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In the matter of the Proposed Rules of the Secretary of State Relating to the Use of Optical Scan Electronic Voting Systems.

STATEMENT OF NEED AND REASONABLENESS

The need to adopt part 8230.4350 and amend parts 8220.0750, 8220.1250, and 8220.1350 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 1986 c 381 enacted new statutory provisions specifically related to optical scan electronic voting system. Pursuant to M.S. §206.57, subd. 3, certification has been recommended for two models of optical scan voting equipment and these systems will be in use at the 1986 state primary and general elections.

The amendments to part 8220.0750 are necessary to provide programming standards and instructions for equipment features not present in previous electronic voting systems. The amendments to 8220.1250 and 8220.1350 are necessary to extend the provisions to include ballots used with optical scan voting systems.

Part 8230.4350, subpart 1, follows the manner of Laws of 1986, chapter 381 in providing for use of optical scan electronic voting systems by exception to present provisions for punch card electronic voting systems.

Subpart 2 is necessary to specify the consistent printing, checking and storage of ballots so they can be correctly counted by the various optical scan electronic voting systems. Subpart 3 is necessary to ensure the security and proper marking of the ballots. Subpart 4 is necessary to ensure correct programming

and counting.

Subpart 5 is necessary to provide specific procedures for use of optical scan systems used in the precinct and to implement provisions of M.S. §206.90 for use of this equipment. Subpart 6 is necessary to ensure absentee ballots will be counted accurately. Subpart 7 specifies procedures for counting write-in votes at a counting center.

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.

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