



STATE OF MINNESOTA
Office of Minnesota Secretary of State
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STATEMENT OF NEED AND REASONABLENESS

Proposed Permanent Rules Relating to the Safe at Home
Program, Minnesota Rules, Chapter 8290; Revisor's ID
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Office of the Minnesota Secretary of State
Safe at Home Program

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Acronyms and Abbreviations

APA	Administrative Procedures Act
ALJ	Administrative Law Judge
CFR	Code of Federal Regulations
Minn. R. pt	Minnesota Rules part
Minn. Stat.	Minnesota Statutes
MMB	Minnesota Management and Budget
MN	Minnesota
MORS	MN Office of the Revisor of Statutes
OAH	Office of Administrative Hearings
Office	Office of the Minnesota Secretary of State
SAH	Safe at Home
SONAR	Statement of Need and Reasonableness

Introduction and Overview

Introduction

The Office of the Secretary of State (Office) is responsible for administering the Safe at Home (SAH) address confidentiality program, established by Minnesota Statutes, chapter 5B. Safe at Home was launched in 2007 to protect victims of stalking, domestic violence, sexual assault, and others who fear for their safety, such as members of law enforcement or the judiciary. The Safe at Home program is designed to prevent perpetrators of violence from using publicly accessible data to locate their victims and cause further harm. The program does this by allowing participants to use a post office box located in St. Paul as their legal address for all purposes.

Under current rules, individuals are encouraged to undergo safety planning with an application assistant before entering the program. Application assistants are victim advocates who are employed by community-based organizations and voluntarily partner with the Safe at Home program, and each application assistant is trained by the Safe at Home program staff. Application assistants meet one-on-one with potential applicants to discuss the individual's situation and how Safe at Home may be an appropriate tool to promote physical safety and emotional wellbeing. Under current rules, applicants are required to complete their Safe at Home application in the presence of an application assistant, and the application assistant must sign the application before it can be submitted. To increase flexibility and program access, this rule amendment creates a slight process change whereby applicants are now able to submit the application on their own, after discussing the overall safety plan with an application assistant. To further expand access, the rule amendment would also allow application assistants to be volunteer victim advocates at community-based organizations.

Once an individual has completed the application, Safe at Home staff accept and process the application, certifying the applicant as a program participant if they meet all required criteria. Once the applicant has been certified as a participant, Safe at Home assigns the participant a legal substitute address (a post office box) to use in place of their physical address; this address can be used whenever an address is required. First class mail sent to the substitute address is forwarded by the Office of the Secretary of State to the participant's real physical address. All participants designate the Office of the Secretary of State as their agent for legal service of process.

The Safe at Home program also assists participants with interactions with third parties if problems arise while giving the Safe at Home address to others. Safe at Home staff may work with third party stakeholders, such as utility companies, banks, and schools, to ensure that these stakeholders comply with the Safe at Home laws and accommodate the safety needs of Safe at Home participants. Staff often engage with private entities, local governments, and other organizations to help them understand their obligations under the Safe at Home statutes and rules.

Over forty states have similar Address Confidentiality Programs. Minnesota currently has over 4,700 individuals in the Safe at Home program, representing approximately 2,200 households. The number of active participants fluctuates daily as individuals enter and exit the program. Therefore, the number of individuals served annually by Safe at Home is much higher than the number of active participants on any given day.

As the program continues to grow, so does the complexity of issues facing participants and the Office. Many of these new and complex issues are a result of the program's ongoing success. For example, participants that have been in the program for an extended period of time have developed stability and security such that they can put down roots in the community, including purchasing property. Many program participants that were children at the time of entering the program are now adults and need to decide whether to remain within the program. Additionally, as the program has grown, the Office has gained experience in administering the program and has identified situations not adequately addressed by the current rules, and processes that no longer serve the needs of participants.

In light of these experiences, the Office is proposing modifications to the rules. The Safe at Home rules have not been amended since 2015, and the Office believes that the updates to the rules proposed here are needed and reasonable in order to implement the experience gained by years of program operation, as well as incorporate some recent statutory changes.

A Request for Comments was published in the State Register on December 18, 2023, and notice was sent to a broad spectrum of interested parties pursuant to an approved Notice Plan, described further below. Responses were received from Mid-Minnesota Legal Aid and a Minnesota citizen. The Office used this feedback, along with program staff input and research into other states' address confidentiality programs, to draft the proposed rules.

Availability and Alternative Formats

Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Office's Rulemaking & Data Practices page: <https://www.sos.state.mn.us/about-the-office/rulemaking-data-practice/>

Agency contact for information, documents, or alternative formats: Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Lauren Bethke, Deputy General Counsel, Office of the Minnesota Secretary of State, 20 W. 12th Street, St. Paul, MN 55155; telephone 651-201-1326; email lauren.bethke@state.mn.us; or use your preferred telecommunications relay service.

Statutory Authority

The Office's statutory authority to adopt rules governing the Safe at Home program is stated in Minnesota Statutes section 5B.08, which provides:

Enactment of this section satisfies the requirements of section 14.388, subdivision 1 for the enactment of rules to facilitate the administration of this chapter by state and local agencies.

Under this statute, the Office has the necessary statutory authority to adopt the proposed rules.

Scope of Proposed Amendments

The following rule parts are affected by the proposed changes:

- 8290.0100 – Definitions
- 8290.0200 – Application
- 8290.0300 – Certification of Program Participant
- 8290.0400 – Designated Address
- 8290.0500 – Service of Process
- 8290.0600 – Attaining Age of Majority
- 8290.0700 – Changes in Program Participant Information
- 8290.0800 – Transfer of School Records
- 8290.0900 – Failure to Notify Secretary of State of Changes in Information; Cancellation
- 8290.1000 – Withdrawal of Program Certification
- 8290.1100 – Renewal of Program Certification
- 8290.1200 – Expiration of Program Certification
- 8290.1300 – Voting by Program Participant
- 8290.1500 – Application Assistant Accreditation
- [NEW] 8290.1600 – Emergency Event

Public Participation and Stakeholder Involvement

Consistent with the Administrative Procedures Act (APA), the Office published a Request for Comments in the Minnesota State Register on December 18, 2023. To increase accessibility and opportunity for feedback, the Office posted information about the comment period on its website. This information was available online from the time the Request for Comments was published, and continues to be available.

Additionally, pursuant to its Additional Notice Plan approved by OAH on December 6, 2023, the Office solicited initial feedback on the proposed rules from a variety of organizations that are most likely to be affected by the rule revisions, including:

- Various members and committees of the State Legislature;
- The Governor's Office;
- Victim advocacy groups;
- Business and banking company representatives;
- Utility companies;
- Landlord, tenant, and housing associations;
- State and local agencies with which Safe at Home participants are most likely to interact;
- Schools, the Minnesota School Boards Association, and the Department of Education;
- Law enforcement associations, county attorneys, the Judicial Branch, and the Minnesota Departments of Corrections and Public Safety;
- Organizations and individuals specializing in data practices issues;
- The United States Postal Service;
- Former Secretaries of State;
- Chairs of Minnesota's major political parties;
- Election law attorneys; and
- Representatives of various public-interest and advocacy groups.

The Additional Notice Plan is described further starting on page 29 of this document.

Need for and Reasonableness of the Amendments

Statement of General Need

Minn. Stat. §§ 14.14, subd. 2, and 14.23, require the Office to establish the need for the proposed rules by an affirmative presentation of facts. The proposed amendments to rules are intended to update and clarify the rules, implement procedural changes necessitated by statutory amendments and staff experience, address feedback from stakeholders, and ensure that current processes are clearly explained. They are necessary to address changes in practice as well as new circumstances that have arisen since the rules were last amended. Additionally, the proposed rule amendments are needed to make the Safe at Home program more accessible to members of the public who may benefit from the program's services.

Statement of General Reasonableness

Minn. Stat. §§ 14.14, subd. 2, 14.23, and Minn. R. 1400.2070, subp. 1 require the Office to establish that the proposed rules are a reasonable solution to the problems they are intended to address, that the Office relied on evidence in choosing the approach adopted in the rules, and that the evidence relied on is rationally related to the approach the Office chose to adopt.

First, the process used to develop the rules facilitated informed decision-making and was the most efficient method for establishing reasonable rules. The Office notified all persons and organizations that could be identified as potentially interested in or affected by the rules and invited them to comment. A small number of comments were received; however, this was expected because the proposed changes are largely technical and uncontroversial. When drafting the rules, staff considered the public comments, the experience and expertise of program staff, and knowledge of other states' address confidentiality programs.

Second, the rules' approach to implementing policy goals is reasonable. The Office has determined that the proposed rule amendments are the most reasonable way to update the rules to increase clarity, reduce duplication of statutory language, clarify program procedures, and modify procedural requirements to make the Safe at Home program more efficient and accessible. The reasonableness of each specific provision is further addressed below.

Rule-by-Rule Analysis

In this section, the Office will describe each proposed rule change and explain the need, reasonableness, and other approaches that were considered in developing the language, when applicable.

The full text of the rule is attached as Appendix A.

PART 8290.0100 – DEFINITIONS

The Office proposes to repeal **subparts 3, 10, 11, 13, 16, and 22** because they are simply duplicates of the definitions in Minn. Stat. § 5B.02. Accordingly, the amendment to **subpart 1** clarifies that the definitions in Minn. Stat. § 5B.02 apply to this rule chapter. This change is needed and reasonable to streamline the rules, reduce unnecessary duplication of language, and eliminate the possibility of a definition being changed in statutes but not rules, or vice versa, which would cause confusion.

The amendment to **subpart 2** removes the word “form” from the definition of “actual address.” In some instances, a program participant may send an informal written update when their address changes, which is acceptable. This change is needed and reasonable to clarify that a participant’s address need not be communicated to the Office on an actual form, but may be sent in a more informal way.

The amendment to **subpart 4** allows a volunteer approved by a community-based program to serve as an application assistant. This change has been requested by community organizations because many of these organizations rely on qualified and approved volunteers to perform victim advocacy work. In the Office’s experience, approved volunteers are thoroughly vetted and trained by the organization with which they work and are qualified to perform the role of application assistant. Additionally, like all application assistants, approved volunteers must complete training approved by the Office before working with the Safe at Home program. This change is needed and reasonable to expand access to the Safe at Home program by allowing additional approved and trained individuals to assist applicants.

The new language proposed in **subpart 10a** adds a definition of “emergency.” For security reasons, all paperwork submitted by program applicants and participants must be physically sent on paper, with written signatures that must be verified by program staff. Therefore, many of the program’s functions cannot be performed remotely. During the COVID-19 pandemic, it was extremely difficult to continue program operations according to the timelines in rules and statutes, and it became clear that a provision was needed to address future emergencies that limit access to the Safe at Home office or impede program operations. This definition, in conjunction with the new language in part 8290.1600, addresses emergency situations that physically impede program operations. This change is needed because it can reasonably be anticipated that an emergency situation is likely to arise again at some time in the future, and it is important to ensure that staff and participants understand what will happen in these situations. This definition is reasonable because it limits an emergency to those situations that physically interfere with program operations or pose a current or imminent threat.

The change to **subpart 15** modifies the definition of “minor child” to clarify that the minor child must be residing with and under the legal guardianship of an adult applicant or program participant. Additionally, there are minor nonsubstantive changes to the definition to improve readability.

The current iteration of the rule would appear to allow a program participant to certify a minor child even if the participant was not legally responsible for the minor child. While the program has not operated this way, the change is necessary to clarify that a child cannot be enrolled in the program by someone who is not the child’s parent or guardian.

Similarly, the current iteration of the rule would appear to allow a program participant to certify a minor child even if the child was not living at the same address as the participant. While the program has not operated this way, the change is necessary to clarify this requirement. Because the intent of the program is to protect the confidentiality of a particular address, it would create confusion if the child did not reside at the protected address.

Based on the experience of program staff, this change is unlikely to reduce access to the program in situations where it would be useful and appropriate. Rather, this change is needed and reasonable to ensure that a minor child is only enrolled in Safe at Home with the knowledge and consent of their parent or guardian, and the program is being used for its intended purpose.

The new language proposed in **subpart 19a** adds a definition of “safety planning.” Under the current process, an applicant must complete their application in the presence of an application assistant, and the application assistant signs and submits the application. To increase flexibility and program access, this rule amendment creates a slight process change whereby applicants are now able to submit the application on their own, after undergoing a process called “safety planning” with an application assistant. This process change is discussed further below, in part 8290.0200, subpart 2. The new definition of “safety planning” in this subpart is needed and reasonable in order to implement this process change.

The new language proposed in **subpart 23** adds a definition of “signature.” For security reasons, Safe at Home staff must verify a participant’s signature on a physical document whenever the participant submits additional documentation. This is to ensure that nobody other than the certified participant can change or cancel the participant’s enrollment in the program or obtain information about a participant. Therefore, all signatures must be written and cannot be electronic or typed. This change is needed in order to clarify that the various types of signatures authorized in Minn. Stat. § 645.44, subd. 14, do not apply to the Safe at Home program. It is reasonable to make this change to clarify the rules and protect the safety of program participants.

PART 8290.0200 – APPLICATION

Several changes are made in **subpart 1** that modify the contents of an application. In item K, the phrase “or offense” is added to clarify that the applicant should disclose all legal issues, including items that may not be considered a “criminal action” such as traffic violations and status issues. Program staff consulted with court staff when proposing this change. This addition is needed and reasonable to ensure that applicants understand what information must be included in the application.

The new item O adds the name of the person feared by the applicant, if the name is known. This is important to create additional security safeguards for participants and staff. For example, this information will help ensure that a person feared by an applicant cannot obtain a job with the Safe at Home program in an attempt to learn a program participant’s physical address, which could put the participant and other program staff in danger. Additionally, law enforcement may make requests for participant data in some situations; if the person feared by the applicant is a law enforcement officer, it is important to flag if that person makes a request for data about the participant. This addition is needed and reasonable to further safeguard the private data of program participants and protect program staff.

The deleted item P, and the new items P and Q that replace it, are needed and reasonable to conform the application contents with the proposed modification of subpart 2 and resulting updated application procedures, described directly below.

The Office proposes to modify **subpart 2**, which currently states that an application for the Safe at Home program must be made in the presence of an application assistant. Under current procedures, each applicant must meet with an application assistant in person to fill out the program application, and the application assistant must submit the application to the Office. However, this creates barriers to program participation. Prospective SAH applicants – particularly those of lower income and those who live outside the metro area – often find it challenging to meet with an application assistant in person. Additionally, due to the recent evolution and proliferation of remote meeting technology, the Office has received feedback from prospective applicants and application assistants that it would be strongly preferred to have an option for remote meetings.

The proposed modification would delete the requirement for an application to be completed in the presence of an application assistant, and replace it with a requirement that the application be submitted no later than 60 days after the applicant performs safety planning with an application assistant. The meeting could take place in person or remotely, and the application could be submitted by either the application assistant or the applicant.

Application assistants are important to the Safe at Home application process and their input in safety planning and broader discussions about effective use of the program is extremely valuable. Under the

current process, application assistants are trained on safety planning and are strongly encouraged to engage in this discussion with applicants, but these proposed rule changes make safety planning a formal and required part of the application process. This change is needed to reduce barriers to enrollment and implement feedback from application assistants and applicants. It is a reasonable approach to allow more participants to access the application, while maintaining some required contact with an application assistant to ensure comprehensive safety planning and support. This ensures that participants connect with support services and that SAH program enrollment is part of a comprehensive safety plan.

Additionally, the 60-day requirement is reasonable to ensure that the safety planning process has addressed the participant's current situation and needs at the time the application is submitted. The Office considered shorter or longer timelines for this step; however, based on the experience of program staff in working with applicants and participants, it was determined that 60 days was the appropriate balance between flexibility for applicants and timeliness of applications.

The changes to **subpart 4** are to allow applicants to meet with application assistants via telephone or non-video virtual meetings. Under the existing procedure, the applicant must show their photo identification to the application assistant if they have such identification, or they may indicate on the application that they do not have photo identification. The proposed change removes the requirement to show the photo identification to the application assistant; this must now be done "if possible."

The intent of this change is to allow any applicant to meet with the application assistant via telephone or non-video virtual meeting – in other words, it allows safety planning to take place via means of communication where the applicant and application assistant cannot see each other. In conjunction with the modification of subpart 2, this change is needed to expand access to the application process. Prospective applicants – particularly those in rural areas or with low income – may not have reliable internet access or transportation to allow them to meet via video or in person, so this change will allow additional prospective applicants to consult with an application assistant in a more accessible way. This is a reasonable approach that expands access without creating security risk. Having a photo identification has never been a requirement to enter the program, so it is reasonable to simply allow an applicant to attest to whether they possess photo identification without needing to show the identification document to the application assistant.

The change to **subpart 5** is needed and reasonable to conform with the new safety planning process and the modification of subpart 2. The application assistant will no longer be required to submit the application on behalf of the applicant; therefore, the Office will include the required form letters in the application packet materials (which can be provided to the applicant directly if the applicant intends to submit the application on their own) rather than providing the letters to the application assistants.

The changes to **subpart 6** are also needed and reasonable to conform with the new safety planning process and the modification of subpart 2. These changes reflect the new process by which an applicant must meet with an application assistant for safety planning, but the applicant may submit the actual application on their own. Additionally, this subpart is modified to clarify that applications cannot be accepted electronically but must be mailed. This is required for safety reasons, to ensure that program staff have a physical copy of the applicant's signature that can be used to verify all documents submitted in the future. Under the current application process, all documents are mailed by an application assistant, and this requirement is covered in application assistant training. Now that applicants may submit the application themselves, this change is needed and reasonable to ensure that applicants understand the process.

The change to **subpart 8** clarifies the application effective date. This is needed and reasonable to ensure that, in the rare situation where the Office may review and certify an application on two separate days, it is clear which day the application is effective.

The changes to **subpart 9** are also needed and reasonable to conform with the new safety planning process and the modification of subpart 2. As in subpart 6, these changes reflect the new process by which an applicant must meet with an application assistant for safety planning, but the applicant may submit the actual application on their own.

PART 8290.0300 – CERTIFICATION OF PROGRAM PARTICIPANT

The amendment to **subpart 4** is to conform this rule language with a 2018 amendment to Minnesota Statutes, section 5B.07, subdivision 1. This statutory amendment modified the classification of Safe at Home program data to make the program participant's name and designated address (i.e. their Safe at Home PO Box address and lot number) public data. Consequently, this rule change is needed and reasonable to allow staff to disclose a participant's information to the extent permitted and required by statute.

There are two amendments proposed to **subpart 5**. In paragraph (a), like in part 8290.0200, subpart 1, item K, above, the phrase "or offense" is added to clarify that the applicant should disclose all legal issues, including items that may not be considered a "criminal action" such as traffic violations and status issues. Program staff consulted with court staff when proposing this change. Additionally, minor non-substantive changes are proposed to improve readability. This change is needed and reasonable to ensure that participants understand the information they need to disclose.

The new language in paragraphs (b) and (c) create a new procedure to be followed when an applicant does not disclose a legal issue but program staff learns about the legal issue by other means. When receiving an application, program staff double-check information against legal databases when possible. If, through these checks, staff learns of a legal issue that should have been disclosed, this

language creates a process whereby staff will notify the applicant and direct the applicant to submit the appropriate letter within 10 days. This change is needed because it is currently unclear in the rules what program staff should do when learning of information not disclosed by the applicant under this subpart. This is a reasonable approach because it gives the applicant notice and a sufficient opportunity to correct the error.

The amendment to **subpart 6** removes the requirement that a program participant return a Safe at Home card to the Office if the card is reported lost or stolen but later recovered. The Safe at Home card is simply a tool for the participant to have their program information with them at all times and is not legal proof of their enrollment or current status in the program, so there is no need for extra cards to be returned to the Office. In practice, participants often do not return cards to the Office even when requested. This change is needed and reasonable to reduce administrative burden on both participants and program staff.

PART 8290.0400 – DESIGNATED ADDRESS

Subpart 5 is amended to increase the amount of time a participant's mail may be held from three weeks to 30 calendar days. Like other Minnesota residents, Safe at Home program participants may go on vacation or need their mail held for other reasons. The US Postal Service offers mail holds for up to 30 calendar days, and program participants have requested that the Office mirror the same timeline. This change is needed and reasonable to provide adequate mail services to program participants, mirroring USPS services to the extent practicable.

The changes to **subpart 6** modify the procedure for a Safe at Home program participant's real physical address to be disclosed when they are subject to criminal justice system management. Minnesota Statutes section 5B.11 provides specific guidelines for disclosure of a participant's address in connection with a court proceeding. Disclosure of the address cannot be compelled unless a court finds that "there is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and... there is no other practicable way of obtaining the information or evidence."

Under the current rule language, it is unclear how those factors apply when a participant is subject to criminal justice system management such as probation or parole. It is critically important that the participant's physical address is protected to the greatest possible extent and that all parties fully understand their obligations under the Safe at Home program. At the same time, the Office recognizes that there are legitimate and important situations where criminal justice system staff do need to know a participant's physical address for public safety reasons.

This amendment clarifies the required steps for disclosing a participant's physical address in the criminal justice context. Under this process, when a court makes an order sentencing a participant to

criminal justice system management, the court would at the same time determine whether disclosure of the participant's actual address is necessary, using the factors that are already required in Minn. Stat. §5B.11. If such a determination was not made at the time of sentencing, there would need to be an additional hearing for the court to make this determination. This clarification is needed and reasonable to ensure that courts, criminal justice management staff, and participants all understand the implications of disclosing a participant's physical address, and that a determination of whether to disclose the physical address is made by a court as required by statute.

PART 8290.0500 – SERVICE OF PROCESS

The substantive change to **subpart 3** is needed to address changes to the Office's physical space following the COVID-19 pandemic. When the rules were written, the Office could accept personal service at various locations. However, the Office currently has only one location where service can be accepted in person. This change is needed to ensure that personal service of documents to program participants is completed quickly and efficiently to avoid any delay in legal proceedings. It is a reasonable approach because it provides a straightforward way for the public to find the relevant information and instructions for service of process – i.e. on the Office's website, along with similar information about the location and contact information for other programs and services the Office provides. The Office also proposes to divide the subpart into paragraphs to improve readability, as recommended by the Revisor.

The change to **subpart 4** reflects the fact that the Office is moving towards increased use of electronic database records rather than paper files. Therefore, it is needed and reasonable to remove the phrase "include in the file" and replace it with the verb "record." This ensures that the language is broad enough to address the filing and database systems currently in use while maintaining the essential requirement to retain all necessary information about service of legal documents.

PART 8290.0600 – ATTAINING AGE OF MAJORITY

The change to **subpart 1a** and the **first sentence of subpart 1b** are intended to clarify the procedure for certification continuance and renewal. Each participant must regularly submit a renewal form to confirm that they still wish to be enrolled in the program and their information is accurate. In addition, when a minor child participant reaches the age of majority, they must submit a certification continuance form. The existing language has caused confusion because it mixes the concepts of expiration/renewal and certification continuance, leading participants to misunderstand the process and not submit the proper forms. The proposed language removes references to expiration/renewal. This clarification is needed and reasonable so participants understand the process, reducing the risk of a participant being cancelled for not following procedural requirements.

The change to the **second sentence of subpart 1b** is to align the program renewal procedure in this part with the modified application procedure discussed above in in part 8290.0200, whereby an applicant is required to engage in safety planning with an application assistant, but the participant can submit the application on their own. This subpart lists the information that must be submitted for a certification continuance, which occurs when a participant reaches the age of 18 and wishes to remain in the program. Previously, this subpart stated that the renewal application was identical to the initial application except that it did not need to contain the application assistant's signature. The initial application now must include a statement that the participant performed safety planning with an application assistant, along with the application assistant's name; the new language in this subpart specifies that the application assistant information is not required for a renewal application. This change is needed and reasonable to conform all rule language to the updated application procedure.

PART 8290.0700 – CHANGES IN PROGRAM PARTICIPANT INFORMATION

The change to **subpart 2**, paragraph (a), along with the modified definition of "minor child" in part 8290.0100, is intended to emphasize (as discussed above) that, in order for a program participant to enroll a minor child in the program, the minor child must both reside with the program participant and the participant must have legal guardianship over the minor child.

The change to subpart 2, paragraph (b), clarifies the procedure in cases where there are 3 generations in one household – the program participant, a minor child, and a child of the minor child. Both the program participant and the minor child must give written consent in order to enroll the child of the minor child in the Safe at Home program. It is necessary and reasonable to clarify the procedure in this situation to ensure that consent is given by all appropriate parties before enrolling each minor child in the program.

The change to **subpart 4** clarifies that the signature verification process is intended to verify that the participant's signature on the original application, and their signature on any subsequent paperwork changing their information, are from the same person – even if the two signatures are not identical. The Office recognizes that a person's signature may not be exactly the same each time due to injuries, disabilities, or other changes. Staff are trained to consult supervisors and potentially contact the participant directly if signatures are not an exact match, to ensure that the participant is the one who submitted the information. It is necessary and reasonable to clarify the intent of this process, reducing the risk of a participant being cancelled for procedural issues while ensuring that nobody other than the participant themselves can make changes to a participant's SAH enrollment or access their personal information.

PART 8290.0800 – TRANSFER OF SCHOOL RECORDS

When children of Safe at Home program participants need to transfer between schools, the participant may request that the child's records are securely transferred from the previous school to the Office. When this occurs, the Office sends the information to the new school to eliminate the risk of the location of the school (and therefore the community in which the participant resides) being revealed during the records transfer. The amended language in **subpart 1** specifies that these school records must be sent via first class mail and may not be sent electronically. Increasingly, schools have requested to send records electronically, but the Office cannot accept electronic communications relating to SAH participants because of the information security risk. This change is needed in order to ensure that participant data is protected from cybersecurity threats. It is a reasonable approach because it protects participant data while not creating a burden for schools other than the de minimus expense of printing and mailing a relatively short document. Other secure methods of exchanging school data would be much more cumbersome and expensive to implement, including physically delivering an electronic drive or using secure transfer software requiring a physical key or biometric data for access.

The new language in **subpart 3** describes the procedure for handling school records if they are in the Office's possession at the time when a former Safe at Home program participant leaves the program. In this situation, the Office may not be able to contact the former participant and may not know which school the student is currently attending. To avoid any risk of disclosing educational records inappropriately, the Office's current practice is to simply retain the records. However, this poses challenges with secure storage of records and is an inefficient practice.

The new proposed language establishes an updated procedure where the Office would return school records to the student's previous school in this situation. It is necessary to include this procedure in the rules to ensure that the Office and schools understand the process and there is clear instruction on handling educational records. This is a reasonable approach to handling school records in this situation because it minimizes the risk of disclosing educational records when it may not be possible to contact the program participant and the Office may not have reliable information on where the student is currently going to school. Additionally, the previous school may know how to contact the student or which school the student now attends.

Other possible solutions to this issue include sending the information to the participant's last known address or destroying the information after some period of time. However, the Office has considered each of these alternatives and rejected them in favor of the proposed language. Sending the information to the participant's last known address would be a security risk; once the participant leaves the program, the Office has no way to confirm whether they are still able to receive mail at the address that was previously on file, so it would not be a good approach to send school records –

containing data protected under state and federal privacy laws – to that address. Destroying the information would ensure that it was not released, but in some cases, these are original records which may be needed later. After considering other methods, the Office determined that returning the records to the previous school would be the best approach.

PART 8290.0900 – FAILURE TO NOTIFY SECRETARY OF STATE OF CHANGES IN INFORMATION; CANCELLATION

The change to **subpart 1** is very similar to the change above to part 8290.0300, subpart 6. This change removes the requirement that a program participant return a Safe at Home card to the Office if the program participant is cancelled from the program due to failure to notify the Office of changes in their personal information. As discussed above, the Safe at Home card is simply a tool for the participant to have their program information with them at all times and is not legal proof of their enrollment or current status in the program, so there is no need for extra cards to be returned to the Office. In practice, participants often do not return cards to the Office even when requested. This change is needed and reasonable to reduce administrative burden on both participants and program staff.

The change to **subpart 1b** clarifies that if a program participant is in pending cancellation status and requests to withdraw from the program, they are immediately removed from the program and do not need to wait for the 10-day pending cancellation status to end. This change is needed and reasonable to ensure that the process by which a former program participant is cancelled and removed from the program is clear and the timelines can be easily understood by participants and program staff.

The change to **subpart 4** clarifies that this subpart is referring to a former program participant after they are no longer in the Safe at Home program. This change is needed and reasonable to ensure that there is no ambiguity in the procedure for returning a former participant's mail after they leave the program.

PART 8290.1000 – WITHDRAWAL OF PROGRAM CERTIFICATION

There are two changes to **subpart 1**. The change in item A is very similar to parts 8290.0300, subpart 6, and 8290.0900, subpart 1, above. This change removes the requirement that a program participant return a Safe at Home card to the Office if the program participant voluntarily withdraws from the program. As discussed above, the Safe at Home card is simply a tool for the participant to have their program information with them at all times and is not legal proof of their enrollment or current status in the program, so there is no need for extra cards to be returned to the Office. In practice, participants often do not return cards to the Office even when requested. This change is needed and reasonable to reduce administrative burden on both participants and program staff.

The modification in item C changes how minor children are addressed on the paperwork when a program participant voluntarily withdraws from the Safe at Home program. Previously, when a participant withdrew from the program, the rule directed them to list the names of minor children that should also be withdrawn. Under the new language, a participant is directed to list the names of minor children that should not be withdrawn. In the experience of program staff, in the vast majority of cases when a participant voluntarily withdraws from the program, the participant intends to also withdraw their minor children from the program at the same time. However, participants often fail to indicate this on the withdrawal form, resulting in confusion over which individuals are still program participants and which are not. Once a former participant is no longer in the Safe at Home program, it can be difficult to contact them to clarify this type of situation. This change is needed in order to reduce administrative inefficiencies when a participant voluntarily withdraws from the Safe at Home program. This approach is reasonable because it conforms with the participant's intent in the vast majority of cases, and a participant withdrawing from the program will still have the option to keep minor children in the program if they prefer to do so.

The changes to **subparts 4 and 5** are very similar to the change to part 8290.0900, subpart 4, above. These changes clarify that these subparts are referring to a former program participant after they are no longer in the Safe at Home program. These changes are needed and reasonable to ensure that there is no ambiguity in the procedure for forwarding a former participant's mail after they leave the program, or for reapplying after a former participant has left the program.

PART 8290.1100 – RENEWAL OF PROGRAM CERTIFICATION

The change to **subpart 2** is similar to the change to part 8290.0600, subpart 1b, above. This change is to align the program renewal procedure in this part with the modified application procedure discussed above in part 8290.0200, whereby an applicant is required to engage in safety planning with an application assistant, but the participant can submit the application on their own. This subpart lists the information that must be submitted for a program renewal application. Previously, this subpart stated that the renewal application was identical to the initial application except that it did not need to contain the application assistant's signature. The initial application now must include a statement that the participant performed safety planning with an application assistant, along with the application assistant's name; the new language in this subpart specifies that the application assistant information is not required for a renewal application. This change is needed and reasonable to conform all rule language to the updated application procedure.

PART 8290.1200 – EXPIRATION OF PROGRAM CERTIFICATION

When a former program participant does not submit a renewal application and their certification expires, the current rule language states that the Office forwards mail to the former participant for five

additional days and then returns all mail to sender after the 5-day period. This amendment states that the Office will forward certain mail to the former participant for 30 days following expiration of their program certification. This change conforms the procedure for handling mail after expiration with the procedure for handling mail after withdrawal under part 8290.1000, subpart 4. This change is needed to reduce procedural inefficiencies for mailroom staff, likewise reducing the risk of errors in handling mail. It is reasonable for the procedures for handling mail when a participant leaves the SAH program to be the same regardless of whether they are leaving because of withdrawal or expiration.

PART 8290.1300 – VOTING BY PROGRAM PARTICIPANT

Throughout this part, the phrase “pursuant to Minnesota Statutes, section 5B.06” was added as it relates to permanent absentee voter status. In 2006, the procedure for SAH participants to vote via secure absentee ballot was created, including a “permanent absentee” status under Minnesota Statutes, section 5B.06. In 2023, a new type of permanent absentee status was added in Minnesota Statutes, section 203B.04, which is available to all Minnesota voters. Some of the items in this rule part apply only to Safe at Home permanent absentee voters under Minnesota Statutes, section 5B.06. Because there are now two different types of permanent absentee voters in statute, it is needed and reasonable to clarify which permanent absentee status is referred to in this part.

In **subpart 2**, the change in item A is to account for the new application process whereby the applicant can submit the application on their own. Because the application is no longer necessarily being submitted by an application assistant, the language was changed to simply reflect that the photo identification would be submitted with the application.

The change in **subpart 2b** clarifies that the Office may receive information about a participant’s voting eligibility from the county or state courts. County level court records may also have information relevant to voting eligibility. The Office consulted with the judicial branch when proposing this change. This change is needed and reasonable to ensure that the language in the rule is accurate.

The main changes in **subparts 5 and 10a** reflect the Office’s new statutory authority to prepare and mail ballots to program participants. Previously, in order for a program participant to vote through Safe at Home while maintaining address confidentiality, the Office would need to request a ballot from the county in which the participant resides, receive the ballot, mail the ballot to the participant, receive the voted ballot from the participant, verify the ballot pursuant to subpart 8, and mail the ballot, along with a verification certificate, back to the county. This can be a lengthy process and has the potential to disenfranchise program participants who are newly certified or move to a new address close to an election, if there is not enough time to mail the ballot back and forth.

In 2023, in recognition of this issue, Minnesota Statutes section 5B.06 was amended to allow the Office to prepare and mail ballots to program participants. This eliminates the step of requesting the ballot

from the county and waiting for it to be mailed to the Office, which can take multiple weeks, depending on the county's capacity and the speed of mail delivery.

The proposed rule amendments state that, if a new (subpart 5) or replacement (subpart 10a) ballot is needed more than 14 days before an election, the Office may either request it from the county or prepare and mail the ballot as authorized in Minnesota Statutes, section 5B.06. Between 14 and five days before an election, the Office must prepare and mail the ballot itself. If it is within five days before the election, the Office must contact the participant and discuss the situation. This is because within five days of an election, it is very unlikely that a ballot could be mailed to the participant, returned to the Office, verified, and mailed to the county to be processed before the deadline to return ballots, so program staff should consult with the participant on how or whether to vote in another way.

The Office anticipates that it will work with county election staff before the effective date of these rules to ensure that they understand this new process. The anticipated impact on counties is negligible. This is discussed further in the Regulatory Analysis section below.

This change is needed and reasonable to reduce the amount of time needed to process Safe at Home ballots in the days leading up to an election, thereby reducing the number of program participants disenfranchised by the current process.

In the first sentence of subpart 5, the Office also proposes to clarify that it communicates with the county auditor regarding ballots, rather than a separate election administrator for each jurisdiction. This change is needed and reasonable to accurately reflect current practice and ensure that election administrators throughout the state understand their role in the SAH participant voting process.

The change to **subpart 8** removes the name of the form referred to in item B, subitem 3. The name of the form listed in this subpart is incorrect – it should refer to the SAH absentee voter registration form. However, simply removing the name of the form is the simplest way to resolve this issue because there is only one form described in subpart 2. This change is needed and reasonable to ensure that the rule language is accurate.

The main change to **subpart 10** clarifies that an absentee ballot board must reject a SAH participant absentee ballot if the Office determines that it did not meet election law requirements; similarly, the absentee ballot board must accept a SAH participant absentee ballot if the Office determines that it did meet election law requirements. In other words, the absentee ballot board must abide by the Office's determination of whether a SAH participant's ballot is valid. This has always been the intent of the language and has been the practice of absentee ballot boards. However, given the potential ambiguity in the existing rule language, it is necessary and reasonable to clarify the duties of absentee ballot boards in handling SAH participant ballots.

Additionally, the second-to-last sentence of subpart 10 is stricken because this language refers to an outdated absentee ballot procedure that is no longer used by any county. It is necessary and reasonable to remove this language to ensure that the rule correctly reflects current practice.

In **subparts 10e and 10f**, the phrase “in writing” has been stricken to allow county notification to occur via phone call. This notification occurs when SAH staff forward a ballot to a county but the ballot is later deemed invalid – for example, when a SAH participant casts an absentee ballot but then moves or dies before the election date. It is necessary and reasonable to allow a phone call notification in this situation because it is important to notify the county as quickly as possible so they can remove the ballot before it is counted.

Under **subpart 11**, the Office annually reviews each SAH participant’s voter record to check whether any participants have a record of casting a ballot through the SAH process and also voting via the standard process in the same election. This is extremely rare; however, if it does occur, the Office reports this information to the appropriate county attorney for investigation and potential prosecution. The amendment changes the annual look-back period from a “12-month period” to a “calendar year.” Although this may seem like a distinction without a difference, it is necessary and reasonable because it accounts for situations when there is a primary or special election in early March but the annual review is being done later in March. The preceding 12-month period starting on the review date would miss that election in early March of the previous calendar year. Allowing the Office to review the full prior calendar year from January to December ensures that every record is reviewed to confirm election integrity.

The change to **subpart 13** modifies the list of records the Office must maintain for each election to add the number of ballots prepared and mailed by the Office. This addition is necessary and reasonable to ensure that the Office is recording all relevant information about the new process in subparts 5 and 10a.

PART 8290.1500 – APPLICATION ASSISTANT ACCREDITATION

This part describes the role of the community-based programs and application assistants and lists the requirements for training, approval, and accreditation of application assistants. The amendments to this part are to align with the modified application procedure discussed above in in part 8290.0200, whereby an applicant is required to engage in safety planning with an application assistant, but the participant can now submit the application on their own. Additionally, the amendments to this part align with the definition change in part 8290.0100 above, whereby an application assistant may be an approved volunteer of a community-based program. These changes are needed and reasonable to conform all rule language to the updated application procedure and application assistant requirements.

[NEW] PART 8290.1600 – EMERGENCY EVENT

In conjunction with the new definition in part 8290.0100, this language provides that when Safe at Home services are unavailable or severely impacted due to an emergency, any timeline or deadline imposed by this rule chapter is tolled for the duration of the emergency. In other words, when there is an emergency, timelines and deadlines are paused until operations can resume. As discussed in part 8290.0100 above, this is needed because many of the Safe at Home program's functions cannot be performed remotely, and it is important to ensure that staff and participants understand what will happen when staff is physically unable to perform the duties outlined in rules. Tolling timelines and deadlines for the duration of an emergency is a reasonable approach because it simply pauses such timelines and deadlines only for the limited period where it is not possible for staff to perform Safe at Home functions.

Regulatory Analysis

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. The sections below quote these factors and then give the Office's response.

Classes Affected

A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The Office of the Secretary of State will benefit from the proposed rule changes because they provide updated procedures and clarify existing procedures to better guide the operation of the SAH program with the benefit of knowledge gained over the past decade. The proposed rule changes will streamline operations and reduce the number of repeated questions from participants and stakeholders, as well as reducing the number of participants cancelled for procedural reasons who must then reapply in order to re-enter the program. Additionally, the proposed rules reduce existing barriers to program participation and voting, allowing the program to serve more Minnesotans.

SAH participants and applicants will also benefit from the proposed rule changes. Applicants will face fewer barriers in the application process because the rules allow for more flexible safety planning and application procedures. Participants will benefit from increased clarity on program requirements and reduced barriers to participant voting. The proposed rule changes will reduce the number of participants disenfranchised by long timelines in the SAH voting process.

The community-based programs providing application assistants will benefit from the proposed rule changes because they allow for volunteers to serve as application assistants, making it easier for

community-based programs to participate, they reduce the burden on application assistants by allowing participants to submit their own applications, and they clarify SAH program procedures and requirements, making it easier for application assistants to advise participants and applicants.

Stakeholders who interact with participants, such as law enforcement, schools, and businesses, will benefit from the proposed rule changes because they provide clarity on program procedures and requirements.

County election officials will need to engage with Office staff to ensure they understand the rule changes relating to SAH voting procedures. However, based on experience of SAH and elections staff, the procedural changes will affect a small number of SAH votes, so the Office does not anticipate any costs to counties beyond the resources they currently devote to SAH voting. In fact, the burden on counties will likely decrease because the Office will be preparing and mailing some SAH ballots under the new procedures, rather than requesting all ballots be sent from the county. Additionally, county election officials will benefit from the proposed rule changes because they provide clarity on SAH voting procedures in light of recent statutory changes.

Department/Agency Costs

The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Office of the Secretary of State is the primary entity that will bear the costs of the proposed rule changes, as the Office bears the cost of administering the program generally. The Office anticipates that it will need to work with internal IT staff to modify the program database to reflect some of the rule changes, it will need to work with application assistants and county elections staff to communicate and conduct trainings on updated procedures, and it will need to print program materials with updated information. However, the Office anticipates that it will be able to perform this work using existing program resources and the proposed rules will not result in measurable or ongoing increases in cost to the Office.

Not adopting the rules could lead to increased costs to the Office. Without the additional structure and clarity that the proposed rule changes provide, the Office will have to spend additional time and resources reaching out to participants when participants act on a misunderstanding of the rules. Additionally, the proposed rule changes allow the Office to operate more efficiently based on years of experience with current practices. Without the proposed rule changes, procedures will be less efficient.

To the best of the knowledge and belief of the Office of the Secretary of State, the proposed rule changes will not cause any other state agency to incur any costs above and beyond the costs already required by complying with statute.

To the best of the knowledge and belief of the Office of the Secretary of State, there will be no impact on state or local revenues.

Less Costly or Intrusive Methods

A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

This factor is discussed in the rule-by-rule section of the analysis as it relates to specific rule sections. More generally, the Office is involved with the National Association of Confidential Address Programs and regularly communicates with staff from other states about best practices and other methods that could potentially be used to accomplish the program's goals. The Office has also engaged in extensive research of methods and practices used in other states, including successes and challenges other states have experienced. Based on staff's knowledge and expertise, input from stakeholders, feedback from other states, and independent research, the Office has determined that there are no less costly or intrusive methods for achieving the purpose of these proposed rules.

Alternative Methods

A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

This factor is discussed in the rule-by-rule section of the analysis as it relates to specific rule parts. More generally, similar to the consideration of less costly or intrusive methods, the Office has consulted with stakeholders and staff from other address confidentiality programs on various approaches to the issues addressed in these rules and have determined that the methods in the draft are the most appropriate. Additionally, many of the proposed rule amendments simply clarify or streamline existing requirements; no alternative methods are available that could achieve these purposes. The Office did consider the alternative of not making rule changes at this time, but following the cost/benefit analysis described in the "Department/Agency Costs" section above, rejected that alternative in favor of these proposed rules.

Costs to Comply

The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

Since the majority of the proposed rule changes are either clarifying or a result of statutory changes, the proposed rules will not result in measurable increases in cost to the Office of the Secretary of State.

The Office is not aware of any other costs that any public or private entity will incur to comply with the proposed rules that are not necessary to comply with the underlying statute or existing rules. As discussed above, county election officials will need to engage with Office staff to ensure they understand the rule changes relating to SAH voting procedures. However, based on the experience of SAH and elections staff, the procedural changes will affect a small number of SAH votes, so the Office does not anticipate any costs to counties beyond the resources they currently devote to SAH voting. In fact, the burden on counties will likely decrease because the Office will be preparing and mailing some SAH ballots under the new procedures, rather than requesting all ballots be sent from the county.

Additionally, as discussed above, application assistants will need to undergo training on new procedures surrounding safety planning and application submission. However, there will not be any cost to application assistants or community organizations for this training, aside from the time needed to attend a short training or review written materials about the new procedures.

Costs of Non-Adoption

The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

The majority of costs or consequences of not adopting the proposed rules would be borne by the program participants and the Office. Many of the proposed changes are clarifications resulting from the Office's experience working with participants and the program. Without these changes, confusion would persist, and participants would continue to make common errors or omissions. Consequently, Safe at Home staff would need to spend more time reaching out to participants to correct these preventable errors or omissions.

Additionally, some of the proposed changes reduce barriers to program participation and increase the number of participants who are able to vote using SAH procedures. Not making these changes would put Minnesotans at risk if they fear for their safety but are not able to meet the current procedural

requirements to enroll in the program, or would disenfranchise participants who cannot vote because of lengthy delays under the current process. Finally, some of the proposed changes improve security to the program and its services and, if not adopted, would deny participants those benefits.

Differences from Federal Regulations

An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

There are no existing federal regulations governing the operation of address confidentiality programs; therefore, there are no differences between the proposed amendments and federal regulations.

Cumulative Effect

An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

There are no federal regulations governing the operation of address confidentiality programs; it is a state function. Minnesota's state statutes on SAH are located in chapter 5B. They were first enacted in 2006 and have been updated throughout the years to address issues that have arisen and align with current best practices. The proposed rule changes continue the process of updating regulations to clarify procedures, incorporate feedback from stakeholders, and reflect the experience of program staff.

Notice Plan

Minnesota Statutes, section 14.131, requires that an agency include in its SONAR a description of its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

Details on the previous measures taken to ensure stakeholders received both required and additional notice of this rulemaking during the Request for Comments and rule development period can be found on page 8 of this SONAR.

Required Notice

The Office is required under Minnesota Statutes, chapter 14 to identify and send notice to several groups. The steps the Office will take to meet those statutory requirements are laid out in detail below.

Consistent with Minnesota Statutes, section 14.14, subd. 1a, on the day the Dual Notice is published in the *State Register*, the Office will send via email a copy of the Dual Notice and the proposed rule to the contacts on the Office's list of all persons who have registered with the Office for the purpose of receiving notice of rule proceedings. There are roughly 7,500 on the Office's list of persons who have requested notice of all rule proceedings via email. No persons have requested notice of rule proceedings via postal mail. The Dual Notice will be sent at least 33 days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.116(b), the Office will send a copy of the Dual Notice, a copy of the proposed rules, and a copy of the SONAR to the chairs and ranking minority party members of the House Elections Finance and Government Operations Committee, the House Judiciary Finance and Civil Law Committee, the House State Government Finance and Policy Committee, the Senate Elections Committee, the Senate Judiciary and Public Safety Committee, the Senate State and Local Government Committee, and the Legislative Coordinating Commission. These documents will be sent at least 33 days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.131, the Office will send a copy of the SONAR to the Legislative Reference Library when the Dual Notice is sent.

There are several notices required under Minnesota Statutes, chapter 14 in certain situations that do not apply for this rulemaking. These notices are laid out in detail below.

Minnesota Statutes, section 14.116(c) requires that the Office "make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house of representatives and senate authors of the bill granting the rulemaking authority" if it is within two years of the effective date of the law granting rulemaking authority. This requirement does not apply because the Office was granted rulemaking authority for the Safe at Home program in 2006 and no bill within the past two years granted the Office additional authority for this rulemaking.

Minnesota Statutes, section 14.111 requires the Office to provide the commissioner of agriculture with a copy of the proposed rule change if the agency plans to adopt or repeal a rule that affects farming operations. This requirement does not apply because the proposed amendments will not have any effect on farming operations in Minnesota.

Additional Notice

In addition to the required notice referenced above, the Office will make the Dual Notice, SONAR, and proposed rule available on the webpage created for this rulemaking.

The Office also intends to send an electronic notice with a hyperlink to electronic copies of the Dual Notice, SONAR, and proposed rule to:

- All members of the following legislative committees with policy oversight in this area of law:
 - House Judiciary Finance and Civil Law Committee
 - Senate Judiciary and Public Safety Committee
- Chairs and Ranking Minority Members of the following legislative committees with fiscal oversight in this area:
 - House State and Local Government Finance and Policy Committee
 - House Ways and Means Committee
 - Senate State and Local Government and Veterans Committee
 - Senate Finance Committee
- House and Senate Leadership from the Majority and Minority Caucuses
- Governor Walz
- Victim Advocacy Groups, including:
 - Minnesota Alliance on Crime
 - Minnesota Coalition Against Sexual Assault
 - Standpoint
 - Violence Free Minnesota
 - Domestic Abuse Project
 - Chrysalis
- Business and Banking Community, including:
 - Independent Community Bankers of Minnesota
 - Insurance Federation of Minnesota
 - Minnesota Bankers Association
 - Minnesota Business Partnership
 - Minnesota Chamber of Commerce
 - Minnesota Credit Union Network
 - Minnesota Department of Commerce, Insurance Division

- National Federation of Independent Businesses – Minnesota
- TCF
- US Bank
- Wells Fargo
- Housing, including:
 - Homeline
 - Minnesota County Recordors Association
 - Minnesota Housing Finance Agency
 - Minnesota Land Title Association
 - Minnesota Multi Housing Association
- Utility Companies and Partnerships, Communications including:
 - CenterPoint Energy
 - CenturyLink
 - Charter-Spectrum
 - Comcast/Xfinity
 - Connexus Energy
 - Dakota Electric Association
 - Frontier Communications
 - Mediacom Communications Corporation
 - Midco
 - Minnesota Cable Communications Association
 - Minnesota Community Action Partnership
 - Minnesota Department of Commerce, Energy Assistance Program
 - Minnesota Energy Resources
 - Minnesota Municipal Utilities Association
 - Minnesota Rural Electric Association
 - Minnesota Telecom Alliance
 - Otter Tail Power Company

- Xcel Energy
- State and Local Agencies (and their Associations) with which participants are most likely to interact, including:
 - Association of Minnesota Counties
 - League of Minnesota Cities
 - Minnesota Association of County Officers
 - Minnesota County Records Association
 - Minnesota Department of Commerce
 - Minnesota Department of Health
 - Minnesota Department of Human Services
 - Minnesota Department of Public Safety
 - Minnesota Department of Revenue
 - Minnesota Department of Transportation
 - Minnesota Inter-County Association
- Schools, including:
 - Minnesota Association of School Administrators
 - Minnesota Catholic Schools
 - Minnesota Department of Education
 - Minnesota Independent School Forum
 - Minnesota Nonpublic School Accrediting Association
 - Minnesota School Boards Association
- Law Enforcement, Attorneys, the Courts and Corrections, including:
 - Mid Minnesota Legal Aid
 - Minnesota Board of Peace Officer Standards and Training
 - Minnesota Chiefs of Police Association
 - Minnesota County Attorneys Association
 - Minnesota Department of Corrections
 - Minnesota Department of Public Safety

- Minnesota Guardian ad Litem Board
- Minnesota Judicial Branch
- Minnesota Legal Services Advocacy Project
- Minnesota Police and Peace Officers Association
- Minnesota Sheriffs' Association
- Organizations and individuals specializing in Data Practices:
 - Department of Administration, Data Practices Office
 - Richard Neumeister
 - Donald Gemberling
- United States Postal Service
- Former Secretaries of State:
 - Mark Ritchie
 - Mary Kiffmeyer
 - Joan Anderson Growe
- Chairs of Minnesota's major political parties:
 - Democratic-Farmer-Labor Party
 - Republican Party of Minnesota
- Chairs of Minnesota's minor political parties:
 - Legal Marijuana Now Party
 - Libertarian Party of Minnesota
 - Grassroots-Legalize Cannabis Party
- The following election attorneys:
 - David Asp
 - Daniel Cragg
 - James Dickey
 - Matthew Haapoja
 - Jeffrey Holth
 - Erick Kaardal

- Rachel Kitze Collins
- Fritz Knaak
- John Knapp
- Reid LeBeau
- Eric Magnuson
- William Mohrman
- Richard Morgan
- Michael Murphy
- Charles Nauen
- Jared Reams
- Steven Reitenour
- Vince Reuter
- Brian Rice
- Virginia Stark
- Tony Trimble
- David Zoll
- Representatives of public-interest groups:
 - AARP
 - ACLU of Minnesota
 - Catholic Charities
 - Citizens for Election Integrity Minnesota
 - Center of the American Experiment
 - Common Cause Minnesota
 - Education Minnesota
 - FairVote Minnesota
 - League of Women Voters of Minnesota
 - Minnesota Advocates for Human Rights
 - Minnesota Board on Aging

- Minnesota Citizens Concerned for Life
- Minnesota Council of Nonprofits
- Minnesota Department of Veteran's Affairs
- Minnesota Majority
- Minnesota Taxpayers League
- Minnesota Voters Alliance
- Minnesota Public Interest Research Group
- Minnesota School Employees Association
- TakeAction Minnesota
- We Choose Us
- Representatives of the following agencies and organizations of people with disabilities:
 - Arc Minnesota
 - Minnesota Commission Serving Deaf, Deaf-Blind and Hard of Hearing People
 - Minnesota Disability Law Center
 - Minnesota State Council on Disability
 - National Alliance for the Mentally Ill - Minnesota
 - National Federation of the Blind
- Representatives of the following groups representing communities of color in Minnesota:
 - Asian Americans Advancing Justice
 - Council on American-Islamic Relations Minnesota
 - Council on Asian-Pacific Minnesotans
 - Council for Minnesotans of African Heritage
 - Council on Latino Affairs
 - Hmong American Partnership
 - Immigrant Law Center
 - International Institute of Minnesota
 - Karen Organization of Minnesota
 - Minnesota Indian Affairs Council

- Minneapolis Urban League
- NAACP – Minneapolis
- NAACP – St. Paul
- Native Vote Alliance of Minnesota
- Somali Action Alliance

On December 6, 2003, the Office received confirmation from OAH that these steps meet the notice requirements for persons or classes of persons who may be affected by the proposed amendments to these rules under Minn. Stat. § 14.14, subd. 1a, contingent upon the Office adding the Domestic Abuse Project and Chrysalis to its victim advocacy group list and correcting a typographical error. The Office has done so.

The Office notes that, at the time the December 6, 2023, OAH order was issued, the Legal Marijuana Now Party qualified as a major political party as defined in Minn. Stat. § 200.02, subd. 7, and the Independence Party qualified as a minor political party as defined in Minn. Stat. § 200.02, subd. 23. Since that time, the Legal Marijuana Now Party has moved to minor party status, and the Independence Party no longer has minor party status. The additional notice plan above has been amended to reflect the current members of those two categories.

Performance-Based Rules

Minnesota Statutes, section 14.002, requires state agencies, whenever feasible, to develop rules that are not overly prescriptive and inflexible, and rules that emphasize achievement of the agency's regulatory objectives while allowing maximum flexibility to regulated parties and to the agency in meeting those objectives.

These proposed rules increase flexibility in application procedures and participant voting procedures, allowing multiple methods of complying with the rules depending on the situation. This will reduce barriers for applicants and participants.

In drafting these rules, the Office has incorporated feedback from stakeholders who have identified areas for improvement. For example, the updated application process, addition of certified volunteer application assistants, and ability for an applicant to meet with an application assistant via phone or virtual meeting were the result of stakeholder feedback.

Consultation with MMB on Local Government Impact

As required by Minnesota Statutes, section 14.131, the Office will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the proposed rules and

SONAR before the Office publishes the Dual Notice. The Office will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

The Office believes the local government impact of the rule changes will be minimal. As discussed above, county election officials will need to engage with the Office to ensure they understand the rule changes relating to SAH voting procedures. However, based on the experience of program staff, the procedural changes will affect a small number of SAH votes, so the Office does not anticipate any costs to counties beyond the resources they currently devote to SAH voting. In fact, the burden on counties will likely decrease because the Office will be preparing and mailing some SAH ballots under the new procedures, rather than requesting all ballots be sent from the county.

Impact on Local Government Ordinance and Rules

As required by Minnesota Statutes, section 14.128, subdivision 1, the Office has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules.

The Office has determined that they do not because the proposed rules largely involve internal programmatic changes and do not affect any aspect of the program that would relate to local ordinances or regulations. Generally, local governments are not involved with the SAH program except relating to participant voting; additionally, local governments must protect participant data when required to do so by law. These proposed rules do not change the obligations of local governments regarding data protection, and there are no changes to the elections process that would impact local ordinances or regulations.

Costs of Complying for Small Business or City

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Office has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.

The Office has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city. The proposed rules largely involve internal programmatic changes. As discussed above, county election officials will need to engage with Office staff to ensure that they understand the changes relating to SAH participant voting. However, the most any county would need to do to accommodate these changes would be to upload an additional document to the existing statewide voter registration database, and potentially transfer a

small number of SAH participant votes from one type of ballot to another so that they can be counted. These are both tasks that county election officials already perform in the normal course of election administration and the Office does not anticipate that this would require resources above those already used to administer SAH participant voting.

Additionally, some of the community-based programs that provide application assistants are associated with units of local government, such as county attorney's offices and sheriff's offices in some municipalities. The Office will work with these entities to communicate and conduct trainings on updated procedures, and provide updated program materials, but does not anticipate any costs to local government associated with these changes.

There are no proposed rule changes that would affect the obligations of small businesses or any other unit of local government.

Thus, the Office has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

Authors, Witnesses, and Exhibits

Authors

The primary author of this SONAR is Lauren Bethke, Deputy General Counsel, Office of the Minnesota Secretary of State.

Witnesses

If these rules go to a public hearing, the Office anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

- Dianna Umidon, Office of the Minnesota Secretary of State, Safe at Home Director
- Nicole Freeman, Office of the Minnesota Secretary of State, Government Relations Director

Conclusion

In this SONAR, the Office has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, Chapter 8290. The Office has provided the necessary notice and documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules.

Based on the forgoing, the proposed amendments are both needed and reasonable.

Steve Pimm

Secretary of State

5-14-25

Date

Appendix A – Rule Draft

1.1 **Secretary of State**

1.2 **Proposed Permanent Rules Relating to the Safe at Home Program**

1.3 **8290.0100 DEFINITIONS.**

1.4 Subpart 1. **Terms.** Terms have the meanings given them by Minnesota Statutes, section
1.5 5B.02. For purposes of this chapter, the additional terms defined in this part have the
1.6 meanings given them.

1.7 Subp. 2. **Actual address.** "Actual address" means a Minnesota residential street
1.8 address, school address, or work address of an individual, as specified on the individual's
1.9 application to be a program participant, program renewal application, certification
1.10 continuance, or change of address ~~form~~ under this chapter.

1.11 Subp. 3. [See repealer.]

1.12 Subp. 4. **Application assistant.** "Application assistant" means a staff person designated
1.13 by the secretary of state or a person employed by or a volunteer approved by a
1.14 community-based program as defined in subpart 7 who has completed the training for
1.15 application assistants approved by the secretary of state.

1.16 [For text of subparts 5 to 9, see Minnesota Rules]

1.17 Subp. 10. [See repealer.]

1.18 Subp. 10a. **Emergency.** "Emergency" means any condition or occurrence that
1.19 physically interferes with the conduct of normal Safe at Home operations or that poses a
1.20 current or imminent threat to the safety or security of Safe at Home staff or property. An
1.21 emergency includes any of the following: fire; flood; earthquake; hurricane; wind, rain, or
1.22 snow storm; labor dispute or strike; power failure; transportation failure; interruption of
1.23 communication facilities; shortage of fuel, housing, food, transportation, or labor; robbery
1.24 or attempted robbery; actual or threatened enemy attack; pandemic or epidemic; riot; civil

2.1 commotion; or other natural disaster or situation that significantly impacts Safe at Home
2.2 operations.

2.3 Subp. 11. [See repealer.]

2.4 [For text of subpart 12, see Minnesota Rules]

2.5 Subp. 13. [See repealer.]

2.6 [For text of subpart 14, see Minnesota Rules]

2.7 Subp. 15. **Minor child.** "Minor child" means an individual ~~who has not attained the~~
2.8 ~~age of 18, residing with or~~ under 18 years of age who resides with and is under the
2.9 guardianship of an adult applicant or program participant.

2.10 Subp. 16. [See repealer.]

2.11 [For text of subpart 17 to 19, see Minnesota Rules]

2.12 Subp. 19a. **Safety planning.** "Safety planning" means a strategic planning discussion
2.13 during which risks, objectives, and ideas are discussed, to the extent that they pertain to
2.14 Safe at Home as an appropriate safety measure, in order to promote the physical safety and
2.15 emotional well-being of the applicant or eligible person.

2.16 [For text of subparts 20 and 21, see Minnesota Rules]

2.17 Subp. 22. [See repealer.]

2.18 Subp. 23. **Signature.** "Signature" means a handwritten signature.

2.19 **8290.0200 APPLICATION.**

2.20 Subpart 1. **Certification of program participant.** The secretary of state shall certify
2.21 an eligible person as a program participant when the secretary of state receives a properly
2.22 executed application that contains:

2.23 [For text of items A to J, see Minnesota Rules]

K. a statement whether the eligible person is currently the subject of any pending or ongoing criminal actions or offenses, and, if so, the prosecuting authority, adjudicative authority, or probation authority, and consent for the secretary of state to forward notice of the participant's designated address, to the prosecuting authority, adjudicative authority, or probation authority;

[For text of items L to N, see Minnesota Rules]

O. the name of the person the eligible person fears if the name is known;

P. a statement that the applicant has performed safety planning with the assistance of an application assistant and the date on which safety planning occurred;

Q. the name of the application assistant who assisted with safety planning and the community-based organization where the application assistant is employed or is a volunteer; and

~~Θ. R. the signature of the applicant and the date signed; and~~

~~P. the signature of the application assistant and the date signed.~~

Subp. 2. **Completion.** The application must be completed ~~in the presence of and~~ submitted to the secretary of state no later than 60 days after the date on which the applicant performed safety planning with an application assistant.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Proof of identity.** The applicant must also prove the applicant's identity by showing photo identification to the application assistant ~~or, if possible, and~~ must indicate on the application that whether or not the applicant does not possess possesses photo identification.

Subp. 5. **Notification to prosecuting authority, adjudicative authority, and probation authority.** If the applicant discloses on the application that the eligible person

is currently the subject of pending or ongoing criminal legal action, at the time of the application, the applicant must complete a form letter to notify each prosecuting authority, adjudicative authority, and probation authority for the pending or ongoing criminal action of the designated address and the designation of the secretary of state as agent for purposes of service of process. The secretary of state must provide form letters to ~~all application assistants~~ in the application packet materials. The form letter must include a statement that any prospective service of process must be clearly labeled as service of process on the exterior of the envelope containing the service.

Subp. 6. **Submission by ~~application assistant~~ first class mail.** The ~~application assistant shall submit~~ completed applications application and any additional materials shall be submitted by first class mail to the secretary of state. The secretary of state must not accept an application electronically.

[For text of subpart 7, see Minnesota Rules]

Subp. 8. **Effective date.** A properly completed application is effective on the day it is ~~reviewed and~~ certified by the secretary of state.

Subp. 9. **Voter registration through secretary of state.** At the time of application, the ~~application assistant~~ applicant must ~~also offer the applicant~~ be offered the opportunity to register to vote as a permanent absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06. A voter registration application ~~filled out in the presence of an application assistant and submitted by an application assistant~~ a current program participant is not considered registration by mail as provided in Minnesota Statutes, section 201.061.

[For text of subpart 10, see Minnesota Rules]

8290.0300 CERTIFICATION OF PROGRAM PARTICIPANT.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Communication; verification of identity.** Except when discussing a participant's name and designated address, the secretary of state must verify the identity of the applicant or program participant before discussing any data related to certification or otherwise related to the applicant or program participant.

Subp. 5. **Notification to other parties.**

A. If an application submitted to the secretary of state discloses that the eligible person is the subject of a pending or ongoing offense or criminal legal action, the applicant or eligible person must ~~have completed and submitted~~ complete and submit with the application the form letter referenced in part 8290.0200, subpart 5.

B. If the secretary of state determines through other means that the eligible person is the subject of a pending or ongoing offense or criminal legal action, the secretary of state must notify the applicant or eligible person and direct the applicant or eligible person to complete and submit the form letter referenced in part 8290.0200, subpart 5. The applicant or eligible person must submit the form letter within ten days after receiving notification under this item.

C. After receiving the form letter under item A or B, the secretary of state must mail the letter to the appropriate prosecuting authority, probation authority, and adjudicative authority. If compliance with this subpart is necessary and the letters have not been submitted to the secretary of state, the secretary of state shall certify the program participant, and provide the program participant with new form letters and instructions on how they must be used. Failure by the applicant to provide these letters to the secretary of state shall lead to cancellation pursuant to part 8290.0900.

Subp. 6. **Lost or stolen card.** A program participant shall contact the secretary of state whenever a Safe at Home card is lost or stolen. The secretary of state shall issue a replacement Safe at Home card to the program participant if their program participation

6.1 status is active. ~~If a card is found by a program participant after being reported lost or stolen,~~
6.2 ~~the program participant shall return the card to the secretary of state.~~

6.3 **8290.0400 DESIGNATED ADDRESS.**

6.4 *[For text of subparts 1 to 4, see Minnesota Rules]*

6.5 Subp. 5. **Short-term mail hold.** The secretary of state may hold a participant's mail
6.6 for up to three days upon request of the program participant. The secretary of state may
6.7 hold a participant's mail for up to a total of ~~three weeks~~ 30 calendar days if the participant
6.8 has sent a signed, written mail hold request to the secretary of state that includes a telephone
6.9 number at which the participant can be reached. Upon receipt of a written request, the
6.10 secretary of state must compare the signature of the program participant or applicant on the
6.11 request with the signature on the original application or on any other document on file with
6.12 the secretary of state and conclude that the signatures are the same. The mail hold is effective
6.13 the date the secretary of state receives the request, unless the participant has indicated an
6.14 alternate effective future date.

6.15 Subp. 6. **Limited circumstances of use of actual address.**

6.16 *[For text of items A and B, see Minnesota Rules]*

6.17 C. A program participant who is subject to criminal justice system management
6.18 must, ~~upon request,~~ supply the program participant's actual address to the participant's
6.19 supervising person, ~~in addition to the designated address, if there are specific court-ordered~~
6.20 ~~conditions related to the participant's actual address as part of the supervision~~ if a court finds
6.21 under Minnesota Statutes, section 5B.11 that disclosure of the participant's actual address
6.22 is necessary.

6.23 *[For text of items D and E, see Minnesota Rules]*

6.24 *[For text of subpart 7, see Minnesota Rules]*

7.1 **8290.0500 SERVICE OF PROCESS.**

7.2 *[For text of subparts 1 and 2, see Minnesota Rules]*

7.3 Subp. 3. **Service in person.**

7.4 A. In the event that personal service of any document is required by law, that
7.5 document may be served by delivering the document to any public counter of the Office of
7.6 the Secretary of State. The secretary must designate those spaces considered public counters
7.7 for the purpose of this subpart, must post the locations of those spaces on the secretary of
7.8 state's website, and must review and update, if necessary, the designation of those spaces
7.9 no less frequently than annually.

7.10 B. In order for the secretary of state to accept service on a participant, the service
7.11 documents must indicate the program participant's first and last name and lot number.

7.12 C. The secretary of state must forward the service to the program participant no
7.13 later than the next business day unless the program participant has requested a mail hold or
7.14 is in a pending cancellation status due to undeliverable mail.

7.15 D. If the secretary of state receives service for a program participant in pending
7.16 cancellation status due to undeliverable mail, the secretary of state must attempt to contact
7.17 the participant through alternative means and obtain a current mailing address. If the secretary
7.18 of state cannot obtain an alternative mailing address within two business days of the receipt
7.19 of service, the secretary of state must forward the service to the program participant at the
7.20 address on file with the secretary of state.

7.21 E. As the secretary of state is the agent for service of process, an affidavit of
7.22 service on the secretary of state constitutes proof of service on the program participant and
7.23 commences the time in which responsive pleadings must be filed.

7.24 Subp. 4. **Record.** The secretary of state shall maintain, in the program participant's
7.25 file, a record of services served upon the secretary of state for that participant. The secretary

of state shall ~~include in the file~~ record the action taken on that service, including the name of the program participant to whom the service is directed, the date of receipt, the date of mailing, and whether the mailing was returned to the secretary of state as undeliverable.

8290.0600 ATTAINING AGE OF MAJORITY.

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. **Voter registration information.** Along with the certification continuance form ~~sent 30 days prior to expiration~~, the secretary of state must ~~also~~ offer the program participant the opportunity to register to vote as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06.

Subp. 1b. **Certification continuance.** The secretary of state shall ~~renew~~ process the certification of a program participant when the secretary of state receives a certification continuance from that program participant. The certification continuance must contain the same information required in the application as specified in part 8290.0200, subpart 1, except the certification continuance need not contain ~~the signature of an application assistant.~~

A. a statement that the participant performed safety planning with an application assistant; or

B. the name of the application assistant who helped perform safety planning.

[For text of subparts 2 to 4, see Minnesota Rules]

8290.0700 CHANGES IN PROGRAM PARTICIPANT INFORMATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **~~Additional~~ Addition of minor children child.**

A. If a program participant sends signed, written notification to the secretary of state that the program participant is now responsible for an additional minor ~~children~~ child, the secretary of state must certify the minor ~~children~~ child as a program participants.

9.1 participant and issue them a Safe at Home cards card. Certification of the minor child expires
9.2 when the minor child no longer resides with the program participant or when the program
9.3 participant no longer has legal guardianship.

9.4 B. If a minor child is a parent of an additional minor child, the additional minor
9.5 child may be certified as a program participant with the written consent of both the original
9.6 program participant and the minor child.

9.7 *[For text of subpart 3, see Minnesota Rules]*

9.8 Subp. 4. **Signature verification.** Before making changes in information effective, the
9.9 secretary of state must compare the signature of the program participant or applicant on the
9.10 notification of the change with the signature on the original application, or on any other
9.11 document on file with the secretary of state, and conclude that the signatures are from the
9.12 same individual.

9.13 *[For text of subpart 5, see Minnesota Rules]*

9.14 **8290.0800 TRANSFER OF SCHOOL RECORDS.**

9.15 Subpart 1. **Participant request.** A parent or guardian of a program participant who
9.16 is a student in an elementary or secondary school in Minnesota, or a student in a secondary
9.17 school in Minnesota who is a program participant who has reached the age of majority, may
9.18 submit a records transfer request to the secretary of state which shall consist of written
9.19 consent for: (1) the secretary of state to request the student's records from the student's
9.20 previous school; (2) the student's previous school to provide by first class mail the student's
9.21 records to the secretary of state; and (3) the secretary of state to send the records to the
9.22 student's new school by first class mail. If it is in receipt of a records transfer request, the
9.23 secretary of state must request the student's records from the student's previous school and
9.24 provide the student's previous school with the parent's, guardian's, or student's written
9.25 consent for the school to provide the student's records to the secretary of state. A school

that receives such a request must send the student's records to the secretary of state within the time frame required by Minnesota Statutes, section 120A.22, subdivision 7. The secretary of state must forward the records to the student's new school as soon as practicable after receipt.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Records return.** If the secretary of state is in possession of school records for an individual whose program status is no longer active, the secretary of state shall return the records by first class mail to the student's previous school along with a notification that the student is no longer an active program participant.

8290.0900 FAILURE TO NOTIFY SECRETARY OF STATE OF CHANGES IN INFORMATION; CANCELLATION.

Subpart 1. Warning by secretary of state. If:

A. the secretary of state learns that a program participant has failed to provide prior notification about a change in the participant's mailing or residential address, telephone number, legal name, or permanent contact data, as required by part 8290.0700, subpart 1;

B. mail forwarded by the secretary of state to the program participant is returned as undeliverable;

C. the program participant has not complied with part 8290.0200, subpart 5, if required, at the time the secretary of state mails notice of the certification to the program participant; or

D. the program participant has not complied with part 8290.0600 after 30 days of reaching the age of 18;

the secretary of state must contact the program participant or applicant, if different, to request that the program participant or applicant comply with part 8290.0200, subpart 5, 8290.0600, or 8290.0700, subpart 1. The notice must state that if the program participant or applicant

11.1 fails to comply within ten business days, the program participant's certification shall be
11.2 canceled and the former program participant must return any Safe at Home cards in the
11.3 participant's possession.

11.4 *[For text of subpart 1a, see Minnesota Rules]*

11.5 Subp. 1b. **Pending cancellation status.** After the secretary of state has provided notice
11.6 as required by subpart 1 or 1a, the program participant is placed in pending cancellation
11.7 status. While in this status, the secretary of state must hold the program participant's mail
11.8 and must not forward it to the program participant. Pending cancellation status ~~ends~~ expires
11.9 after ten business days, ~~or upon~~ unless the program ~~participant's compliance~~ participant
11.10 complies with part 8290.0200, subpart 5, 8290.0700, subpart 1, or 8290.1000, or requests
11.11 withdrawal from the program, whichever occurs first. This subpart does not prevent the
11.12 secretary of state from forwarding correspondence marked "service of process" pursuant to
11.13 part 8290.0500.

11.14 *[For text of subparts 2 and 3, see Minnesota Rules]*

11.15 Subp. 4. **Return of mail.** If the certification of the program participant is canceled,
11.16 mail addressed to the former program participant must be returned to the sender.

11.17 **8290.1000 WITHDRAWAL OF PROGRAM CERTIFICATION.**

11.18 Subpart 1. **Withdrawal request.**

11.19 A. A program participant or an applicant, if different, may withdraw from Safe
11.20 at Home by submitting a signed withdrawal request ~~along with any Safe at Home cards.~~

11.21 *[For text of item B, see Minnesota Rules]*

11.22 C. On the withdrawal request, the program participant shall list the names of any
11.23 minor ~~children~~ child who ~~are~~ is not being withdrawn from the program ~~on the withdrawal~~
11.24 request.

12.1 [For text of items D and E, see Minnesota Rules]

12.2 [For text of subparts 2 and 3, see Minnesota Rules]

12.3 Subp. 4. **Mail forwarding.** Mail received at the designated address for the former
12.4 program participant other than mail designated "Do Not Forward," "Return Service
12.5 Requested," "Service of Process," or similarly designated, must be forwarded to the program
12.6 participant for 30 days after the effective date of withdrawal, unless the program participant
12.7 or applicant has designated a shorter period. After 30 days mail must be returned to the
12.8 sender.

12.9 Subp. 5. **Reapplication.** A former program participant whose certification is withdrawn
12.10 may reapply or have an applicant reapply on the former program participant's behalf pursuant
12.11 to part 8290.0200.

12.12 **8290.1100 RENEWAL OF PROGRAM CERTIFICATION.**

12.13 [For text of subpart 1, see Minnesota Rules]

12.14 Subp. 2. **Application.** The secretary of state shall renew the certification of a program
12.15 participant when the secretary of state receives a certification renewal form from that program
12.16 participant or applicant, if different. The application must contain the same information
12.17 required in the application as specified in part 8290.0200, subpart 1, except the renewal
12.18 need not contain ~~the signature of an application assistant.~~

12.19 A. a statement that the participant performed safety planning with an application
12.20 assistant; or

12.21 B. the name of the application assistant who helped perform safety planning.

12.22 [For text of subparts 3 to 8, see Minnesota Rules]

13.1 **8290.1200 EXPIRATION OF PROGRAM CERTIFICATION.**

13.2 When the term of a program participant expires, the program participant is no longer
13.3 certified in Safe at Home. ~~The secretary of state must forward mail to the former program~~
13.4 ~~participant's mailing address for five days after the expiration date. After that five-day~~
13.5 ~~period, the secretary of state must return all mail to the sender.~~ Mail received at the designated
13.6 address for the former program participant other than mail designated "Do Not Forward,"
13.7 "Return Service Requested," "Service of Process," or similarly designated, must be forwarded
13.8 to the program participant for 30 days after the expiration of program certification. After
13.9 30 days mail must be returned to the sender.

13.10 **8290.1300 VOTING BY PROGRAM PARTICIPANT.**

13.11 [For text of subpart 1, see Minnesota Rules]

13.12 Subp. 2. **Permanent absentee voter status.** A program participant who is eligible to
13.13 vote may register to vote with the secretary of state as a permanent absentee voter pursuant
13.14 to Minnesota Statutes, section 5B.06. The secretary of state shall maintain a record of each
13.15 program participant registering to vote as a permanent absentee voter pursuant to Minnesota
13.16 Statutes, section 5B.06. If a program participant withdraws or is canceled from the program,
13.17 the individual loses eligibility to vote through Safe at Home. In order to comply with the
13.18 Help America Vote Act when registering to vote, the program participant must provide a
13.19 copy of a photo identification with the combined voter registration and permanent absentee
13.20 ballot request form pursuant to Minnesota Statutes, section 5B.06, if:

13.21 A. it was not submitted ~~by an application assistant~~ with the application;

13.22 [For text of items B to D, see Minnesota Rules]

13.23 [For text of subpart 2a, see Minnesota Rules]

14.1 Subp. 2b. **Challenging voter records.**

14.2 A. If a program participant or applicant provides information to the secretary of
14.3 state that indicates that a program participant voter is not eligible to vote, or if the secretary
14.4 of state is able to determine from information provided by the commissioner of corrections,
14.5 the ~~state~~ court administrator, or the Department of Public Safety that the program participant
14.6 voter is not eligible to vote, then the secretary of state must mark the voter's record as
14.7 challenged.

14.8 *[For text of item B, see Minnesota Rules]*

14.9 *[For text of subparts 2c to 4, see Minnesota Rules]*

14.10 Subp. 5. **Requesting or preparing absentee ballots.**

14.11 A. Pursuant to the timelines and procedures in this subpart, the secretary of state
14.12 must communicate to the ~~appropriate election administrator of each jurisdiction~~ county
14.13 auditor the number of ballots necessary for each jurisdiction to provide ballots to program
14.14 participant voters whose records are not challenged. Notwithstanding part 8210.0200, the
14.15 ~~election administrator~~ county auditor must provide the appropriate ballots for that election
14.16 to the secretary of state. The secretary of state also has authority under Minnesota Statutes,
14.17 section 5B.06, to prepare and mail ballots to program participants.

14.18 B. If a program participant registers to vote as a permanent absentee ballot voter
14.19 under Minnesota Statutes, section 5B.06, more than 14 days before an election, the secretary
14.20 of state must either request a ballot from the county auditor for the program participant or
14.21 prepare and mail a ballot to the participant as authorized in Minnesota Statutes, section
14.22 5B.06.

14.23 C. If a program participant registers to vote as a permanent absentee ballot voter
14.24 under Minnesota Statutes, section 5B.06, less than 14 but more than five days before an

15.1 election, the secretary of state must prepare and mail a ballot to the participant as authorized
15.2 in Minnesota Statutes, section 5B.06.

15.3 D. If a program participant registers to vote as a permanent absentee ballot voter
15.4 under Minnesota Statutes, section 5B.06, within five days of an election, the secretary of
15.5 state must attempt to contact the program participant by telephone to discuss the participant's
15.6 options for voting in the election.

15.7 [For text of subparts 6 to 7, see Minnesota Rules]

15.8 Subp. 8. **Ballot handling.**

15.9 [For text of item A, see Minnesota Rules]

15.10 B. If the program participant submits a signature envelope, the secretary of state
15.11 must review the signature envelope and the program participant voter's record to determine
15.12 whether the secretary of state is satisfied that:

15.13 [For text of subitems (1) and (2), see Minnesota Rules]

15.14 (3) the program participant's name and identification number or signature on
15.15 the signature envelope appear in substantially the same form as on the ~~absentee ballot request~~
15.16 form described in subpart 2; and

15.17 [For text of subitem (4), see Minnesota Rules]

15.18 [For text of item C, see Minnesota Rules]

15.19 [For text of subpart 9, see Minnesota Rules]

15.20 Subp. 10. **Receipt and counting of ballots.** The absentee ballot board must review
15.21 the verification certificate ~~and may only~~. The absentee ballot board must reject the absentee
15.22 ballot if the verification certificate indicates that the secretary of state was not satisfied that
15.23 the program participant met the requirements of this part or if the secretary has subsequently
15.24 notified the county auditor that the ballot should be rejected, in accordance with subpart

10e. ~~If the absentee ballot board accepts the ballot, the election judges must write "SAH" followed by a sequential number for each Safe at Home ballot processed and "AB" on the election day registration roster page.~~ The absentee ballot board must accept the absentee ballot if the verification certificate indicates that the secretary of state was satisfied that the program participant met the requirements of this part. An accepted ballot is counted as any other registered absentee ballot for statistical purposes.

Subp. 10a. **Replacement ballots.**

A. If the secretary of state forwards a certification envelope to a county auditor at least five more than 14 days before the election that indicates that the ballot should be rejected because of reasons identified in subpart 8, item C, subitem (3) or (4), the secretary of state must either request a replacement ballot from the county auditor for the program participant or prepare and mail a replacement ballot to the participant as authorized in Minnesota Statutes, section 5B.06. The county auditor must promptly fulfill ~~this request~~ all requests under this subpart and the secretary of state must forward ~~it~~ the replacement ballot to the program participant by first class mail.

B. If the secretary of state forwards a certification envelope to a county auditor less than 14 but more than five days before the election that indicates that the ballot should be rejected because of reasons identified in subpart 8, item C, subitem (3) or (4), the secretary of state must prepare and mail a replacement ballot to the participant as authorized in Minnesota Statutes, section 5B.06.

[For text of subparts 10b to 10d, see Minnesota Rules]

Subp. 10e. **Participant moved after ballots were sent.** If, prior to the time frame for processing ballots in accordance with Minnesota Statutes, section 203B.121, subdivision 4, a program participant's residential address is updated on the program participant's voting record in accordance with subpart 2c, then the secretary of state must mark the voter's record of the ballot as "spoiled."

17.1 If the secretary of state has not received the voted ballot from the program participant,
17.2 the secretary of state must notify the program participant that the program participant should
17.3 destroy the ballot and dispose of the other ballot materials and that the ballot will not be
17.4 counted if it is returned.

17.5 If the program participant's ballot was forwarded to the county auditor and otherwise
17.6 would have been accepted, then the secretary of state must promptly notify the county
17.7 auditor ~~in writing~~ that the ballot board should reject the ballot.

17.8 The secretary of state must request a replacement ballot for the voter from the
17.9 appropriate county auditor. Before sending the new ballot to the participant, the secretary
17.10 of state must print the words "Replacement Ballot" on the signature envelope.

17.11 Subp. 10f. **Ineligibility after ballot is forwarded to county.** If, after a ballot was
17.12 forwarded to the county auditor that otherwise would have been accepted,

17.13 A. a program participant withdraws or is canceled from the program; or

17.14 B. the program participant's voter record is challenged in accordance with subpart
17.15 2b; or

17.16 C. the program participant dies,

17.17 then the secretary of state must promptly notify the county auditor ~~in writing~~ that the ballot
17.18 board should reject the ballot if the ballot board has not already processed the ballot in
17.19 accordance with Minnesota Statutes, section 203B.121, subdivision 4.

17.20 [For text of subpart 10g, see Minnesota Rules]

17.21 Subp. 11. **Review and determination by secretary of state.** By March 31 of each
17.22 year, the secretary of state must determine whether any program participants who cast ballots
17.23 in the preceding ~~12-month period~~ calendar year are recorded in the statewide voter
17.24 registration system as having both a record of casting a ballot under this part and also voting

in the same election. If it is found that a program participant voter casting a ballot under this part also has a voting history record for the same election in the statewide voter registration system, the secretary of state shall notify the appropriate county attorney of that fact.

Subp. 12. **Cessation of permanent absentee voter status.** The secretary of state must revoke the program participant's permanent absentee voter status under this part and Minnesota Statutes, section 5B.06, until the county attorney confirms that the issue has been resolved in favor of the program participant if voting records under this part and voting history records in the statewide voter registration system show that the program participant has not only cast a ballot under this part but also voted in the same election by other means.

Subp. 13. **Record keeping.** The secretary of state must maintain a record for each election with the number of ballots requested by precinct/school district combinations, blank ballots received from each county auditor, number of ballots prepared and mailed pursuant to Minnesota Statutes, section 5B.06, assembled ballots sent to program participants, unvoted ballots returned to the county auditors, ballot envelopes returned by program participants to the secretary of state, and certification envelopes forwarded to county auditors.

[For text of subpart 14, see Minnesota Rules]

8290.1500 APPLICATION ASSISTANT ACCREDITATION.

Subpart 1. **Role of community-based programs.** The role of the community-based programs in Safe at Home is to select potential application assistants to perform safety planning with an applicant, to generally explain to an applicant the program's services and limitations, ~~explain to an applicant a program participant's responsibilities, and assist applicants in the completion of application materials~~ and to refer an applicant to the secretary of state for enrollment.

Subp. 2. **When awarded.** Application assistant accreditation shall be awarded by the secretary of state when:

A. the prospective application assistant:

(1) completes an application that includes the prospective application assistant's name, business mailing address, business telephone number, and business email address, if available; the community-based program at which the prospective application assistant is employed or is an approved volunteer and a contact name for the community-based program; a statement that the prospective application assistant provides direct advocacy services to victims, including assisting in the development of personal safety plans, as a substantial part of the prospective application assistant's current job duties; an agreement to adhere to the instructions and terms provided in the application assistant agreement; and an agreement not to discriminate against any applicant or program participant because of race, creed, religion, color, national origin, gender, marital status, sexual orientation, status with regard to public assistance, age, or mental, physical, or sensory disability;

[For text of subitems (2) and (3), see Minnesota Rules]

B. the community-based program confirms that the prospective application assistant is employed by or is an approved volunteer for the community-based program and agrees to designate a contact for the community-based program. The program must have a person authorized to act on behalf of the organization execute the application in order for it to be accepted by the secretary of state.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. **Term of accreditation.** An application assistant's accreditation is ongoing as long as the application assistant maintains employment or approved volunteer status at the community-based organization named on the application, completes a periodic review

approved by the secretary of state at least once every three years, and, in addition, completes any other training deemed necessary by the secretary of state.

Subp. 5. **Termination.** An application assistant's accreditation may be terminated by the secretary of state for failing to abide by any requirement in this chapter or for failing to act in accordance with requirements of the secretary of state. An application assistant's accreditation must be terminated if the application assistant is no longer an approved volunteer or is no longer employed by the community-based organization with which the person applied.

Subp. 6. **Employment with another community-based organization.** If an application assistant changes employment or volunteer status, leaving employment or a volunteer position at one community-based organization and gaining employment or a volunteer position at another, the application assistant may apply to become accredited again after the new community-based organization confirms the person is an employee or approved volunteer and agrees to designate a contact for the community-based program. The new organization must have a person authorized to act on behalf of the organization execute a new application. The secretary of state will determine what training, if any, is necessary to fully renew the application assistant's accreditation status.

[For text of subpart 7, see Minnesota Rules]

Subp. 8. **Records.** If an application assistant has assisted an applicant with application materials, the application assistant shall forward the completed application materials required by this chapter to the secretary of state by first class mail or give the application materials to the applicant to submit to the secretary of state by first class mail. If the applicant so directs, an application assistant may mail any optional notices that are generated as a part of the application process to the appropriate party. Any remaining application materials must be given to the applicant or securely disposed of by the application assistant immediately.

21.1 **8290.1600 EMERGENCY EVENT.**

21.2 When Safe at Home services are unavailable or severely impacted due to an emergency,
21.3 any timeline or deadline imposed by this chapter is tolled for the duration of the emergency.

21.4 **REPEALER.** Minnesota Rules, part 8290.0100, subparts 3, 10, 11, 13, 16, and 22, are
21.5 repealed.