



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

STATEMENT OF NEED AND REASONABLENESS

Proposed Permanent Rules Relating to Election
Administration, Minnesota Rules, 8200-8250; Revisor's ID
Number R-04824

Office of the Minnesota Secretary of State
Elections Division

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Acronyms

APA	Administrative Procedures Act
ALJ	Administrative Law Judge
CFR	Code of Federal Regulations
MAT	MN Association of Townships
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
CAH	Court of Administrative Hearings
Office	Office of the Minnesota Secretary of State
SONAR	Statement of Need and Reasonableness

Introduction and Overview

Introduction

The Office of the Secretary of State (Office) is the state's chief election office. In 2023, 2024, and 2025 the Minnesota Legislature passed several changes to legislation related to elections and the administration of elections. As a result of these changes, there were many places that Minnesota Statutes and Minnesota Rules conflicted. As a result, the Office began a rulemaking process to amend the current rules governing elections and election administration. In addition to the proposed changes in direct response to legislative action, since the last election-related rulemaking, the Office has received comments from election officials and citizens requesting changes to forms, instructions, and other items reflected in the rules. The Office has been collecting these comments and suggestions, and has considered them in the proposed rule revisions.

A Request for Comments was published in the State Register on August 21, 2023, and a number of responses were received. The Request for Comments was also sent to a broad spectrum of interested parties pursuant to a Notice Plan described in this Statement of Need and Reasonableness (SONAR). The Office used the comments received in response to the Request for Comments as well as comments and suggestions received prior to the rulemaking 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 Justin R. Erickson, General Counsel, Office of the Minnesota Secretary of State, 20 W. 12th Street, St. Paul, MN 55155; telephone 651-201-6895; email justin.erickson@state.mn.us; or use your preferred telecommunications relay service.

Scope of Proposed Amendments

The following chapters of Minnesota rules are affected by the proposed changes:

- PART 8200.3000 – Registration in Wrong County
- PART 8200.3550 – Notice of Challenge Removal
- PART 8200.5100 – Registration at Precinct Only
- PART 8200.9115 – Form of Polling Place Rosters

- PART 8200.9300 – Maintaining Certain Voter Registration Records; Security
- PART 8210.9310 - Treatment of Voter Registration Applications
- PART 8200.9320 – Interaction with Department of Public Safety
- PART 8200.9940 - Precinct List of Persons Vouching for Voter Residence on Election Day and Number of Persons Vouched For
- PART 8200.9950 – Challenges to Voter Registration, specified by Part 8200.7100
- PART 8210.0100 – Presidential Absentee Ballots
- PART 8210.0200 – Permanent Absentee Ballot Application
- PART 8210.0225 – Applications from Challenged Voters
- PART 8210.0500 – Instructions to Absent Voter
- PART 8210.0600 – Statement of Absentee Voter
- PART 8210.0710 - Format and Instructions for Absentee Ballot Return Envelopes
- PART 8210.2200 – Duties of County Auditor or Municipal Clerk upon receipt of Absentee Ballot Return Envelope
- PART 8210.2400 – Safeguarding Procedures
- PART 8210.2450 – Duties of Ballot Board members When Examining Return Envelopes under Minnesota Statutes section 203B.121.
- PART 8210.2500 – Mail Pickup
- PART 8210.2700 – Receipt of Federal Write-In Absentee Ballots
- PART 8210.3000 – Mail Balloting
- PART 8215.0200 – Ballots
- PART 8215.0300 – Polling Place Voting
- PART 8215.0400 – Absentee Voting

- PART 8215.0500 – Mail Balloting
- PART 8220.1150 – Test Ballots
- PART 8220.1550 – Public Accuracy Test
- PART 8230.2040 – Recording Valid Write-In Votes
- PART 8230.2250 - Delivery of Transfer Case
- PART 8230.3850 – Duplication of Ballots
- PART 8230.4355 – Ballot Boxes for Precinct Counting Centers
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- PART 8235.0300 – Notice Ballot Boxes for Precinct Counting Centers
- PART 8235.0700 – General Procedures
- PART 8240.1600 – Election Judge Basic Training Course
- PART 8240.1655 – Qualifications for Trainee Election Judges
- PART 8240.1750 – Head Election Judge Training
- PART 8240.2700 – Municipal Clerk Training Requirement
- PART 8240.2800 – School District Clerk Training Requirement
- PART 8240.2900 – County Auditor Election Administration Certification
- PART 8250.1810 – Format of Ballots for Optical Scan Systems

Statutory Authority

The Office’s statutory authority to adopt rules related to elections is set forth as follows:

Minnesota Statutes, section 201.121, subd. 3, which provides, in relevant part:

Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state.

Minnesota Statutes, section 201.022, subd. 2, which provides:

The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1.

Minnesota Statutes, section 201.061, subd. 3, which provides, in relevant part:

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence.

Minnesota Statutes, section 201.071, subd. 4, which provides, in relevant part:

A county auditor who receives a registration application indicating that an individual was previously registered in a different county in Minnesota shall update the voter's record electronically through the statewide registration system in the manner prescribed by the secretary of state.

Minnesota Statutes, section 201.091, subd. 4, which provides, in relevant part:

Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Minnesota Statutes, section 201.221, subd. 1, which provides:

To implement the provisions of this chapter, the secretary of state shall adopt rules consistent with federal and state election laws.

Minnesota Statutes, section 201.221, subd. 2, which provides:

The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for maintaining voter registration records on the statewide registration system. The secretary of state shall supervise the development and use of the statewide registration system to ensure that it conforms to applicable federal and state laws and rules.

Minnesota Statutes, section 201.221, subd. 3, which provides, in relevant part:

The secretary of state shall prescribe the form of paper polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature... The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle... The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters.

Minnesota Statutes, section 203B.04, subd. 5(c), which provides:

The secretary of state shall adopt rules governing procedures under this subsection [relating to permanent absentee voter status].

Minnesota Statutes, section 203B.08, subd. 4, which provides:

The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

Minnesota Statutes, section 203B.09, which provides:

The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.

Minnesota Statutes, section 203B.125, which provides:

The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section 204C.20, subd. 1.

Minnesota Statutes, section 204B.071(a) which provides:

The secretary of state shall adopt rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials.

Minnesota Statutes, section 204B.14, subdivision 4, which provides, in relevant part:

Any change in the boundary of an election precinct must be adopted at least ten weeks before the date of the next election and, for the state primary and general election or presidential nomination primary, no later than December 1 in the year prior to the year of the state general election...

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Minnesota Statutes, section 204B.25, subd. 2, which provides:

The secretary of state shall adopt rules establishing programs for the training of county auditors, local election officials, and election judges by county auditors as required by this section.

Minnesota Statutes, section 204B.45, subd. 3, which provides:

The Minnesota Election Law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting, including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election.

Minnesota Statutes, section 204D.08, subd. 1, which provides, in relevant part:

The secretary of state shall adopt rules for the format and preparation of the state primary ballot.

Minnesota Statutes, section 204D.11, subd. 1, which provides, in relevant part:

[The state general election ballot] shall be prepared by the county auditor subject to the rules of the secretary of state. The secretary of state shall adopt rules for preparation and time of delivery of the state general election ballot.

Minnesota Statutes, section 205.17, subd. 6, which provides:

The ballots for municipal elections must be prepared by the municipal clerk in the manner provided in the rules of the secretary of state.

Minnesota Statutes, section 205A.08, subd. 5, which provides:

The ballots for school district elections must be prepared by the school district clerk in the manner provided in the rules of the secretary of state.

Minnesota Statutes, section 206.57, subd. 1, which provides, in relevant part:

The secretary of state may adopt permanent rules consistent with sections 206.55 to 206.90 relating to the examination and use of electronic voting systems.

Minnesota Statutes, section 206.61, subd. 5, which provides, in relevant part:

The rules adopted by the secretary of state for the rotation of candidate names must use the number of registered voters in each precinct as of 8:00 a.m. on May 1 of the year when the rotation will be made as the basis for determining the rotation of names.

Minnesota Statutes, section 206.81, which provides, in relevant part:

The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use [of electronic voting systems]. The extent of experimental use must be determined by the secretary of state.

Minnesota Statutes, section 206.82, subd. 1, which provides, in relevant part:

The secretary of state shall adopt rules further specifying test procedures [for testing of electronic voting systems].

Minnesota Statute, section 206.84, subd. 3, which provides, in relevant part:

The secretary of state shall provide by rule for standard ballot formats for electronic voting systems.

Minnesota Statutes, section 207A.11(c), which provides:

The secretary of state must adopt rules to implement the provisions of this chapter. The secretary of state shall consult with the party chairs throughout the rulemaking process, including seeking advice about possible rules before issuing a notice of intent to adopt rules, consultation before the notice of comment is published, consultation on the statement of need and reasonableness, consultation in drafting and revising the rules, and consultation regarding any modifications to the rule being considered.

Under these statutes, the Office has the necessary statutory authority to adopt the proposed rules.

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 August 21, 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 CAH on August 10, 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;
- Former Secretaries of States;
- Chairs of Minnesota’s major and minor political parties;
- Various election law attorneys;
- Representatives of voting equipment and service vendors;
- Representatives of local government associations; and
- Representatives of various public-interest and advocacy groups.

The Additional Notice Plan is described further starting on page 34 of this document.

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 the rules are intended to update and clarify the rules, implement procedural changes necessitated by statutory amendments and staff experience, 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.

The Additional Notice Plan is described further starting on page 32 of this SONAR.

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. Staff considered the public comments, the experience and expertise of program staff, and knowledge of other states' election laws, when drafting the rules.

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. The reasonableness of each specific provision is addressed below.

Rule-by-Rule Analysis

The Secretary is proposing relatively few changes to the rules other than those required by or in response to the statutory amendments adopted by the Minnesota Legislature in 2023. 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 8200.3000 – Registration in Wrong County

The amendment to this part clarifies that county auditors are required to accept all voter registration applications, even if the address listed on the application is not located within the county. Under the current process, county auditors are required to forward voter registration applications from persons who do not live in the county to the proper county only if the auditor accepts the application. However, some county auditors do not accept applications from persons who do not live in the county. Although county auditors attempt to notify individuals when their application is rejected, this does not always occur. The result is that if a person inadvertently submits a voter registration application in the wrong county, it may be rejected without their knowledge and they may not know they need to reapply in the correct county. Consequently, the person may believe they are registered when they are not, leading to confusion and delays on election day or when requesting an absentee ballot. In some cases, it may lead to a person not being able to vote on election day if they do not have time to gather the correct documentation to register at their polling place.

This change clarifies that county auditors must accept all voter registration applications, regardless of address and forward them to the correct county if the county can be ascertained. It is reasonable to make this change to clarify the responsibility of county auditors and ensure individuals are able to register to vote.

PART 8200.3550 – Notice of Challenge Removal

The amendment to this part is to conform this rule language with a 2023 amendment to Minnesota Statutes section 201.014, subdivision 2a. This statutory amendment restored the civil right to vote to individuals who were previously ineligible to do so because of a felony conviction and who were no longer incarcerated for that offense. Consequently, the rule change is needed and reasonable so that county auditors notify those individuals that the challenge to their voting record has been removed once they are no longer incarcerated.

PART 8200.5100 – Registration at Precinct Only

The Office proposes to modify the definition of “Residential Facility” in subpart 1, item E, because it is simply a duplicate of the definition contained in Minnesota Statutes section 201.061, subdivision 3(c). 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 Office proposes to repeal subpart 3 because the requirements related to proof of residence for students were codified at Minnesota Statutes 201.061, subpart 3a, in 2023. This change is needed and reasonable to streamline the rules and reduce unnecessary duplication of language.

Finally, the Office proposes to add a subpart 5 governing how a person already registered to vote may update the information on record on election day. This change is needed in light of 2025 amendments to Minnesota election law, which clarified that already-registered voters could update their applications without re-registering. This change is reasonable because it clarifies the process for updating a voter application at a precinct is substantially the same as registering at the precinct.

PART 8200.9115 – Form of Polling Place Rosters

The amendments to subpart 1 are to conform this rule language with a 2023 amendment to Minnesota Statutes section 204C.10(a)(7) and a 2025 amendment to Minnesota Statutes section 204C.10(a)(4). The 2023 statutory amendment is a change to the voter certificate that reflects the fact that the civil right to vote had been restored to individuals who were previously ineligible to do so because of a felony conviction and who were no longer incarcerated for that offense. The 2025 amendment is a change to the same certificate reflecting the fact that the voter must certify they maintain residence at the address “or location” shown. Consequently, the rule change is needed and reasonable so that polling place certificates accurately reflects current eligibility requirements under Minnesota law. In addition, the addition of the third paragraph is necessary to clarify that polling places using electronic rosters must use the same certification for their voter signature certificates. This change is reasonable because it clarifies that paper and electronic rosters must have the same certification.

PART 8200.9300 – Maintaining Certain Voter Registration Records; Security

The amendment to subpart 10 clarifies that the number of ballots to be counted in a polling place should be determined by comparing the number of ballots with the number of voter receipts or the number of names signed on the polling place roster. The current rule also requires that the number of return envelopes from absentee ballots be added to this total. Because absentee ballots are now reviewed and accepted by absentee ballot boards pursuant to Minnesota Statutes section 203B.121, absentee return envelopes are no longer included in polling places and should not be included in the count. This change is necessary and reasonable to clarify the appropriate method to calculate the number of ballots to be counted in polling places and accurately reflect the manner in which absentee ballots are now accepted under Minnesota law.

In addition, the Office proposes eliminating the reference to subdivision 2 of Minnesota Statutes section 204C.10 because there is no subdivision 2 in that section. It appears that subdivision 2 was removed in 1990 but the reference in rules was not updated. It is necessary and reasonable to amend this reference for accuracy.

PART 8200.9310 - Treatment of Voter Registration Applications

The amendment to the first sentence of subpart 5 clarifies that any voter registration application that a person submits to update their registration must meet all the requirements of Minnesota Statutes section 201.071, subdivision 1. The previous rule stated that the application only needed to meet the requirements of a new voter registration application without identifying what those requirements were. This change is reasonable and necessary to define specifically what information must be provided in order to update a person's registration.

In addition, the Office proposes adding a second sentence to subpart 5 to clarify that any update to a person's voter registration under this subpart must be processed the same way as a new voter registration application. Previously, there was no such requirement. This change is reasonable and necessary to ensure that updates to a person's voter registration are processed consistent with new voter registrations, which, among other things, ensure the person is given notice and an opportunity to correct any deficient or incomplete application as well as notify the person whether the update was submitted too late to be effective for an upcoming election.

PART 8200.9320 – Interaction with Department of Public Safety

The Office proposes to repeal this part because automatic voter registration was codified at Minnesota Statutes section 201.161 in 2023. The current rule language requires that the Department of Public Safety provide a single unified application to permit eligible voters to simultaneously register to vote and apply for a driver's license and state identification card. However, section 201.161 establishes a process by which individuals applying for a driver's license or state identification card with the Department of Public Safety are automatically registered to vote, making it unnecessary for the Department of Public Safety to provide a unified application anymore. This change is needed and reasonable to streamline the

rules and eliminate the possibility of confusion regarding the method by which a person can register to vote when applying for a driver's license or state identification card.

8200.9940 - Precinct List of Persons Vouching for Voter Residence on Election Day and Number of Persons Vouched For

The Office proposes to add a subpart one clarifying that vouching information must be tracked and collected using the form and instructions already contained in the rule. The current rule contains the language and form but was not clear as to whether collection of this information according to this process is mandatory. The new subpart makes clear the process that must be followed to collect vouching information. Subpart 1 further authorizes counties, municipalities, and school districts using electronic rosters to collect this information electronically. Local election officials who use electronic rosters have requested this change, indicating that it will be more efficient to collect this information electronically if they are already using electronic rosters.

The addition of subpart 2 and its title are clarifications in light of the addition of subpart 1 to the rule.

PART 8200.9950 – Challenges to Voter Registration, specified by Part 8200.7100

The amendments to this part are necessary to conform this rule language with 2023 amendments to Minnesota Statutes section 201.195. The statutory amendment established new processes by which a registered voter could challenge the eligibility of another voter registered within that county, established new requirements for what information needs to be provided for a challenge, and identified categories of reasons that could not constitute adequate grounds for a challenge.

This rule part provides the form that registered voters must use to make a challenge to another voter's eligibility. The proposed amendment updates the form to reflect the new statutory requirements for challenges. Consequently, the rule change is needed and reasonable so that the voter registration challenge form accurately reflects the new standards and processes in statute.

PART 8210.0100 – Presidential Absentee Ballots

The amendment to subpart 2 is to conform this rule language with a 2023 amendment to Minnesota Statutes section 201.014, subdivision 2a. This statutory amendment restored the civil right to vote to individuals who were previously ineligible to do so because of a felony conviction and who were no longer incarcerated for that offense. Consequently, the rule change is needed and reasonable so that the certificate of eligibility reflects the new requirements to be eligible to vote.

PART 8210.0200 – Permanent Absentee Ballot Application

The amendment to the title of this part and to subpart 4 is to conform this rule language with a 2023 amendment to Minnesota Statutes section 203B.04, subdivision 5, which created a permanent absentee voter program in place of the permanent absentee application program. The current rule language references the previous process, where a person could apply to have an absentee ballot application sent to them before each election. Following the 2023 statute amendment, the new process is that a person

submits a single application and can then have the absentee ballot itself sent to them for each election (rather than needing to apply for the absentee ballot each time). Consequently, the rule change is needed and reasonable to accurately reflect the program being administered under Minnesota law.

PART 8210.0225 – Applications from Challenged Voters

The Office proposes to eliminate the language “and to each voter whose voter registration application is incomplete under Minnesota Statutes section 201.161, subdivision 1a or 201.121,” from this rule because the purpose of the rule is to govern the mailing of absentee ballots to challenged voters. Individuals who submit an incomplete voter registration application are not challenged under Minnesota law and the process by which they are notified of their incomplete application is already governed by Minnesota Statutes sections 201.061 and 201.121. Consequently, the rule change is needed and reasonable to accurately reflect the purpose of this rule and avoid confusion as to the status of voters who submit an incomplete application.

PART 8210.0500 – Instructions to Absent Voter

The Office proposes to strike the language “sent or delivered to the absent voter” in subpart 1 because it is duplicative and unnecessary; it is already clear in the sentence which materials are being referenced. The Office further proposes to insert language in subpart 1 allowing jurisdictions to provide supplemental instructions to their voters. This proposed change is reasonable and necessary because the Office has received feedback from local election administrators that they would benefit from being able to include jurisdiction-specific instructions with their materials, such as more specific guidance on where to return a ballot if it is being delivered in person.

The Office proposes modifying certain instructions in subparts 2, 3, 4, 5, and 6. These are instructions for registered voters (subpart 2), unregistered voters (subpart 3), and military and overseas voters (subpart 4) to fill out an absentee or mail ballot. Subparts 5 and 6 contain instructions for military and overseas voters to submit ballots electronically.

First, in 2023, Minnesota Statutes section 203B.08, which was amended to change the time by which an absentee ballot must be returned from 3:00 p.m. to 8:00 p.m. on election day. In 2025, the deadline for in-person delivery was amended from 8:00 p.m. to 5:00 p.m. Consequently, the Office proposes to amend subparts 2 and 3 to reflect the updated time. This change is needed and reasonable to ensure that voters have accurate information on when their ballot must be returned in order for it to be counted.

The addition of an instruction in subparts 2, 3, and 4 stating that voters should “[c]arefully refold the ballot the way it was delivered to you” is reasonable and necessary because if a ballot is refolded in a different way, it is possible the ballot will not easily fit into the ballot envelope or that a crease could pass through a target, which could make it more difficult for the ballot to be tabulated and possibly require duplication. This change is reasonable and necessary to more clearly direct voters returning their ballot, and to lessen the burden on local election administrators by reducing the number of ballots that come back improperly folded.

The modification of “unregistered” to “nonregistered” in subpart 3 is reasonable and necessary to make the language consistent with the remainder of the instructions, which use the phrase nonregistered.

The Office proposes amending the instructions regarding witnesses in subparts 2 and 3 to reflect 2024 amendments made to Minnesota Statutes section 203B.07, subdivision 3. Under previous law, and in the current rules, only a registered voter could serve as a witness for an absentee ballot. However, in 2024, the statute was amended so that any U.S. citizen at least 18 years or older can be an eligible witness. These changes are reasonable and necessary to ensure the instructions that accompany an absentee ballot accurately reflect Minnesota law.

The Office further proposes amending the instruction “Sign the return envelope yourself” in subparts 2, 3, and 4 to “Sign the signature envelope yourself.” This change is necessary because under Minnesota law, voters are not required to sign the return envelope, they are required to sign the signature envelope. This change is reasonable because it clarifies what actually needs to be signed under existing law.

The amendment to the instructions following the heading “If you have a disability” in subparts 2, 3, 4, and 6 is necessary to conform this rule language with the 2023 enactment of Minnesota Statutes section 203B.29, subdivision 2, which requires ballots, instructions, and certificates of voter eligibility be transmitted electronically in an accessible format to voters with a print disability. This amendment is necessary and reasonable to ensure the instructions inform voters of this option so they may take advantage of it as appropriate.

The addition of the instruction “You may provide both numbers if you are unsure what you provide on your absentee ballot application” in subparts 2, 3, 4, and 6 is reasonable and necessary to inform voters that it is acceptable to provide both numbers if they cannot remember which one they provided when they registered to vote.

The removal of the color of receipt in subpart 3 is necessary and reasonable because receipts issued by the Department of Public Safety for driver’s licenses and state identification cards are no longer yellow. This change is needed and reasonable to avoid confusion among voters and ensure that the rules do not conflict with current Department of Public Safety practice.

The change of the terms “group homes” to “assisted living facilities” and “battered women’s” to “domestic abuse victim” in subpart 3 is necessary and reasonable to more precisely address the particular residential facilities where vouching may occur.

The Office proposes adding an instruction to subpart 5 providing a website where military and overseas voters can go for additional information regarding their ballot. This is the website for the Federal Voting Assistance Program, an official source of information from the US Department of Defense for military and overseas voters. This change is reasonable and necessary to provide those voters additional resources to help them cast their ballot.

Finally, the Office proposes changing <http://www.mnvotes.org> to <http://www.mnvotes.gov> throughout the instructions contained in this rule. This is the Office's web page on elections and voting, and it provides various information on how voters can register, vote, search candidate filings, view election results, and find other useful election-related information. This change is reasonable and necessary because the Office has changed the domain of this page from .org to .gov.

PART 8210.0600 – Statement of Absentee Voter

This part contains the form to be used for the statement of the absentee voter. This form must be completed by a person submitting an absentee ballot and contains the voter's personal information and attestation that they are eligible to vote.

In subparts 1a and 1b, the Office proposes to remove the field for the witness' street address and clarify that the witness' title is only required if the witness is an authorized official or notary. Under previous law, and in the current rules, only a registered voter could serve as a witness for an absentee ballot and the witness address was needed to in order to verify the witness was a registered Minnesota voter. However, in 2024, Minnesota Statutes section 203B.07, subdivision 3 was amended so that any U.S. citizen at least 18 years or older can be an eligible witness. Consequently, a witness no longer needs to provide their address to establish they are a Minnesota registered voter. These changes are reasonable and necessary to ensure the instructions that accompany an absentee ballot accurately reflect Minnesota law and to streamline the statement process.

The modification of "unregistered" to "nonregistered" in subpart 1b is reasonable and necessary to make the language consistent with the remainder of the instructions and state election law, which use the phrase nonregistered.

The Office proposes amending the certification regarding witnesses in subparts 1a and 1b. Under previous law, and in the current rules, a witness had to certify they were a notary or authorized to give oaths or a registered Minnesota voter to serve as a witness. However, in 2024, Minnesota Statutes section 203B.07, subdivision 3 was amended so that any U.S. citizen at least 18 years or older can be an eligible witness, in addition to notaries or persons authorized to give oaths. These changes are reasonable and necessary to ensure the witness certification accurately reflects the requirements of Minnesota law.

The OSS further proposes amending the certification in subparts 1a and 1b to change references from "ballots" to "ballot." While it has never been the case that a voter could fill out more than one ballot, the OSS has received feedback from local election officials that they receive questions from constituents who are concerned this suggests multiple ballots are contained in one envelope. This change is reasonable and necessary to eliminate confusion and provide clarity.

The Office proposes to strike the last sentence of subpart 3. This language previously authorized county auditors and municipal clerks to use the existing stock of absentee ballot return envelopes for in-person absentee voting even if the instructions on the envelopes no longer reflected current law. However, because the requirements for those envelopes has now been modified by statute, this change is

necessary and reasonable to ensure old materials that do not accurately reflect election law are not used. Additionally, this language applied only to existing stock that was on hand as of January 1, 2014; although it is possible that some envelopes printed before 2014 are still available, it is unlikely and therefore the Office believes that this change will not impact election officials. Furthermore, it is necessary and reasonable to ensure that absentee ballot return envelopes that are more than a decade out of date cannot be used.

The Office further proposes amending the instruction “Sign the return signature envelope yourself” in subpart 3 to “Sign the signature envelope yourself.” This change is necessary because under Minnesota law, voters are not required to sign the return envelope, they are required to sign the signature envelope. This change is reasonable because it clarifies what actually needs to be signed under existing law.

PART 8210.0710 – Format and Instructions for Absentee Ballot Return Envelopes

The modification of “un-registered” to “non-registered” throughout this part is reasonable and necessary to make the language consistent with other parts of the rules, which use the phrase nonregistered.

PART 8210.2200 – Duties of County Auditor or Municipal Clerk upon receipt of Absentee Ballot Return Envelope

The Office proposes modifying the deadline for delivery of absentee ballots in subpart 1. In 2023, Minnesota Statutes section 203B.08 was amended to change the time by which an absentee ballot must be returned from 3:00 p.m. to 8:00 p.m. on election day. In 2025, the same statute was modified to change time by which an absent voter would need to deliver their ballot in person from 8:00 p.m. to 5:00 p.m. Consequently, the Office proposes to amend subpart 1 to reflect the updated time while clarifying the deadline for elections conducted pursuant to Minnesota Statutes section 203B.11, subdivision 4 remains 8:00 p.m. This change is needed and reasonable to ensure that county auditors and municipal clerks receive ballots in accordance with Minnesota law.

PART 8210.2400 – Safeguarding Procedures

The Office proposes modifying subpart D. In 2025, Minnesota Statutes section 203B.121, subdivision 4 was amended to provide new procedures for processing absentee ballots. Consequently, the procedures in this rule are outdated. The rule change is necessary and reasonable to conform the rule with the statutory change and ensure that ballot board members process the ballots in accordance with state law.

PART 8210.2450 – Duties of Ballot Board members When Examining Return Envelopes under Minnesota Statutes section 203B.121.

The Office proposes amending the instructions regarding review of witness eligibility in subpart 5. Under previous law, and in the current rules, only a registered Minnesota voter could serve as a witness for an absentee ballot and the witness address was needed to in order to verify the witness was a registered Minnesota voter. However, in 2024, Minnesota Statutes section 203B.07, subdivision 3 was amended so

that any U.S. citizen at least 18 years or older can be an eligible witness. Consequently, an absentee ballot can no longer be rejected because a witness failed to provide a Minnesota address. In addition, witnesses no longer will be required to provide their address, as discussed elsewhere with the changes to these rules. These changes are reasonable and necessary to ensure ballots not rejected for improper reasons under Minnesota law.

The amendment to subpart 6 is necessary to conform this rule language with 2023 amendments to Minnesota Statutes sections 203B.121, which moved the deadline from which absentee ballots could be opened from secrecy envelopes, duplicated if needed, and deposited in the appropriate ballot box from seven days before the election to 19 days before the election. The rule change is necessary and reasonable to conform the rule with the statutory change and ensure that ballot board members either reject or spoil ballots as appropriate given the new absentee deadlines.

PART 8210.2500 – Mail Pickup

The amendment to this part is to clarify that municipal clerks must take all reasonable steps to deliver return envelopes to ballot boards before the closing of polls (rather than before 4 p.m. on election day, as is reflected in the current language). Historically, the last delivery from the United States Postal Service arrived no later than 4:00 p.m. Since COVID-19 pandemic, however, municipal clerks have indicated that they often receive deliveries later than 4:00 p.m. In addition, the USPS has in recent elections instituted extraordinary measures at its facilities to ensure all possible ballots are delivered before polls close. This change is needed and reasonable to ensure municipal clerks will take all appropriate steps to deliver all ballots received on election day before polls close, including those received after 4:00 p.m.

PART 8210.2700 – Receipt of Federal Write-In Absentee Ballots

Subpart 1 references two statutes that have been repealed; this amendment replaces those references with the current correct citation. This change is reasonable and necessary to cite to the appropriate statute and ensure that the rule accurately reflects the current operation of the law.

PART 8210.3000 – Mail Balloting

The Office proposes amending subpart 4 to reflect 2025 amendments made to Minnesota Statutes section 204B.45, subdivision 2. Under previous law, mail ballot jurisdictions needed to mail ballots to each registered voter no later than 14 days prior to the election. However, in 2025, the statute was amended to require ballots be mailed no later than 28 days prior to the election. This change is reasonable and necessary to ensure the deadlines to mail ballots accurately reflect Minnesota law.

The Office proposes amending the instructions regarding witnesses in subpart 4a and the certificate regarding witnesses in subpart 4b to reflect 2024 amendments made to Minnesota Statutes section 203B.07, subdivision 3. Under previous law, and in the current rules, only a registered voter could serve as a witness for an absentee ballot. However, in 2024, the statute was amended so that any U.S. citizen at least 18 years or older can be an eligible witness. These changes are reasonable and necessary to ensure the instructions and certificate that accompany a mail ballot accurately reflect Minnesota law.

The Office further proposes amending the instruction “Sign the return envelope yourself” in subpart 4a to “Sign the signature envelope yourself.” This change is necessary because under Minnesota law, voters are not required to sign the return envelope, they are required to sign the signature envelope. This change is reasonable because it clarifies what actually needs to be signed under existing law.

The Office further proposes the addition of an instruction in subpart 4a stating that voters should “[c]arefully refold the ballot the way it was delivered to you.” This addition is reasonable and necessary because if a ballot is refolded in a different way, it is possible the ballot will not easily fit into the ballot envelope or that a crease could pass through a target, which could make it more difficult for the ballot to be tabulated and possibly require duplication. This change is reasonable and necessary to more clearly direct voters returning their ballot, and to lessen the burden on local election administrators by reducing the number of ballots that come back improperly folded.

The OSS further proposes amending the certification in subpart 4b to change references from “ballots” to “ballot.” While it has never been the case that a voter could fill out more than one ballot, the OSS has received feedback from local election officials that they receive questions from constituents who are concerned this suggests multiple ballots are contained in one envelope. This change is reasonable and necessary to eliminate confusion and provide clarity.

The amendment to the instructions following the subheading “If you have a disability:” in subpart 4a is necessary to conform this rule language with the 2023 enactment of Minnesota Statutes section 203B.29, subdivision 2, which requires ballots, instructions, and certificates of voter eligibility be transmitted electronically in an accessible format to voters with a print disability. This amendment is necessary and reasonable to ensure the mail ballot instructions inform voters of this option so they may take advantage of it as appropriate.

PART 8215.0200 – Ballots

The amendments to subpart 5 are necessary to conform this rule language with Minnesota Statutes section 207A.13, which requires, if requested by the political party, that a ballot for a participating party in the presidential nominating primary contain a blank line below the other choices on the ballot so that a voter may write in the name of a person not listed on the ballot. The amendments are reasonable and necessary to ensure that ballots in the presidential nominating primary are formatted in a manner that is consistent with state law.

PART 8215.0300 – Polling Place Voting

The amendments to subpart 1 are necessary to conform this rule language with 2023 amendments to Minnesota Statutes sections 201.091, subdivision 4a and 207A.12, which makes the political party ballot selected by a voter private data that may only be shared with the chair of the major political party whose ballot the voter selected. The current rule reflects previous state law, which made the political party ballot the voter selected public data. The amendment is reasonable and necessary to ensure that data is treated with the appropriate classification under state law.

PART 8215.0400 – Absentee Voting

The amendment to subpart 2 is necessary to conform this rule language with 2023 amendments to Minnesota Statutes sections 201.091, subdivision 4a, and 207A.12, which makes the political party ballot selected by a voter private data that may only be shared with the chair of the major political party whose ballot the voter selected. The current rule reflects previous state law, which made the political party ballot the voter selected public data. The amendment is reasonable and necessary to ensure that data is treated with the appropriate classification under state law.

The amendment to subpart 7 is necessary to conform this rule language with 2023 amendments to Minnesota Statutes sections 203B.121. Previously, absentee ballots could be opened from secrecy envelopes, duplicated if needed, and deposited in the appropriate ballot box from seven days before the election. In 2023, this was changed to 19 days before the election. Additionally, the alternative procedure in Minnesota Statutes section 203B.081 is now an alternate procedure for both early and absentee voting; the Office proposes to amend subpart 7 to simply remove the word “absentee” and the reference to subdivision 3 so that this subpart now refers more generally to the entire statute. The rule changes in this part are necessary and reasonable to ensure the rule accurately reflects the new deadlines under state law and for what purposes the alternative procedure is available.

PART 8215.0500 – Mail Balloting

The Office proposes amending the instructions regarding witnesses in subpart 3 and the certificate regarding witnesses in subpart 5 to reflect 2024 amendments made to Minnesota Statutes section 203B.07, subdivision 3. Under previous law, and in the current rules, only a registered voter could serve as a witness for an absentee ballot. However, in 2024, the statute was amended so that any U.S. citizen at least 18 years or older can be an eligible witness. These changes are reasonable and necessary to ensure the instructions and certificate that accompany an absentee ballot accurately reflect Minnesota law.

The addition of an instruction in subpart 3 stating that voters should “[c]arefully refold the ballot the way it was delivered to you” is reasonable and necessary because if a ballot is refolded in a different way, it is possible the ballot will not easily fit into the ballot envelope or that a crease could pass through a target, which could make it more difficult for the ballot to be tabulated and possibly require duplication. This change is reasonable and necessary to more clearly direct voters returning their ballot, and to lessen the burden on local election administrators by reducing the number of ballots that come back improperly folded.

The Office further proposes amending the instruction “Sign the return signature envelope yourself” in subpart 3 to “Sign the signature envelope yourself.” This change is necessary because under Minnesota law, voters are not required to sign the return envelope, they are required to sign the signature envelope. This change is reasonable because it clarifies what actually needs to be signed under existing law.

The Office also proposes amending the instructions following the heading “If you have a disability” in subpart 3 to provide additional information about how you may obtain ballots, instructions, and a certificate of voter eligibility in an accessible format if you have a print disability. This change is necessary to conform this rule language with the 2023 enactment of Minnesota Statutes section 203B.29, subdivision 2, which requires ballots, instructions, and certificates of voter eligibility be transmitted electronically in an accessible format to voters with a print disability. This amendment is necessary and reasonable to ensure the instructions inform voters of this option so they may take advantage of it as appropriate.

The amendment to subpart 5 is necessary to conform this rule language with 2023 amendments to Minnesota Statutes sections 201.091, subdivision 4a and 207A.12, which makes the political party ballot selected by a voter private data that may only be shared with the chair of the major political party whose ballot the voter selected. Previously, this was classified as public information.

The amendment to subpart 7 is necessary to conform this rule language with the 2023 amendments to Minnesota Statutes sections 204B.45, which moved the deadline from which absentee ballots could be opened from secrecy envelopes, duplicated if needed, and deposited in the appropriate ballot box from seven days before the election to 19 days before the election. The rule change is necessary and reasonable to conform the rule with the statutory change and ensure that ballots are either rejected or spoil ballots as appropriate given the new absentee deadlines.

PART 8220.1150 – Test Ballots

The Office proposes modifying the label on test ballots from “TEST” to any manner that indicates the ballot is a test ballot. Vendors that create pre-marked test decks use a variety of means to identify test ballots and this change is reasonable and necessary to provide that flexibility, while still maintaining a standard that it be apparent the ballot is a test ballot.

The Office proposes adding requirements that at least one test ballot that is folded as if mailed and one ballot that is marked by different pens must be included when ballots are being tested before an election. These requirements are reasonable and necessary because, in consultation with local election officials, these are scenarios that often occur with actual ballots and so it is appropriate to test for them in preparing for elections.

PART 8220.1550 – Public Accuracy Test

The amendment to the first sentence of the first paragraph is reasonable and necessary to conform this rule language with the 2023 amendments to Minnesota Statutes section 206.83, which changes the deadline for when a public accuracy test must be conducted from 14 days before the voting equipment is used to three days. The previous rule reflected the standard in the previous statute.

The amendment to the first sentence of the second paragraph is reasonable and necessary to confirm this rule language with the 2025 amendments to Minnesota Statutes section 206.83, which changes the deadline for public notice of the public accuracy test from 48 hours to five days. The previous rule reflected the standard in the previous statute.

The amendment to the fourth paragraph clarifies that an election jurisdiction must publicly test each unique model of voting equipment used by the jurisdiction. Every ballot counter used in an election must complete preliminary testing according to 8220.1350. However, the previous language in 8220.1550 was ambiguous and could be interpreted not to require public accuracy testing of all unique models. It is necessary and reasonable to clarify this requirement to ensure that each voting jurisdiction publicly tests all models of voting equipment before an election, reducing the risk of issues during voting that can undermine public confidence in the election system and create logistical difficulties in accurately tallying votes.

The addition of the last sentence makes clear that ballot marking devices for absentee voting need only be tested according to the standard established in 8220.1350. Ballot marking devices are used for absentee voting, which begins 46 days before election day, whereas the remaining equipment subject to a public accuracy test is not used until 19 days before the election (at the earliest). This addition is reasonable and necessary because it clarifies that ballot marking devices must still be tested before use but does not require local election officials to hold a separate public accuracy test for just those devices.

PART 8230.2040 – Recording Valid Write-In Votes

In 2023, Minnesota Statutes sections 204B.09 and 206.90 were amended to require that the ballot be marked in the oval opposite the blank line for a write-in vote. Previously, a voter could write in a name without marking the corresponding oval. In addition, the 2023 amendments to section 204B.09 provide local jurisdictions the option to pass a resolution to determine how write-in votes are counted. To conform with these statutory changes, the proposed amendments to this part explain the counting of write-in votes and state that write in votes are “able” to be counted. These amendments are necessary and reasonable to ensure that the rule language on write-in ballots conforms with the current statutory requirements, reducing the risk of confusion among election administrators and the public.

PART 8230.2250 – Delivery of Transfer Case

The Office proposes to amend subpart 2 to clarify that the transfer case, which carries, among other things, valid voter ballots, envelopes containing spoiled and defective ballots, and the summary statement be delivered “directly” by election judges from the precinct to the official conducting the election. While most election judges already deliver the transfer case directly to the appropriate official, the rule was ambiguous as to whether this was a requirement. The amendment eliminates this ambiguity. The amendment is reasonable because direct delivery of the transfer case ensures the items remain secure and there is no delay in delivery to the appropriate official.

PART 8230.3850 – Duplication of Ballots

In 2023, Minnesota Statutes section 206.80 was amended to establish new requirements for the paper ballots produced by electronic voting systems. Previously, neither the statute nor the rule addressed this situation. This amendment is necessary to establish how these ballots should be duplicated if necessary, since this is a situation not previously contemplated in the rule. The proposed language states that, if this type of ballot needs to be duplicated, the same process must be followed as for other ballots needing duplication. This is a reasonable approach because it treats these ballots the same as all other ballots

requiring duplication. Having the same process is simpler and more efficient for local election administrators.

PART 8230.4355 – Ballot Boxes for Precinct Counting Centers

The Office proposes deleting the language “The ballot box may contain a compartment that receives ballots on which all votes have been counted except those for offices for which the write-in target has been completed” from this part. This language applies only to voting equipment that contains a compartment that receives only ballots that do not contain write-in votes, and this type of equipment is no longer used in Minnesota. The change is reasonable and necessary to avoid confusion and eliminate unnecessary language.

PART 8230.4365 – Precinct Count Voting System Equipment and Procedures

The Office proposes deleting the language “If the ballot box contains a compartment for write-in ballots, the judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them.” This language applies only to voting equipment that contains a compartment that receives only ballots that do not contain write-in votes, and this type of equipment is no longer used in Minnesota. The change is reasonable and necessary to avoid confusion and eliminated unnecessary language.

PART 8235.0300 – Notice

In 2024, Minnesota Statutes section 204C.35 was amended to require that recounts for the election of presidential electors be completed within six days of the recount being requested. The Office proposes amending this rule part to require that notice to candidates be provided within 24 hours of any request for such a recount. Previously, there was no specific timeline for a recount for the election of presidential electors. This proposed rule change is necessary because notice must be provided as soon as possible in order to meet the new six-day timeline requirement. It is reasonable because election officials will already have the necessary contact information for candidates, so a 24-hour timeline for providing notice should not be burdensome.

PART 8235.0700 – General Procedures

The Office proposes amending this part to include language that mirrors 2023 amendments to Minnesota Statutes section 206.80, specifying the procedures to be used in a recount when certain ballot formats were included and they were used by 10 or fewer voters in a precinct. This change is reasonable and necessary to ensure the rule conforms with new statutory requirements.

PART 8240.1600 – Election Judge Basic Training Course

The Office proposes amending subpart 4 to add additional topics that must be covered in election judge basic training. These additions are reasonable to reflect changes in election processes that have occurred since the rules were last modified. These additions are necessary because they are specific topics on which local election administrators have shared that their election judges could benefit from additional training. It is important to add these topics to the rules to ensure that election judges across the state

benefit from training on all essential topics and elections across the state are run consistently, accurately, and effectively.

PART 8240.1655 – Qualifications for Trainee Election Judges

The Office proposes amending this part to include language that mirrors 2023 amendments to Minnesota Statutes section 204B.19, which clarified that a student could serve as a trainee election judge until after the student graduates and reaches the age of 18. This change is reasonable and necessary to ensure the rule conforms with new statutory requirements.

PART 8240.1750 – Head Election Judge Training

The Office proposes amending subpart 2 to add Security and Emergency Plans to the head election judge training program. County election officials are required to develop emergency plans under Minnesota Statutes section 204B.181 and it is necessary and reasonable to include training on these plans for head election judges so that they know how to address incidents appropriately.

PART 8240.2700 – Municipal Clerk Training Requirement

The Office proposes amending subpart 5 to add additional topics that must be covered in municipal clerk training. These additions are reasonable to reflect changes in election processes that have occurred since the rules were last modified. These additions are necessary because they are specific topics on which local election administrators have shared that their staff could benefit from additional training. It is important to add these topics to the rules to ensure that municipal clerks across the state benefit from training on all essential topics and elections across the state are run consistently, accurately, and effectively.

PART 8240.2800 – School District Clerk Training Requirement

The Office proposes amending subpart 5 to add additional topics that must be covered in school district clerk training. These additions are reasonable to reflect changes in election processes that have occurred since the rules were last modified. These additions are necessary because they are specific topics on which local election administrators have shared that their staff could benefit from additional training. It is important to add these topics to the rules to ensure that school district clerks across the state benefit from training on all essential topics and elections across the state are run consistently, accurately, and effectively.

PART 8240.2900 – County Auditor Election Administration Certification

The Office proposes amending subpart 4 to add additional topics that must be covered in county auditor training. These additions are reasonable to reflect changes in election processes that have occurred since the rules were last modified. These additions are necessary because they are specific topics on which local election administrators have shared that their staff could benefit from additional training. It is important to add these topics to the rules to ensure that county auditors across the state benefit from training on all essential topics and elections across the state are run consistently, accurately, and effectively.

PART 8250.1810 – Format of Ballots for Optical Scan Systems

The Office proposes amending subpart 9. The previous law and current rules establish a process by which the order of candidates is determined for all partisan offices appearing on the ballot. In 2024, Minnesota Statutes section 204D.13, subdivision 2 was amended to provide a specific process by which the order of candidates for president and vice president appear on the ballot and subdivision 2a was added to provide a new process by which the order of candidates for other partisan offices is determined. These changes are reasonable and necessary to ensure the order of candidates is determined in a manner consistent with state law.

The Office proposes amending subpart 18 to require the Office to prepare and provide translated copies of the example ballots to county auditors. This change is reasonable and necessary to reflect the 2023 amendments to Minnesota Statutes section 204B.295, which impose this duty on the Office.

The Office proposes amending subpart 19 to identify how alternative ballots authorized under Minnesota Statutes section 206.80 must be prepared. These ballots did not previously exist when the current rule was passed and the 2023 amendments to section 206.80 establish what information the ballot must contain. This change is reasonable and necessary to reflect the 2023 amendments to Minnesota Statutes section 206.80, which authorized the creation of these ballots.

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 Secretary of State's response.

Classes Affected

Eligible voters will benefit from the proposed rule amendments because the rules clarify election procedures and ensure that election officials are informed of updated procedures and trained to carry out accurate, consistent, and efficient elections. These changes include changes to the absentee, mail, and military and overseas ballot instructions. These changes will provide voters more information about how to successfully cast their ballots, including providing them up-to-date information on how those with print disabilities can obtain assistance; what resources are available to those voting from overseas; and what qualifications a witness must have for any person not voting in person.

Election officials and local governments will benefit from the proposed rule amendments because they ensure that the rules conform with recent statutory amendments, reducing the potential for confusion and allowing local elections officials to better rely upon the rules as a guide. The amendments also eliminate obsolete provisions regarding election processes and equipment no longer in use in Minnesota, again reducing the potential for confusion. Finally, the proposed rules are updated to reflect additional topics that must be covered in election official training, ensuring election officials receive up-to-date education on the changing election environment.

The **Office of the Secretary of State** will benefit from the proposed rules because they clarify the rules, modify the rules so that they comply with current law, make changes requested by local election officials, and remove obsolete rules. The more that voters and election officials understand the rules, the fewer resources the Office of the Secretary of State must expend to answer questions.

Classes of Persons Bearing the Costs of the Proposed Rules

The **Office of the Secretary of State** will bear some of the costs of the proposed rules. The Office will incur staff costs, for example, to prepare new sample instructions and materials that comply with the changes made in the proposed rules. These costs should be minimal, however, because the Office's staff simply will make the changes to the current electronic versions of the forms and print these new samples. The Office makes some changes to forms on a somewhat regular basis so this is within the scope of the Office's ongoing election administration work.

Election officials and the local governments for whom they work will bear some costs related to printing new instructions, forms and materials, but these costs should be minimal as many of these materials are printed separately for each election and counties, cities, and towns do not keep a large supply of pre-printed materials on hand. In addition, some of the changes are designed specifically to permit cost savings by election officials – in the printing of voter registration materials, for example.

In both cases, the majority of proposed rule amendments are to conform with statutory amendments, so any cost to the Office or local governments would not be above the cost to conform with the underlying statute.

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 Secretary of State will be required to provide training on these rule changes, but the Secretary of State is already required to conduct training for election officials. The provisions of the new rules will be incorporated into the current training session. As discussed above, the Secretary's office already provides samples of the material discussed in the rules to local governments and does not expect to incur any additional costs due to the proposed rules.

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, nor will the proposed rules cause any other state agency to incur costs. As previously mentioned, the majority of proposed rule amendments are to conform with statutory amendments, so any minor cost to the Office or local governments would not be above the cost to conform with the underlying statute.

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.

Where applicable, this factor is discussed in the rule-by-rule section of the analysis. However, the overwhelming majority of the proposed rule amendments are to conform with statutory amendments, so the rule amendments are the only available method to achieve the purpose.

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.

Where applicable, this factor is discussed in the rule-by-rule section of the analysis. In addition to the discussion in the rule-by-rule section of the analysis, the Office looked to other states and solicited feedback from election administrators to determine alternative means for achieving the purpose of the proposed rules. Because of the unique nature of many of Minnesota's election laws, many alternative methods employed by other states were not applicable in Minnesota.

In addition, the Office also considered making no changes to the rules. The Office determined that this was not an option because the majority of the proposed rule amendments are to conform with statutory amendments, no alternative method is available other than updating the 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.

There will be some very limited one-time cost increases to county, city, township, and school district election officials due to the need to re-print forms and instructions (for those that have leftover stock remaining to be used). However, this should be minimal because many jurisdictions print new materials for each election and have no leftover stock. Further, most of the proposed changes to forms and instructions are already effective as they were required by the legislative changes adopted in 2023, 2024, and 2025 and not independently imposed by the proposed rules.

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 the proposed rule changes are a result of legislative changes in 2023, 2024, and 2025. Without these proposed rule changes, the Administrative Rules would conflict with statute. Further, there would be non-financial costs with respect to voter confusion, reduction in election integrity, and additional burdens carried by election administrators.

With regards to the few proposed rule changes that are not the result of statutory amendments, if these changes are not made, voters, election officials, local governments, and the Office will not benefit from the improved clarity and more efficient procedures proposed in the rules.

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.

Nothing in the proposed rule is in conflict with federal regulations. Various federal laws and regulations govern election administration, but the proposed changes govern state-specific election administration and do not conflict with nor modify any federal regulation or law.

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.

The primary purpose of the proposed rule amendments are to bring the rules in line with current Minnesota law and increase clarity and accessibility for voters. Because the proposed rule amendments do not cover areas addressed by federal law, and because proposed rule amendments relating to state law are designed to bring the rules in line with state statute, this consideration is not applicable. To the extent that a proposed rule amendment is designed to bring the rules in line with state statute, that is noted in the rule-by-rule section of the analysis.

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 pages 12 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 or U.S. mail 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 State Government Finance and Policy Committee, House Elections Finance and Policy Committee, the House Judiciary Finance and Civil Law 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 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 State Government Finance and Policy Committee
- House Elections Finance and Government Operations
- Senate Elections Committee
- Senate State and Local Government Committee

Chairs and Ranking Minority Members of the following legislative committees with fiscal oversight in this area:

- House State Government Finance and Policy Committee
- House Elections Finance and Policy Committee
- House Ways and Means Committee
- Senate Elections Committee
- Senate State and Local Government Committee
- Senate Finance Committee

House and Senate Leadership from the Majority and Minority Caucuses

Governor Tim Walz

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:

- Grassroots-Legalize Cannabis Party
- Forward Independence Party of Minnesota (Previously Independence-Alliance)

Libertarian Party of Minnesota
Legal Marijuana Now Party

The following election attorneys:

David Asp
Daniel Cragg
James Dickey
Matthew Haapoja
Jeffrey Holth
Erick Kaardal
Rachel Kitze
Fritz Knaak
John Knapp
Reid LeBeau
Eric Magnuson
William Mohrman
Richard Morgan
Michael Murphy
Charles Nauen
Jared Reams
Steven Reitenour
Vince Reuter
Brian Rice
Douglas Seaton
Virginia Stark
Tony Trimble
Peter Wattson
David Zoll

Representatives of voting equipment and service vendors:

Clear Ballot Group, Inc.
Democracy Live
Dominion Voting System Corp.
Election Systems & Software, Inc.
Election Administrators
Hart Intercivic, Inc.
Knowink
Modus Elections Software
Scytl
Taylor
Votem

Representatives of local government associations:

- Association of Minnesota Counties
- League of Minnesota Cities
- Minnesota Association of County Officers, and all Minnesota County Auditors
- Minnesota Association of Townships
- Minnesota School Boards Association
- Minnesota County Attorney Association

Representatives of public-interest groups:

- AARP
- ACLU of Minnesota
- Catholic Charities
- Minnesota Election Integrity Solutions
- 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 of 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
Urban League – Twin Cities
NAACP – Minneapolis
NAACP – St. Paul
Native Vote Alliance of Minnesota
Somali Action Alliance

On August 10, 2023, the Office received confirmation from CAH 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.

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.

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 CAH at the hearing or with the documents it submits for ALJ review.

As discussed above, county and municipal election officials will need to engage with the Office to ensure they understand the rule changes. As detailed above and based on the experience of program staff, the costs of rulemaking to counties, cities, townships and school districts should be minimal. In fact, the burden on counties is likely to be little because many of these changes were already required by legislation adopted in 2023.

Impact on Local Government Ordinance and Rules

As required by Minn. Stat. § 14.128, subd. 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 elections in Minnesota are governed by federal and state laws. Thus, no local ordinance or local regulatory changes are required.

Costs of Complying for Small Business or City

Agency Determination of Cost

As required by Minn. Stat. § 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 city or small business and the Office has determined that it will not. The Office has made this determination based on the minimal printing costs needed to comply with the proposed rule, as described in the Regulatory Analysis section of this SONAR and the rule-by-rule analysis.

Authors, Witnesses, and Exhibits

Authors

The primary authors of this SONAR are Justin R. Erickson, General Counsel, Office of the Minnesota Secretary of State and Nicole Freeman, Government Relations Director, 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:

- Paul Linnell, Office of the Minnesota Secretary of State, Elections Director
- Emily Hunt, Office of the Minnesota Secretary of State, Deputy Elections 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, Chapters 8200-8250. 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 foregoing, the proposed amendments are both needed and reasonable.

A handwritten signature in black ink that reads "Steve Pimm". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Secretary of State

August 22, 2025

Date