections 201.022, 201.061, 201.071, 201.091, 201. 221, 203B.04, 203B.08, 203B.09, 203B.125, 204B.071, 204B.25, 204B.45, 204C.361, 204D.08, 204D.11, 205.17, 205A.08, and 206.84.



March 25, 2014

Mark Ritchie
Minnesota Secretary of State