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State Representative
Co-Chair, Elections Finance
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District 24A
Dodge and Olmsted Counties



Minnesota House of Representatives

October 31, 2025

Rebuttal Comments on Proposed Permanent Rules Relating to Elections Administration; Revisor's ID Number R-4824; CAH Docket No. 8-9019-39440; Minnesota Rules Chapter 8200-8250

As members of the Minnesota House Elections Finance and Government Operations Committee, we are writing to provide rebuttal comments on the proposed changes to rules related to elections administration. While there are parts of the proposed changes that are reasonable, there are several items that are of concern or that should be debated within the legislative process.

8200.9940 - PRECINCT LIST OF PERSONS VOUCHING FOR VOTER RESIDENCE ON ELECTION DAY AND NUMBER OF PERSONS VOUCHER FOR.

This change updates rules related to vouching. While we are supportive of requiring tracking of vouching information, we have concerns about what this rule change leaves out. During the 2025 legislative session, changes were made related to vouching both by election judges and residential facility staff.

Current statute now includes a prohibition on election judges vouching for individuals in the precinct they are working in unless they have personal knowledge that the voter is a resident of the precinct. This is not mentioned on the instructions for the vouching form.

Statute also requires that residential facilities provide lists of employees working in the facility, and it requires that those employees that are engaged in vouching must provide proof of employment in the residential facility. The existing rules in this section make no mention of these requirements, rather they only mention that residential facility employees may vouch for an unlimited number of people.

If the proposed rule changes are being made to clarify existing statute, as is the rational in the SONAR, then they should reflect the entirety of the statutory requirements and not provide selective information.

Unfortunately, in their response, the OSS contends that the proposed form is only to track the number of people vouched for and should not reference statutory limits on vouching. While we are supportive of tracking the number of individuals vouched for, we still believe that by using rulemaking to create a form that only contains selective information could lead to additional confusion and opportunities for error. We believe that the production of elections materials that match statutes, are free from errors and omissions, and are easily understood by the public should be the norm.

8210.0500 INSTRUCTIONS TO ABSENT VOTER.

We appreciate the office suggesting the addition of "jurisdiction specific" after the word additional in line 10.21 of the draft rules. This change will allow the rules to provide further clarity to elections administrators and ultimately to voters.

8210.2500 – MAIL PICKUP

This proposed change alters the time by which municipal clerks must ensure that all return envelopes are received from the post office, from 4:00pm to a general “on election day.” This change is extremely concerning because it will lead to confusion, differing interpretation in municipalities, and potential lawsuits.

Municipal clerks may struggle to process ballots received close to poll close. The rule adds confusion rather than clarity, by implying that return envelopes could be accepted between the poll close at 8:00pm and 11:59pm. This will lead to lawsuits for improperly accepted ballots, or from voters who did not have their ballot accepted after the closing of polls.

In the 2025 legislative session, there was a bipartisan agreement to move the absentee ballot drop off time from 8:00pm to 5:00pm. The legislature is perfectly capable of hearing and debating this similar change. It is appropriate that stakeholders have a chance to weigh in on this significant change in public committee hearings during the legislative session. This rule change adds confusion and is a policy change that is more appropriately decided by the elected representatives of the people. We respectfully request that this change is withdrawn and submitted to the legislature for consideration.

The office in their reply to our comments contends that since the previous iteration of the rules did not explicitly prohibit clerks from delivering received mail ballots after 4:00pm that there may be locations where a ballot may be treated differently. We agree that the current rule is confusing, but we are suggesting that the proposed rule adds further confusion rather than resolution. A reasonable person may not read the proposed changes the same way as those who work at the OSS. We believe that rules should provide clarity, not just to election administrators but also to the public. Had the Secretary of State brought forward language on this to the legislature, the public would have had a greater opportunity for input and legislators could have provided suggested language to help make this proposed change easily understandable.

We continue to believe that this is a policy change outside of the scope of the rulemaking authority of the OSS and adds unnecessary confusion rather than clarity to the rules.

While we appreciate the comments provided by the OSS and acknowledge that the bulk of the proposed rule changes are proper and done to conform to statute, we are disappointed that the office continues to persist in changes we believe add confusion rather than clarity. As can be seen by the numerous comments submitted, the vast majority of individuals are opposed to and confused by some of the changes we have highlighted. The changes that we have raised issue with we respectfully submit are not reasonable and should be rejected.

We also wanted to mention our disappointment with the office that they did not send a copy of their response letters to individuals who submitted comments during the dual notice period or in the public hearing. Citizens wishing engage in the rulemaking process would need to navigate to a different website to look for these response letters rather than the one where they would provide comment. Individuals who provided comments via mail, fax, or in person, would be completely unaware of the responses by the office.

As members of the Minnesota House Elections Finance and Government Operations committee, we encourage the Office of the Secretary of State to bring forward changes that are not approved to the committee for discussion and a fair and open public hearing. We believe that reasonable Minnesotans should be able to read and understand our election laws and rules, and that this is the best way to instill confidence in our elections. When rules add confusion, they are not reasonable.

Sincerely,



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Co-Chair, Elections Finance and
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Joe McDonald
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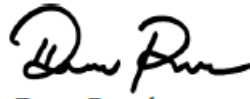
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