

In the matter of the Proposed Rules of the Secretary of State Relating to Voter Registration, Absentee Voting, Recounts, Ballots; Certification and Testing of Lever Voting Machines; and Certification, Testing and Use of Electronic Voting Systems.

1. Voter Registration Cards

Statement of Need

The need to amend 8200.9919 arises because M.S. 201.221 requires the Secretary of State to adopt rules to implement the provisions of Minnesota Statutes, chapter 201. A standard voter registration card is prescribed by M.S. 201.071 and part 8200.9919. Comments from local election administrators indicate that voters do not always affix the first class postage required for return of the card. Laws of 1984 c 471 s 1 requires that information about the availability of voting assistance for elderly and handicapped individuals and residents of health care facilities and hospitals be added to the instructions that accompany the card.

2. Absentee Voting

Statement of Need

The need to amend 8210.0200, 8210.9930, and 8210.9955 arises because M.S. 203B.09 requires the Secretary of State to adopt rules establishing the form, content, and type size and style for the printing of blank applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. A voter may now apply for an absentee ballot at any time prior to one day before the election, not necessarily separately. Laws of 1984 c 472 s 1 requires the

addition to the certificate of a statement that if a voter was physically unable to mark the ballots that the voter directed another individual to mark them.

Laws of 1985 c 72 s 2 allows a military or overseas voter to provide the voter's military identification or passport number in lieu of the witness requirement.

3. Recounts

Statement of Need

The need to amend 8235.1000 arises because M.S. 204C.361 requires the Secretary of State to adopt rules establishing uniform recount procedures and M.S. 206.57 provides for the adoption of rules for the use of electronic voting systems.

The Secretary of State's Advisory Task Force on Punch Card Voting determined that a manual sample count of ballots counted on automatic tabulating equipment was an effective check of the accuracy of the vote counting program and a deterrent to error and fraud. The task force found that "the best opportunity for completing a manual count of ballot cards under controlled conditions with public observation and candidate participation exists at automatic recounts conducted in accordance with M.S. 204C.35 and 204C.36."

4. Ballots

Statement of Need

The need to amend 8250.0200 and 8250.0600 arises because M.S. 204D.11 requires that the Secretary of State adopt rules for the preparation and time of delivery of the state white ballot. Laws of 1985 c 72 s 3 changes the date on which ballots for absentee voting must be ready. The Secretary of State's Advisory Task Force on Punch Card Voting recommended the simplification of ballot headings so that type may be as large and legible as possible.

5. Certification and Testing of Lever Machines;  
Certification, Testing and Use of Electronic  
Voting Systems

Statement of Need

The need to amend and recodify parts 8220.0100 to 8230.5800 as parts 8220.0050 to 8230.4250 arises because M.S. 206.57 requires the Secretary of State to certify voting equipment for use at elections in this state and provides for the Secretary of State to adopt rules for the examination and use of such voting machines and electronic voting systems. Laws of 1984 c 447 recodified Minnesota Statutes, chapter 206, governing the use of lever voting machines and electronic voting systems and it is reasonable to recodify parts 8220.0100 to 8230.5800 to match the new statutory reorganization of provisions that apply to all voting equipment and provisions that apply only to specific systems. The attached table shows the disposition of parts 8220.0100 to 8230.5800 into parts 8220.0050 to 8230.4250

Pursuant to M.S. 206.57, sub. 3, certification has been recommended for optical scan voting equipment conditioned on the Secretary of State's adoption of rules providing procedures for use of such system. It is reasonable to determine that parts 8220.0050 to 8220.0650 apply to all machines and systems, that parts 8220.0750 to 8220.2850 apply to all electronic voting systems, and that parts 8220.2950 to 8230.4250 apply only to punch-card voting systems, prior to developing rules for use of optical scan voting systems. Parts 8220.2950, 8230.0050, 8230.3050 and 8230.3350 establish the applicability of various provisions.

In clarification and recodification of parts 8220.0100 to 8230.5800 into 8220.0050 to 8230.4250, the need to amend some provisions to provide for more efficient administration and better use of voting equipment became apparent. Part 8220.4250 implements a recommendation of the Secretary of State's Task Force on Punch Card Voting that illustrated instructions for use of voting devices be posted in each voting booth in punch-card precincts and that these

posters be provided by the Secretary of State. Parts 8220.5300, 8220.6000 and 8220.6400 are repealed to eliminate redundant paperwork by local election jurisdictions and an unnecessary provision.

The definitions in part 8220.0250 are amended to reflect changes in computer technology and terminology and to clarify application of the terms to voting equipment now in use. Based on requests for information from potential vendors, parts 8220.0350 to 8220.0650 are expanded to explain in detail the policies and procedures followed in examining voting equipment pursuant to M.S. 206.57 and 206.81.

The Secretary of State's Advisory Task Force on Punch Card Voting found that "the extent of accessibility to a vote counting system affects security "and recommended the changes to parts 8220.2800, 8220.3200, and 8220.4300 to emphasize that vote counting components in any form must be sealed and secured. The task force recommended changes to parts 8220.1550, 8220.1650, and 8230.3450 to enhance the ability of major political parties to "protect their legitimate interests while also contributing to public confidence in system integrity."

5. Consideration of Small Business, Agricultural Land  
and Local Public Bodies

Pursuant to M.S. 14.115, subd. 7, the proposed rules do not directly affect small businesses and do not provide any compliance or reporting requirements for small businesses. The proposed rules have no impact on agricultural land in the state, pursuant to M.S. 14.11, subd. 2, and the adoption of these rules will not cost local public bodies any money for two years immediately following the adoption of these rules, within the meaning of M.S. 14.11, subd. 1

DISPOSITION TABLE FOR VOTING EQUIPMENT RULES

NEW	OLD
8220.0050 - 8220.0150	8220.0300 - 8220.0400
8220.0250	8220.0100 - 8220.0200
8220.0350 - 8220.0650	8220.0500 - 8220.1400
8220.0750	8220.2000, 8220.2300
8220.0850	8220.2200
8220.0950	8220.2100
8220.1050	8220.2400
8220.1150 - 8220.1550	8220.2600 - 8220.3000
8220.1650	8220.2500
8220.1750	8220.3100
8220.1850 - 8220.1950	8220.3200
8220.2050 - 8220.2850	8220.4000 - 8220.4800
8220.2950 NEW	
8220.3050 - 8220.3250	8220.5000 - 8220.5200
	8220.5300 REPEALED
8220.3350 - 8220.3850	8220.5400 - 8220.5900
	8220.6000 REPEALED
8220.3950 - 8220.4150	8220.6100 - 8220.6300
	8220.6400 REPEALED
8220.4250 NEW	
8230.0050 NEW	
8230.0150 - 8230.0550	8230.1000 - 8230.0400
8230.0550	8230.0500, 8230.1200
8230.0650 - 8230.1350	8230.1100 - 8230.1900
8230.1450 - 8230.1650	8230.2800 - 8230.3000
8230.1750 - 8230.2150	8230.2000 - 8230.2400
8230.2250 - 8230.2350	8230.2600
8230.3050 NEW	
8230.3150	8230.3300, 1MCAR 2.3703
8230.3350 NEW	
8230.3450 - 8230.4250	8230.5000 - 8230.5800

NOTE: Inadvertently dropped from the proposed rule was old part 8230.2500 which will re-inserted as new part 8230.2450.