

In the matter of the Proposed Rules
of the Secretary of State relating
to the use of Mail Ballots.

STATEMENT OF NEED AND REASONABLENESS

The need to adopt parts 8210.3000 to 8210.3015 arises from the requirements of M.S. §204B.45 as found in the Laws of 1987, Chapter 212 which enacted new statutory provisions specifically establishing the use and limits of mail balloting. In particular subd. 3 of M.S. §204B.45 provides for the Secretary of State to adopt rules for: (1) conduct of mail balloting; (2) instructions to voters; (3) challenges to voters; (4) public observation of ballot counting; and (5) safeguarding of ballots to insure the integrity of the election.

Part 8210.3000, subpart 1 integrates the rules of mail balloting with the applicable rules of existing parts 8210.0200 and 8210.2500 for absentee voting. It also specifies the role of county auditor in an unorganized territory using mail balloting.

Subpart 2 is necessary to establish a reasonable time in which to prepare for a mail ballot election and clarify the types of elections at which the statute allows mail balloting to be used.

Subpart 3 is necessary to specify the responsibility and timing for posting or giving notice of mail balloting procedures and the information such a posting or notice must contain. This is reasonable to insure that eligible voters will be aware of the mail balloting and the methods available to take part in the election.

Subpart 4 is necessary to provide ballots to all registered voters in the municipality or unorganized territory, and establish standards to protect the integrity of the mail balloting.

Subpart 5 is necessary to provide the means for nonregistered eligible voters to vote by absentee ballot as authorized by M.S. §203B.04 and M.S. §203B.06.

Subpart 6 is necessary to meet the contingency of eligible voters who receive damaged ballots or no ballot at all.

Subpart 7 is necessary to specify the procedures and responsibilities of the auditor or municipal clerk when ballots are returned by the postal service as undeliverable.

Subpart 8 is necessary to define the methods acceptable for ballot return.

Subpart 9 is necessary to ensure that adequate facilities, election judges and public observation facilities are available for the counting of mail ballots.

Subpart 10 is necessary to provide standards to insure the proper handling of the ballots as they are received and to specify the time and method for the counting of mail ballots.

Subpart 11 is necessary to provide for challengers as provided for in M.S. §204C.07 and for challenges as provided in M.S. §204C.13, subd. 6.

Subpart 12 is necessary to define the basis for determining the costs of mailing a list of items included under mail balloting costs that the statute requires the municipality to bear.

Parts 8210.3005, 8210.3010 and 8210.3015 are necessary to provide replacement ballot affidavits, instructions to mail voters, and mail voter's certificates

as required in part 8210.3000. These parts are reasonable to provide standard forms to ensure accurate instructions, and documentation of voter eligibility.

Pursuant to M.S. §14.11, subd. 1, the adoption of mail balloting by the governing body of the county or municipality is optional and, as a result, there are no obligatory costs to local governments for two years immediately following the adoption of these rules. The proposed rules have no impact on agricultural land in the state pursuant to M.S. §14.11, subd. 2. Further the adoption of these rules do not directly affect small businesses pursuant to M.S. §14.115, subd. 7.

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