

In the matter of the Proposed Rules of the Secretary of State for Administrative and Automatic Election Recounts (IMCAR 2.4001.-2.4011); the Proposed Amendments to Rules of the Secretary of State for Voter Registration (IMCAR 2.0101- 2.1101); the Proposed Amendments to the Rules of the Secretary of State for Preparation of the White Ballot (IMCAR 2.2101-2.2115); the Proposed Amendments to the Rules of the Secretary of State For Certification and Experimental and General Use of Voting Machines (IMCAR 2.3101-2.3907); the Proposed Amendments to the Rules of the Secretary of State for Absentee Voting and Delivery Procedures (IMCAR 2.4101- 2.4205).

BEFORE THE MINNESOTA
SECRETARY OF STATE

1. Administrative and Automatic Recounts

Statement of Need

The need to adopt IMCAR 2.4001, administrative and automatic recounts, arises because Laws of 1983, Chapter 253, requires the Secretary of State to establish uniform procedures for election recounts conducted under the provisions of section 204C.35 and section 204C.36, Minnesota Statutes. The recount official is designated for legislative, judicial, county and municipal offices and the scope of the recount is defined.

IMCAR 2.4002, notice, is necessary to assure a uniform method of notice to the candidates involved and the public.

The need to adopt IMCAR 2.4003, securing ballots and materials, arises because of the critical need to have the voted ballots and other election materials properly secured so that an accurate recount can be conducted.

The need to adopt IMCAR 2.4004, securing voting machines, arises because of the critical need to limit access to the voting machines and any programs for the automatic tabulation of ballots on which votes are recorded or is necessary to an accurate recount.

The need to adopt IMCAR 2.4005, facilities and equipment, arises because of the need for an adequate facility accessible to the public in which the recount can be conducted with the public present and the voted ballots and election materials not be subject to damage or loss because of unnecessary transportation or limited and inadequate space and that the recount not be delayed.

The need to adopt IMCAR 2.4006, general procedures, arises because of the need for uniform general procedures for all administrative and automatic recounts for all offices provided for in sections 204C.35 and 204C.36, Minnesota Statutes.

The need to adopt IMCAR 2.4007, paper ballots, arises because of the need to establish orderly procedures for opening the ballot envelopes and the

challenging of ballots, as well as the disposition of the ballots when a precinct count has been determined so that the integrity of the election is maintained.

The need to adopt LMCAR 2.4008, lever voting machines, arises to establish orderly procedures for recanvassing lever voting machines and to clearly state that lever voting machines are to be secured and access is limited to authorized election officials until the recount has been completed.

The need to adopt LMCAR 2.4009, electronic voting systems, arises to establish orderly procedures for election recounts where electronic voting systems are in use and that the recount shall be done using the automated equipment and that the necessary programs and materials will be secured and access to them limited until the recount has been completed.

The need to adopt LMCAR 2.4010, canvassing board, arises to clearly establish that the canvassing board has final authority to declare the results of the election, to rule on any challenged ballots and to certify the results of the recount.

The need to adopt LMCAR 2.4011, security deposit, arises because of the need to establish a fair and uniform method of determining the recount costs to be paid in accordance with sections 204c.35 and 204C.36, Minnesota Statutes.

2. Voter Registration

Statement of Need

The need to amend LMCAR 2.0301 A, B, C and D, specifications, arises because section 201.221, Minnesota Statutes, requires the Secretary of State to assist local election officials by adopting rules which establish uniform procedures and forms and because Laws of 1983, Chapters 112 and 303, require an oath of qualification to be included on the original voter registration card and makes mandatory that persons registering to vote provide their complete birthdate of month, day and year.

Amendments to LMCAR 2.0507 and 2.0509, are necessary to establish an administrative time in which the required notices are to be sent.

The need to amend LMCAR 2.1005 D, E and J, electronic or automatic data processing system of maintaining duplicate voter registration cards, arises because Laws of 1983, Chapter 303, requires persons registering to vote to provide their complete birthdate of month, day and year.

The need to amend LMCAR 2.1005 G, absentee voting, arises because Laws of 1983, Chapter 253, requires election judges to mark absentee return envelopes "accepted."

The need to adopt LMCAR 2.1102, experimental forms, arises from the need to allow the use of forms which can help expedite an election in special situations or test the usefulness of a proposed form.

This chapter does not require a lot of. Governing other election matters

3. White Ballot Preparation

Statement of Need

The need to amend LMCAR 2.2101, 2.2102, 2.2106, 2.2109, 2.2112 and 2.2114 arises because of Laws of 1983, Chapters 253 and 303, removing certain offices and language from the white ballot.

The need to amend LMCAR 2.2115, white ballot appropriation, arises because Laws of 1983, Chapter 301, requires the Secretary of State to adopt rules establishing a base for distributing to counties for white ballot costs the set amount appropriated by the legislature.

4. Voting Machines

Statement of Need

The need to amend LMCAR 2.3104.59, meanings of terms, and LMCAR 3302, preparation of test deck or ballot image, arises to correct statutory references.

The need to amend LMCAR 2.3702 B, absentee voting; general procedures, arises because Laws of 1983, Chapter 253, authorizes absentee voting on an electronic voting system on a limited basis.

The need to adopt LMCAR 2.3703, absentee voting; electronic voting system, arises because Laws of 1983, Chapter 253, requires the Secretary of State to adopt rules for absentee voting using an electronic voting system.

The need to amend LMCAR 2.3801, procedures following close of polls, arises to clarify the issuing and return procedures for ballot envelopes used in an election.

5. Absentee Voting

Statement of Need

The need to amend LMCAR 2.4101, absentee voter's certificate, arises to remove sexist language and to allow an alternative voter's certificate to be printed on absentee return envelopes for persons voting under the provisions of sections 203B.04 to 203B.15, Minnesota Statutes.

The need to adopt LMCAR 2.4105, absentee return envelope as provided by sections 203B.16 to 203B.27, arises because of comments from the postal service and the director of the Federal Voting Assistance Program that the absentee return envelope used by military and overseas voters conform to United States postal regulations or delivery might not be made.

August, 1983