



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

VIA EFILING

October 29, 2025

The Honorable Judge Eric Lipman
Administrative Law Judge
Court of Administrative Hearings

**In the Matter of the Proposed Permanent Rules Relating to Elections Administration;
Revisor's ID Number R-4824; CAH Docket No. 8-9019-39440; Minnesota Rules
Chapter 8200-8250**

Dear Judge Lipman:

This letter contains the Office of the Secretary of State's responses to the comments that were submitted at the October 10, 2025 rulemaking hearing held in the above-captioned rule docket. In cases where the comments were similar or overlapped, the Office has provided a joint response below.

I. Minnesota Election Processes

Several commentators (Kathleen Hagan, Annmarie Beier, Phillip Parrish, Sandy Klocker, and Tom Lopac) raised general concerns regarding the security of Minnesota election processes. While these comments do not relate to any of the specific rules before the Court, the Office wants to emphasize that Minnesota's elections are safe and secure.

Any person registering to vote must provide identifying information that is verified against data provided by the Driver and Vehicle Services Division of the Minnesota Department of Public Safety or the Social Security Administration, swear under oath that they are eligible to vote, and acknowledge that it is a felony to vote illegally. Individuals are registered to vote through Minnesota's automatic voter registration system only if they provide or have previously provided citizenship affirming documentation at the time of their application. Individuals also have their address checked by a postal verification card.

Once registered, voters are added to the Statewide Voter Registration System (SVRS), which is updated daily using reporting from several entities, including the Minnesota Department of Health, the Minnesota Department of Corrections, the Minnesota Department of Public Safety, and the Minnesota State Court Administrator. The Office also receives data from the United States Postal Service National Change of Address program, the Social Security Limited Access Death Master File, and from voter registration and motor vehicle data from 25 states and the District of Columbia as part of Minnesota's participation with the Electronic Registration Information Center. These reports provide information on individuals who are not eligible to vote because they are incarcerated, not a United States citizen, or subject to a guardianship or other court order revoking their right to vote; have passed away; or have moved within or out of Minnesota. This Office, in partnership with local election officials, uses the data in each of these reports to determine whether any individual listed in those reports is registered to vote. If any person is, their voting record is challenged or inactivated. In some cases, they are referred to their county attorney for potential prosecution.

In addition, Minnesota has adopted a series of best practices to ensure that elections are free, secure, and accurate. All ballots are cast on paper and counted using ballot tabulators that are certified by federal and state experts. This equipment is stored in secure areas and tested before each election. Local election officials and more than 30,000 trained election judges from all major political parties manage both in-person and absentee voting to verify the requirements necessary to cast a ballot are met, as well as to ensure the number of ballots cast matches the numbers of voters. And after each state general election, results are randomly audited to ensure the tabulators properly recorded the votes. Additionally, candidates may request a recount of results, which have consistently shown that the equipment accurately counts voters' selections.

As a result of these safeguards, Minnesota experiences little, if any, election-related misconduct. Minnesota law enforcement officials are required to investigate and report to the Office the results of all election-related investigations. The number of cases of misconduct they report is exceedingly small; nearly all of the few reports that are submitted detail simple cases of misunderstanding or human errors, rather than intentional acts of deception or fraud.

The measures detailed above have resulted in an elections system that is one of the most secure throughout the country. The Office is proud to have a system that encourages voting while maintaining appropriate safeguards to ensure results are fair and accurate. Minnesotans throughout the state agree, as evidenced by the fact that we routinely lead the nation in voter turnout.

II. Authority to Adopt Rules and Adequacy of Notice

Several commentors (Daniel Passan, Representative Pam Altendorf, Tom Lopac, Representative Drew Roach, and Representative Duane Quam) questioned the Office's authority to enact the proposed rules or whether additional parties should have been consulted in the development of these rules. The Statement of Need and Reasonableness (SONAR) identifies the source of the Office's authority to enact the proposed rules. Moreover, as indicated in the SONAR, the Office conducted an extensive review of federal and state law in drafting its proposed amendments and determined that the proposed rules are consistent with all such authority. Finally, the Office respectfully submits that its notice plan, previously approved by the Court, provided adequate notice to all the appropriate parties to ensure that adequate feedback could be received and incorporated into the rules. This Office further submits that its notice plan was successful, given the number of comments received, the robust participation at the public hearing, and the changes the Office intends to make to its proposed rules as a result of that hearing (as detailed in the Office's October 16 response to prehearing comments).

III. Minnesota Rule 8210.2400

Two commentors (Daniel Passan and Kathleen Hagen) asked for clarification regarding the changes to Minnesota Rule 8210.2400, which amended the process by which absentee ballots are removed and opened. As described in the SONAR, the changes in this process are necessary so that the rule is consistent with the new processes established by 2025 amendments to Minnesota Statutes section 203B.121, subdivision 4.

IV. Kathleen Hagen

Kathleen Hagen indicated that she was a former election judge who faced retaliation for reporting problems to her supervisor. The Office has not been provided with any additional information about these allegations, but they are outside the scope of this rulemaking docket, the primary purpose of which is to amend the rules so they are consistent with recent legislation.

Ms. Hagen also expressed concern that the changes that were made to lines 1.4 to 1.6 of the proposed rules, which clarify the county auditor's obligation to accept voter registration applications received from a voter with a residential address outside the county and forward them to the correct auditor, could lead to fraud. As described in the Office's October 16, 2025, letter responding to prehearing comments, this language merely clarifies an already existing practice among counties and is consistent with guidance that the Office has previously issued. Furthermore, as described in that letter, the Office is aware of only a small number of applications that need to be forwarded under this rule. Finally, the Office

has not ever been presented with any evidence that this rule could result in fraudulent voter registrations, nor have local election officials expressed this concern. As described above, Minnesota's election systems contain substantial safeguards to ensure only eligible persons can register to vote.

Ms. Hagen further expressed concern with certain changes made so that witnesses for absentee and mail ballots no longer need to provide a residential address. As described in the SONAR, Minnesota Statutes section 203B.07 was amended in 2024 to allow for any United States citizen at least 18 years or older to be an eligible witness. And, as noted in the Office's October 16 letter, it has never been a requirement under law or rule for absentee ballot boards or local election officials to use an address to verify a witness's identity. It only served to affirm their residence in Minnesota. Because there is no longer a requirement that a witness maintain a residence in Minnesota, there is no need for a witness to provide this information anymore. Witnesses will, however, continue to certify under oath and penalty of perjury that they meet all the requirements necessary to serve as a witness, none of which include residency in a specific location.

Ms. Hagen also expressed concern that the verification process was conducted through the Department of Human Services (DHS), which she alleged had engaged in a substantial amount of fraud. The Office respectfully submits that it uses a print vendor under contract with DHS to mail postal verification cards to those registering to vote, but does not rely on any reporting from DHS for verification of those registering to vote. Postal verification cards are not returned to DHS, but to the appropriate county election official.

Ms. Hagen also expressed concern with changes made to Lines 32.18 through 32.20, which change the deadlines for when certain ballots must be spoiled or rejected from seven days before the election to 19 days before the election. As discussed in the SONAR, these changes are necessary to conform the rule language with 2023 amendments to Minnesota Statutes sections 203B.121, which moved the deadline from which absentee ballots could be opened from secrecy envelopes, duplicated if needed, and deposited in the appropriate ballot box from seven days before the election to 19 days before the election.

In addition, Ms. Hagen questioned the change to Minnesota Rule 8215.0300, which would modify the polling place roster to clarify that a person's choice of party ballot for the presidential nominating primary would only be shared with the chair of the selected major political party. The change was necessary because of amendments to Minnesota Statutes section 201.091, subdivision 4a, which made the person's selection available only to the chair of the party.

Ms. Hagen also asked about the change in Rule 8220.1550, which moved the timeframe in which a public accuracy test must be held from 14 days prior to the election to at least three

days before the equipment is used. This change is a result of a 2023 amendment to Minnesota Statutes section 206.83, which was updated to clarify when equipment must be tested prior to its use as part of absentee voting, and (beginning in 2026) early voting.

Ms. Hagen also stated, referring to lines 46.15 to 46.16, that all equipment should be tested. As described in the SONAR, every ballot counter used in an election must complete preliminary testing according to 8220.1350. The purpose of this amendment was to clarify the previous language in 8220.1550, which was ambiguous and could be interpreted not to require public accuracy testing of all unique models. It is necessary and reasonable to clarify this requirement to ensure that each voting jurisdiction publicly tests all models of voting equipment before an election.

Ms. Hagen also suggested that ballot duplication (as provided for by Minnesota Statutes sections 206.86, subdivision 5 and 203B.121 and Minnesota Rule 8230.3850) should be recorded. This proposal is outside the scope of the rules, which are focused on changes necessary to comply with amendments to Minnesota law. In any event, ballot duplication must be completed by two judges from different major political parties and according to processes set forth in page 44 of the Minnesota Absentee Voting Administration Manual, located at <https://www.sos.mn.gov/media/eddemz0y/minnesota-absentee-voting-administration-manual.pdf>. These processes provide adequate safeguards for duplication.

Ms. Hagen also suggests that votes received by mail should be kept separate from votes cast at a polling place on election day for recount purposes. This change is outside the scope of the rules for the reasons described above as well.

Ms. Hagen also expressed concern with changes made to Minnesota Rule 8210.2400, focusing on the need to have mail and signature envelopes to preserve physical evidence and allow for audits. As described in the SONAR, the legislature amended the process by which absentee ballots are opened from envelopes and counted, *see* Minn. Stat. § 203B.121, subd. 4, requiring that the rule be updated to reflect that change. The Office submits that the amendment of Section 203B.121 addresses Ms. Hagen's comments. In addition, to the extent Ms. Hagen is concerned about the retention of signature envelopes, Minnesota law already requires they be retained for 22 months.

Ms. Hagen also expressed concern with the addition of instructions regarding the transmission and printing of ballots to voters with print disabilities (found, among other places, in lines 18.12 to 18.17). As described in the SONAR, the changes made to this rule were mandated by the 2023 enactment of Minnesota Statutes section 203B.29, subdivision 2, required that certain materials be transmitted electronically to voters with a print disability.

Ms. Hagen also generally raised concerns about test ballots, the supervision of absentee ballot drop boxes, access to video footage of absentee ballot drop boxes, and cast vote records. These concerns are outside the scope of the rule amendments that the Office has proposed.

Ms. Hagen also indicated that she was concerned about the addition of training to election judges on assistance to voters in languages other than English, stating that she believed that such assistance resulted in a loss of privacy or could lead to the person providing assistance influencing the voter. Both state (Minn. Stat. § 204C.15) and federal (52 U.S.C. § 10508) statutes permit voters to receive assistance from any person that they choose, with the exception of the voter's employer or agent of the voter's union, so it is appropriate that training be provided on this topic. In addition, the training contemplated here involves more than just assistance in completing a ballot, but also helping voters identify resources available to them in other languages and other tools to help them successfully cast their ballot.

Finally, Ms. Hagen suggested additional training topics for election judges, municipal clerks, school district clerks, and county auditors. The Office respectfully submits the topics that it has proposed, which were developed through review and consultation with the Office's Election Administration and other election experts, adequately address the needs of local election officials.

V. Ayrlahn Johnson

Ayrlahn Johnson expressed concern with the notice of hearing that was provided to him after he submitted a comment in response to the Office's dual notice, stating that the notice did not contain the date, time, or location of the hearing. The Office respectfully submits that the notice that it used was identical to the template notice contained within the Minnesota Rulemaking Manual (and has been used in several other hearings) and that it directed him to the Dual Notice, which contained all the relevant information for the hearing.

Mr. Johnson also asked the Court to consider the comments submitted before the hearing, expressing particular concern for the creation of the permanent absentee application program in Rule 8210.0200. As described in the SONAR, the creation of the permanent absentee application program was the result of changes made by the legislature to Minnesota Statutes section 203B.04, subdivision 5. This change is therefore necessary to ensure the rule is consistent with the new law. The Office has addressed the other prehearing comments in its October 16 letter.

VI. Representative Pam Altendorf

Representative Pam Altendorf commented on the change to Minnesota Rule 8210.2500, stating that it would increase the risk of litigation and the chance that ballots could be received after the deadline prescribed in statute. The Office addressed a similar comment in its October 16 letter, stating that substantial changes in the way the U.S. Postal Service (USPS) handles election-related materials, and mail more generally, have made it very common for mail to be delivered after 4:00 p.m. Because absentee ballots must be counted if they are delivered by mail before 8:00 p.m. on election day, *see* Minn. Stat. § 203B.08, subds. 1, 3, the change was necessary to ensure that all ballots received before 8:00 p.m. were counted. The rule does not require clerks to deliver ballots to the ballot board received after polls closed and, even if the clerk delivered those ballots, state law would prohibit them from being counted.

VII. Hana Abdelhamid

Hana Abdelhamid, representing We Choose Us, expressed support for the rules generally and asked the Office to consider the comments submitted by Senator Liz Boldon submitted before the hearing. The Office's response to Senator Boldon's comments is contained in its October 16 letter.

VIII. Phillip Parrish

Phillip Parrish stated that the Minnesota Rules should be amended to require those registering to vote to provide documentary proof of citizenship, citing section 303 of the Help America Vote Act (HAVA), the National Voter Registration Act of 1993 (NVRA), and President Donald Trump's 2025 Executive Order entitled Preserving and Protecting the Integrity of American Elections, 90 FR 14005. None of these authorities require such proof. To begin, Minnesota is exempt from the NVRA. *Pub. Int. Legal Found., Inc. v. Simon*, 774 F. Supp. 3d 1037, 1040 (D. Minn. 2025). Even if it were not, neither the NVRA nor HAVA for that matter require a person to provide documentary proof of citizenship. 52 U.S.C. § 20508(b)(2); 52 U.S.C. § 21083(b)(4)(A)(i). And finally, while President Trump did order that documentary proof of citizenship be required in order to register the vote, that order applied only to those using the national mail voter registration form made available under the NVRA, not those using the standard Minnesota voter registration form or those registering online or in person on election day. In any event, courts enjoined that portion of President Trump's order as unconstitutional. *California v. Trump*, 786 F. Supp. 3d 359, 382 (D. Mass. 2025). No other authority in state or federal law requires that documentary proof of citizenship be required in order to register to vote.

IX. Conclusion

The Office appreciates the comments that were transmitted at the hearing and submits that it has adequately addressed the issues raised by them through this response.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Erickson', followed by a long horizontal flourish.

Justin R. Erickson
General Counsel