

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt Parts 8255.0010, 8255.0020, 8255.0030, 8255.0040, and 8255.0050 from the requirements of Minnesota Statute 204B.14 subd. 4 and 6 which require the Secretary of State to establish alternate dates for use in adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes. The rationale for each individual rule is as follows:

- 1. Part 8255.0010 is needed to provide alternative dates for use by local governmental units in redistricting if the legislative redistricting plan is not available until after the deadlines provided in M.S. 204B.135 and 204B.14. The four week period for reestablishing precincts and redistricting municipal wards is a reasonable limit for municipalities to meet given the availability of census data and other tools used in redistricting. The six week period for redistricting local election districts is reasonable in that local election districts are based upon municipal precincts, and cannot be established until all relevant precincts have been reestablished. Longer periods of time in which to reestablish precincts and redistrict wards and local election districts would compromise the ability to identify and notify candidates and voters of redistricting.

Requiring municipalities to provide a map of precinct boundaries to the county auditor, secretary of state, and effected school district clerks is necessary in order for other levels of government to complete their redistricting activities.

- 2. Part 8255.0020 is needed to establish precinct boundaries when the physical features as defined in M.S. 204B.14 subd. 6 are not available for use. Allowing two precincts to be separated by a school district boundary or other division that is not recognizable is reasonable given the geographic realities of some areas of Minnesota, and in recognition of the difficulty of using school district boundaries as precinct boundaries.

Limiting precincts to one nonrecognizable physical boundary is reasonable to prevent confusion on the part of the voter as to the identity of the precinct in which they reside. Linking the names of precincts sharing a nonrecognizable border is needed to effectively identify precincts for election reporting purposes.

- 3. Part 8255.0030 is needed to insure effective and timely notification of precinct and election district boundaries to voters and candidates.

Subpart A is reasonable to insure that accurate information on precinct and ward boundaries is available to the residents of the municipality and the residents of election districts that include the municipality.

Subpart B is reasonable to insure that accurate information on county election districts is available to candidates and residents of the county at both a central location, (county auditors office), and a local location, (municipal clerks office).

Subpart C is reasonable to insure that accurate information on school district election districts is available to candidates and residents of the school district at both a central location, (county auditors office), and a local location, (school district clerks office).

Requiring posting of the notice within 72 hours after the adoption of the precinct or election district boundary is reasonable to insure that all affected parties have the maximum practicable amount of time to be informed of precinct and election district boundaries.

Part 8255.0040 is needed to provide the description of election districts required in Minnesota Statutes 204B.14 subd. 4 when redistricting is delayed by court challenge or other circumstance. The fourteen day limit is a reasonable balance between providing information on election districts to voters and candidates, and the publication schedule of newspapers in many parts of Minnesota.

Part 8255.0050 is needed to provide a time frame for issuing the notice of precinct boundaries to affected voters as provided in Minnesota Statutes 204B.14 subd. 4 when the reestablishment of precinct boundaries is delayed by court challenge or other circumstance.

Pursuant to Minnesota Statutes, section 14.11 the proposed rule will not have any impact on 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 adoption of this rule. Also pursuant to Minnesota Statutes, section 14.115, the proposed rule will not have an impact on small business in Minnesota.