

On the matter of the Proposed Rules  
of the Secretary of State relating  
to Voter Registration, Ballot  
Counting Programs, Automatic and  
Administrative Recounts, and Election  
Judge Training Plans.

#### STATEMENT OF NEED AND REASONABLENESS

The need to adopt parts 8200.0700 to 8200.9925 arises from the requirements of M.S. §201.022 to M.S. §201.221 and M.S. §290.39 as found in Laws of 1987, Chapter 361 which enacted changes to the voter registration format and system. The need to change parts 8220.1950, 8235.0200 and 8240.2400 arise from the desire of the secretary of state to provide better service to local election officials and to address a situation brought to the attention of the secretary of state concerning the conduct of certain recounts for county and municipal offices.

Part 8200.0700 is necessary to clarify the maintenance requirements of voter registration files when duplicate files are no longer needed.

Part 8200.0800 is necessary to state the responsibility of the county auditor in providing voter registration records to the precinct polling places in lieu of duplicate voter registration records.

Part 8200.1100 is necessary to give the printing format of voter registration cards without reference to duplicate registration cards. Also it is reasonable to provide flexibility in developing printing specifications for cards other state agencies are now required to incorporate into previously existing forms.

Parts 8200.1300 to 8200.1600 are eliminated or altered to reflect the elimination of duplicate cards from the voter registration process.

The changes to parts 8200.1700, 8200.2100, and 8200.2200 are necessary to establish the duties of county auditors in relation to printing, distributing, and providing places to acquire voter registration cards.

Part 8200.2600 is necessary to remove the requirement of completing duplicate cards when processing properly completed voter registrations.

Part 8200.2800 is necessary to incorporate more modern language into the statutes.

Part 8200.3700 is necessary to allow a more efficient use of county auditor resources in maintaining accurate voter registration files.

Part 8200.3800 is necessary to improve and simplify the Emergency Voting Card procedure for both the election judges and the county auditor.

Part 8200.5100 is necessary to update the procedure for registration on election day to reflect the elimination of duplicate registration cards.

Part 8200.5400 is necessary to remove confusing references to "original" registration cards, now that only a single registration card is required.

Part 8200.9910 is necessary to improve the ability of election officials to differentiate voter registrations by providing middle names rather than middle initials. Also it is necessary to print the correct fine for false information in the oath.

Part 8200.9916 is eliminated because of the deletion of 8200.1300.

Parts 8200.9919, 8200.9922, and 8200.9925 are necessary to update voter registration card layouts to the specifications of part 8200.1400, and parts 8200.1100 to 8200.1600.

Part 8220.1950 is necessary and reasonable to add flexibility to the secretary of state's ability to verify the validity and integrity of computer programs used for ballot counting.

Part 8235.0200 is amended to address the potential conflict of interest which exists when the county auditor or municipal clerk is required to conduct a recount of an office for which the auditor or clerk is a candidate. This situation arose during the recount of a county auditor's race in 1986. The part would require the appropriate canvassing board to select an election official from another jurisdiction to conduct the recount on behalf of the canvassing board. It is reasonable that the recount be conducted by an official who is knowledgeable about election laws and procedures. It is also reasonable that the selection of the recount official be made by the appropriate canvassing board. This maintains the recount procedure as the administrative process authorized by the legislature.

Part 8240.2400 is necessary to simplify the documentation of election judge training plans filed with the secretary of states office.

Pursuant to Minnesota Statutes, section 14.115 "Small Business Consideration in Rulemaking", the proposed rule will not have an impact on small business in Minnesota. Also pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of this rule will not have any impact upon agricultural land nor will the adoption of this rule result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following the adoption of this rule within the meaning of that law.