

Scott Newman
Senator District 18
141 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1206
Office Phone: (651) 296-4131

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ADMINISTRATIVE
HEARINGS



Senate

State of Minnesota

January 15, 2014

The Honorable Eric L. Lipman
Administrative Law Judge
600 N. Robert Street
PO Box 646230
St. Paul, MN 55164

Dear Judge Lipman:

I have reviewed the rule amendments drafted by the Office of the Secretary of State. I am writing to raise objections to rule changes proposed for 8200.5100, subp. 2, concerning an expansion in proofs of residence. I also have objections to the proposed changes to 8200.3200, concerning removing abbreviated definitions.

In 2013, the Legislature crafted an omnibus elections bill that garnered strong bipartisan support. A key reform encompassed in the legislation was the reduction in the total number of people for whom a single registered voter could “vouch” for on Election Day. The reason many members, including me, supported this provision was because vouching lacks integrity as a proof of residence tool. My goal, in supporting the legislation, was to enhance the integrity of Minnesota’s election process.

The Secretary of State is proposing changes to proofs of residence “in response to...changes adopted by the Legislature in 2013.” *Statement of Need and Reasonableness* p.21. Rulemaking is designed to authorize agencies to further detail Minnesota Statutes, not authorize the agencies to circumvent the requirements or the intent of law. The Office of the Secretary of State writes that these changes are being proposed “in light of the reduction in vouching...” Id. The Secretary is proposing rule changes to circumvent election integrity measures passed by the Legislature and signed by the Governor in 2013. As such, the changes proposed to expand eligible proofs of residence are neither needed nor reasonable. The Secretary of State has ample time to recommend these measures for consideration during the 2014 Legislative Session.

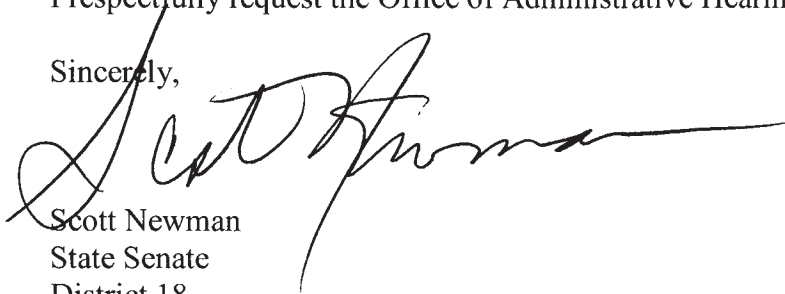
Finally, I am also concerned with the proposal to change rule 8200.3200 by automatically incorporating an act of Congress. If the proposed change is adopted our elections officials must reference a complex act of congress that will automatically apply to our elections regardless of the timing of these changes or whether the changes enacted by Congress are correct for Minnesota elections. A more reasonable and responsible approach would be for the Secretary to



the timing of these changes or whether the changes enacted by Congress are correct for Minnesota elections. A more reasonable and responsible approach would be for the Secretary to continue the thorough rulemaking process to allow public input before changes are made and actually recite the change, not just make reference to it.

I respectfully request the Office of Administrative Hearings to reject these proposed changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Newman", with a long horizontal flourish extending to the right.

Scott Newman
State Senate
District 18