

STATEMENT OF NEED AND REASONABLENESS

The need to adopt Parts 8250.0100, 8250.0600, 8250.1600, 8250.1700, 8250.1800, 8250.9910 and 8250.9920 arise from the requirements of Minnesota Statutes 204D.11, subd. 1 and 206.57, subd. 1; which require the Secretary of State to establish rules on the preparation and form of white ballots and the use of electronic voting systems. The rationale for each individual rule is as follows:

1. Part 8250.0100 is needed to expand the definition of the white ballot to include voting systems other than paper ballot.
2. Part 8250.0600 is needed to conform all other rules on white ballot preparation to the definition established in 8250.0100. This is reasonable to provide consistent, easy to understand layout and printing instructions to election officials.
3. Part 8250.1600 is needed to define what voting systems are effected by the all new rules found in 8250.1600 - 8250.1800.
4. Part 8250.1700 is needed to establish the format ballot pages used in punch card voting systems. The need and reasonableness of each subpart is as follows:

Subpart 1 is needed to set the applicability of Part 8250.9910 to the punch card systems.

Subpart 2 is needed to establish the form of the punch card ballot pages. This is reasonable as it divides the ballot pages into sections that are easy for the voter to use to find a particular office. The type size established in this subpart is also reasonable to provide voters with easy to read section titles.

Subpart 3 is needed to provide voting instructions in a clear manner that will allow the voter to cast a valid vote with the punch card system. Type size is also set to make the ballot easy to read for the voter.

Subpart 4 is needed to provide type size for candidate and party name. This is reasonable for insuring a readable ballot for the voter.

Subpart 5 is needed to insure that the ballot position number is printed on the ballot pages so that a voter may check that a vote was correctly registered for a particular office.

Subpart 6 is needed to insure that the correct ballot pages are distributed to each precinct within an election jurisdiction and presented to the voter in the correct order.

Subpart 7 is needed to establish the manner in which questions are presented on the ballot. This is reasonable to insure that voters are aware of the subject of the question and that votes are cast in an accurate manner by the voter.

Subpart 8 is needed for partisan primary elections in which cross over voting, without a party indicator, voids the entire ballot. The subpart is a reasonable way to inform voters that they must limit their votes to the candidates of one political party, and to instruct the voter as to where the candidates of that party are located within the ballot pages.

Subpart 9 is needed to provide the method by which the Secretary of State notifies county auditors of designated party colors.

Subpart 10 is needed to provide for the use of party colors in the ballot pages of partisan primary elections. This is reasonable to reduce the number of invalid cross over votes by providing another means to differentiate between parties.

5. Part 8250.1800 is needed to establish the form and content of ballots used by optical scan voting systems. The need and reasonableness of each subpart is as follows:

Subpart 1 is needed to provide easy to read office titles and candidate names on optical scan ballots. This subpart also provides for the type size and location of instructions and question subjects for use by the voter. This is reasonable to insure that the voter can cast their ballot accurately.

Subpart 2 is needed to establish the type and location of voter targets. This is reasonable because optical scan systems can read votes only if they are cast in a target area. Therefore target areas must be placed on the ballot in a manner that makes their use obvious to the voter.

Subpart 3 is needed to insure marks placed on the ballot by election officials do not conflict with the ability of the system to count the ballot.

6. Part 8250.9910 is needed to illustrate the ballot format established by 8250.1700.
7. Part 8250.9920 is needed to illustrate the party preference indicator page specified by 8250.1700.

As required by Minnesota Statutes 14.115, the Election Division has considered the effect of this rule on small businesses. Following the format of 14.115, subp. 2, the following five methods for reducing impact on small businesses were considered:

- A. Establishing less stringent ballot content and form requirements would allow the printing of ballots that are not easy to read or understand by the voters.
- B. These rules do not establish reporting deadlines or schedules.
- C. The proposed rules provide a consolidation of printing standards for use through out the state. This will make it easier for small businesses to bid for printing contracts as the requirements will be standardized.
- D. The rules do not establish operational standards. The establishment of less stringent design requirements would jeopardize the ability of the voter to use the ballot, and of the voting system to count the ballot.
- E. The exemption of small businesses from the requirements of the rules would undermine their effectiveness as most printers of ballots are small businesses as defined by 14.115 sub. 1. This would eliminate all benefits the voters will derive from standardization.

Also pursuant to Minnesota Statutes, section 14.11, there is no impact on agricultural land nor will the adoption of these rules result in additional spending by local bodies in excess of \$100,000 per year for the first two years following the adoption of these rules.