

# EXHIBIT K

**Office of the Minnesota Secretary of State**

**CERTIFICATE OF SENDING THE DUAL NOTICE AND THE STATEMENT OF  
NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE  
COORDINATING COMMISSION**

**Proposed Rules Governing Presidential Nomination Primary and Amendment of Rules  
Governing Election Administration, Voter Registration, Petitions, Absentee Ballots,  
Election Judge Training Program, and Ballot Preparation, Minnesota Rules, 8200, 8205,  
8210, 8240, and 8250; OAH Docket Number: 71-9019-34528, Revisor ID R-04487.**

I certify that on May 3, 2018, when the Department mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by sending an electronic copy via email. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover email is attached to this Certificate and a list of Legislators contacted is attached to this certificate.



Bert Black  
Legal Advisor

Note: if you received OAH's permission to send these documents electronically, you will want to adapt this certificate accordingly.

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## Black, Bert (OSS)

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**From:** Minnesota Secretary of State <MNSOS@public.govdelivery.com>  
**Sent:** Thursday, May 3, 2018 10:42 AM  
**To:** Black, Bert (OSS)  
**Subject:** In re Proposed Rules of the Office of Secretary of State; Revisor ID R-04487: On behalf of Bert Black

The Office of the Secretary of State intends to adopt rules related to the Presidential Nomination Primary and adopt proposed amendments relating to election administration.

In 2016, the Minnesota Legislature passed a law creating a presidential nomination primary system in Minnesota beginning in 2020. As part of that legislation, the Office of Secretary of State was granted rulemaking authority in order to provide the procedures to implement the presidential nomination primary. The rulemaking authority went into effect July 1, 2017. Although this rulemaking primarily governs the administration of the presidential nomination primary, the Office is also proposing a few small changes to other administrative rules governing elections.

A Request for Comments was published in the State Register on July 24, 2017, 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 identical to that described in the Statement of Need and Reasonableness (SONAR). The Secretary's staff used these comments as well as input from local election officials to draft the proposed rules. In addition, the Office consulted in all aspects of this rulemaking with the two Major Political Parties as required by section 207A.11.

We plan to publish a Dual Notice of Intent to Adopt Rules in the May 7, 2018, State Register and are now sending the Dual Notice under section 14.14 and 14.22, including sending Notice to Legislators as required by Minnesota Statutes, section 14.116, persons and entities on the Office's rulemaking notice list, and the parties identified in our additional notice plan. The Notice and supporting materials are also available to the public on our [webpage](#).

As required by Chapter 14, the Office is sending you a copy of the Dual Notice and the SONAR. For your information, we are also enclosing a copy of the proposed rules.

If you have any questions about these rules, please contact me at 651-201-1326.

Sincerely,

Bert Black  
Legal Advisor

Enclosures: Notice of Intent to Adopt Rules  
Statement of Need and Reasonableness  
Proposed Rules

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- [Proposed+Rules+-+Presidential+Primary+RD+4487.pdf](#)

- [Signed+SONAR.pdf](#)
- [Signed+Dual+Notice.pdf](#)

## OFFICE OF THE MINNESOTA SECRETARY OF STATE

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House Gov Ops Committee

Rep O'Driscoll  
Rep Pugh  
Rep Nelson  
Rep Bliss  
Rep Freiberg  
Rep Fenton  
Rep Halverson  
Rep Jessup  
Rep Lee  
Rep Masin  
Rep Nash  
Rep Peterson  
Rep Quam  
Rep Swedzinski  
Rep Theis  
Rep West  
Rep Youakim  
Rep Sandstede

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rep.laurie.halverson@house.mn  
rep.randy.jessup@house.mn  
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Sen Kiffmeyer  
Sen Koran (through LA)  
Sen Carlson  
Sen Jasinski (through LA)  
Sen Kent (through LA)  
Sen Laine  
Sen Nelson  
Sen Newman  
Sen Rest (through LA)  
Sen Westrom

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House State Gov (Leadership)

Rep Sarah Anderson (Chair)  
Rep Jim Nash (Vice Chair)  
Rep Sheldon Johnson (DFL Lead)

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rep.jim.nash@house.mn  
rep.sheldon.johnson@house.mn

**House Ways and Means (Leadership)**

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Rep Vogel (Vice Chair) rep.bob.vogel@house.mn  
Rep Lyndon Carlson (DFL Lead) rep.lyndon.carlson@house.mn

**Senate Finance Committee (Leadership)**

Sen Rosen (Chair) sen.julie.rosen@senate.mn  
Sen Fischbach (Vice Chair) sen.michelle.fischbach@senate.mn  
Sen Cohen (Ranking Member) (through LA) nicole.kaplan@senate.mn

**House Leadership**

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Assistant Majority Leader Roz Peterson rep.roz.peterson@house.mn  
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Assistant Minority Leader Dave Pinto rep.dave.pinto@house.mn

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Sen Pratt	sen.eric.pratt@senate.mn
Sen Benson	sen.michelle.benson@senate.mn
Sen Miller	sen.jeremy.miller@senate.mn
Sen Fischbach	sen.michelle.fischbach@senate.mn
Sen Limmer	sen.warren.limmer@senate.mn

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Sen Kent (Through LA)	<a href="mailto:Isaac.Russell@senate.mn">Isaac.Russell@senate.mn</a>
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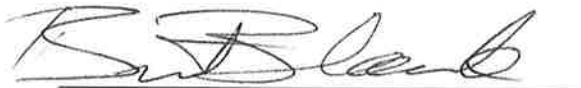
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**Office of the Minnesota Secretary of State**

**CERTIFICATE OF MAILING A NOTICE OF HEARING TO THOSE WHO  
REQUESTED A HEARING**

**Proposed Rules Governing Presidential Nomination Primary and Amendment of Rules  
Governing Election Administration, Voter Registration, Petitions, Absentee Ballots,  
Election Judge Training Program, and Ballot Preparation, Minnesota Rules, 8200, 8205,  
8210, 8240, and 8250; OAH Docket Number: 71-9019-34528, Revisor ID R-04487.**

I certify that on June 8, 2018, I mailed a Notice of Hearing by either depositing the Notice in the United States mail with postage prepaid or sending an electronic copy via email to all persons who requested a hearing. The Notice is given under Minnesota Statutes, section 14.25, subdivision 1. Copies of both the Notice and of the mailing list are attached to this Certificate.



Bert Black  
Legal Advisor



## Black, Bert (OSS)

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**To:** Black, Bert (OSS)  
**Cc:** Poser, Gary (OSS); Bonawitz, Samm (OSS); Strother, Julie (OSS)  
**Subject:** Notice of Hearing  
**Attachments:** Notice of Hearing - Final Signed.pdf

All,

Please see the attached Notice of Hearing. You are receiving this Notice because you submitted a comment during the recent comment period on Proposed Election Rules.



### **Bert Black**

*Legal Advisor*

**Office of Minnesota Secretary of State, Steve Simon**

180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd.

St. Paul, MN 55155

Ph: 651-201-1326

Website: <http://www.sos.state.mn.us>



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**Office of the Minnesota Secretary of State**

**NOTICE OF HEARING TO THOSE WHO REQUESTED A HEARING**

**Proposed Rules Governing Presidential Nomination Primary and Amendment of Rules Governing Election Administration, Voter Registration, Petitions, Absentee Ballots, Election Judge Training Program, and Ballot Preparation, Minnesota Rules, 8200, 8205, 8210, 8240, and 8250; OAH Docket Number: 71-9019-34528, Revisor ID R-04487.**

**To persons who requested a hearing.** In accordance with Minnesota Statutes, section 14.25, subdivision 1, the Office of the Secretary of State is sending this Notice to all persons who requested a hearing.

**There will be a hearing.** In the May 7, 2018, State Register, on pages 1401 to 1414, the Office of the Minnesota Secretary of State published a Notice of Intent to Adopt Rules relating to the Presidential Nomination Primary and Amendments of Rules Governing Election Administration. The Notice stated that the Office would hold a hearing on the proposed rules if 25 or more persons submitted written requests. We have received a sufficient number of requests for a hearing. The hearing will be conducted as stated in the State Register at the offices of the Office of Administrative Hearings at 600 North Robert Street, Saint Paul, MN 55101, starting at 9:30 a.m. on Monday, June 18, 2018.

**Administrative Law Judge.** Administrative Law Judge Jessica A. Palmer-Denig will conduct the hearing. Judge Palmer-Denig's Legal Assistant, Katie Lin can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **by telephone at (651) 361-7900, or by email to [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us)**, and FAX (651) 539-0310. You should direct questions concerning the rule hearing procedure to the administrative law judge.

**Agency Contact Person.** The agency contact person is: Bert Black at the Office of the Minnesota Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155; Phone 651-201-1326; Email [bert.black@state.mn.us](mailto:bert.black@state.mn.us). TTY users may call the Office of Secretary of State at 711. You should direct questions or comments about the rules to the agency contact person. A copy of the Notice of Intent to Adopt Rules, as published in the State Register on May 7, 2018, is available upon request from the agency contact person or at <https://www.sos.state.mn.us/media/3301/signed-dual-notice.pdf>.

June 8, 2018.

Date



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Bert Black  
Legal Advisor

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Byard, Guthrie <guthriebyard@arcminnesota.org>; m.kittok@gmail.com; mnricks@mninter.net; dstephenssg103@gmail.com; Lindstrom, Ann <alindstrom@lmc.org>; Megan Kuhl-Stennes <mckuhl@gmail.com>; rsmall@mcaa-mn.org; c.j.t@earthlink.net; ab.stone@yahoo.com; Catherine.Rausch@foh.hhs.gov; ajlee@mtu.edu; russ@russreilly.com; jared.vonbargen@usmc.mil; Alan Muller <amuller@dca.net>; LISA STEVENS <lisatroys@comcast.net>; Deb Wagner <debwagner7@me.com>; Carol A. Overland <overland@legalelectric.org>; Aaron Klemz <klemzaa@gmail.com>; todd elfstrom <toddelfstrom@hotmail.com>; Post service Canada <dbirkholz@mail.com>; Brown, Roman <brownr1@augzburg.edu>; Amy Bergquist <berg0512@umn.edu>; Srinivas Seshadri <srinises@hotmail.com>; Paula Vollmar-heywood <pollyvh51@gmail.com>; piriud1@mchsi.com; sean@tcq.net; Carol Mellom <cmellom@gmail.com>; Rev. Kevin M. Gregorius, Esq. <kgregorius@gmail.com>; Amy Lawler <amylawler@gmail.com>; Jono Cowgill <jono.cowgill@gmail.com>; Annette Rondano <annette@greatbackrubs.com>; Paul Busch <pobusch@msn.com>; Ryan Johnson <awpmech@gmail.com>; ski2thegoddess@aol.com; Joseph Amrhein <amrhein@augzburg.edu>; Max Holdhusen <maxwellholdhusen@gmail.com>; bill withers <t081281@yahoo.com>; Chris Watts <wattsinator88@gmail.com>; andrew.mcneal.us <andrew.mcneal.us@gmail.com>; Nancy Morales <nmorales@gmail.com>; Brian M. <choirbri@yahoo.com>; Steve Hoehne <shoehne@arvig.net>; Kristina Mattson <kristinagac@hotmail.com>; Brandon Long <blongstpaul@gmail.com>; Steve Mayne <stevemayne53@gmail.com>; Cody <codyhollidaymn@gmail.com>; Diane J Rhody <dj\_rhody@yahoo.com>; Kurt Eiden <keiden@lakedalelink.net>; Chris Marguth <crmarguth@gmail.com>; jake lane <lane0168@gmail.com>; mrsclundy@gmail.com; Mark Davis <mdavis104@yahoo.com>; Lee Eiden <lee.eiden@icloud.com>; Jeremy Miller <miller.jeremyd@gmail.com>; Cam Gordon <camgordon333@msn.com>; Theresa Dykoschak <dykoschak@gmail.com>; Seth Kuhl-Stennes <skuhlstennes@gmail.com>; John Kruse <johnkruse43@hotmail.com>; Andrew Schmitz <as4687@hotmail.com>; Jennifer Prestholdt <jprestholdt@gmail.com>; Patrick D. Finnegan <patrick.d.finnegan@gmail.com>; Robin Phillips <phirob@aol.com>; Peter Gokey <pgokey@gmail.com>; Sarah Petersen <sarah.j.petersen@gmail.com>; Emily Allgeyer <emileee1@yahoo.com>; katiejoneschmitt@gmail.com; Erik Larson <larsons@macalester.edu>; jkeppers@keppersdesign.com

**Black, Bert (OSS)**

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**From:** St. Arnold, Cole (MMB)  
**Sent:** Friday, June 8, 2018 10:20 AM  
**To:** Strother, Julie (OSS)  
**Cc:** Cowell, Alisha (MMB); Black, Bert (OSS); Freeman, Matt (OSS)  
**Subject:** Presidential Primary Rule Review  
**Attachments:** OSS Presidential Primary Rule Review FY 18.pdf

Hello,

Find attached the rule review for the Presidential Primary Rules as mandated by M.S. 14.131.

**Cole St. Arnold**

Executive Budget Officer | Budget Division

651-259-3799 (office)

**Minnesota Management and Budget**

658 Cedar Street, Saint Paul, MN 55155

[mn.gov/mmb](http://mn.gov/mmb)

000193

**Date:** June 8, 2018

**To:** Julie Strother  
Deputy Secretary of State  
Minnesota Secretary of State

**From:** Cole St. Arnold  
Executive Budget Officer  
Minnesota Management and Budget

**Subject:** M.S. 14.131 Review of Proposed Amendments to Rules Relating to the Office of the Secretary of State, Minnesota Rules, 8200, 8205, 8210, 8240, and 8250, and proposed new Rule Chapter 8215.

### **Background**

The Office of the Secretary of State proposes rules governing presidential nomination primary election administration and the proposes amending rules governing election administration, voter registration, petitions, absentee ballots, election judge training program, and ballot preparation

The amended rules provide guidelines on using existing voter registration stock, county attorney annual reporting on voter registration and voting law violations, and clarifying voucher oath form use for absentee balloting. The new rules create procedures for conducting the presidential nomination primary as established by M.S. 207A.11.

### **Evaluation**

On behalf of the commissioner of Minnesota Management and Budget, I have reviewed the proposed rules and the Statement of Need and Reasonableness (SONAR) to understand the potential fiscal impact these changes may have on local government. I believe the Office of the Secretary of State has adequately analyzed and presented the expected costs and benefits of the proposed rules to local governments.

The proposed amendments to Minnesota Rules 8200, 8205, 8210, 8240, and 8250 will not have a fiscal impact on local units of government.

The creation of the new rule, Chapter 8215, is expected to have minimal fiscal impact for local governments. The Office of the Secretary of State has been working with local political party representatives and county elections officials to ensure that new costs will be minimized regarding ballot format, absentee voting, and additional training for election judges for cybersecurity.

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Sincerely,

Cole St. Arnold  
Executive Budget Officer

CC: Alisha Cowell, Executive Budget Coordinator, Minnesota Management and Budget  
Bert Black, Legal Advisor, Office of Minnesota Secretary of State  
Matt Freeman, Director of Government Relations, Office of Minnesota Secretary of State

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