

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt or modify Parts 8200.6300, 8205.1000, 8210.0200, 8210.0250, 8210.3000, 8210.3015, 8210.9910, 8210.9916, 8210.9917, 8210.9918, 8210.9920, 8210.9930, 8210.9935, 8220.1150, 8220.1650, 8230.0250, 8230.3950, 8230.4050, 8230.4350, 8235.0200, 8235.0800, 8240.1300, 8240.1650, 8240.1655, 8250.0350, and 8250.0360 from the requirements of Minnesota Statutes 201.022, subdivision 2; 201.221, subdivision 1; 203B.08, subdivision 4; 203B.09; 204B.25, subdivision 2; 204B.45, subdivision 3; 204C.361; 204D.11, subdivision 1; 206.57, subdivision 1; and 207A.09 which require the Secretary of State to adopt and maintain administrative rules for use in the conduct of elections in Minnesota. The rationale for each individual rule is as follows:

1. Part 8200.6300 is needed to modify the rules under which the production cost for lists of registered voters is calculated. The statewide computer registration system is maintained by the secretary of state, and the majority of lists of registered voters are ordered through, and produced by, the secretary of state. It is reasonable to include the secretary of state in any regulation controlling the price at which lists of registered voters are sold as the secretary of state can best calculate the actual costs of producing the lists.

2. Part 8205.1000 is needed to provide the form of petition required by candidates for the presidential primary who wish to submit a petition in place of the filing fee. It is reasonable to make the petition in lieu of filing fee for the presidential primary as similar as possible to the petition provided in Minnesota Statutes 204B.11, subdivision 2 so as to standardize forms for both the candidates circulating the petitions, and the public who signs them.

3. Part 8210.0200 is needed to provide the form of the absentee ballot application for the presidential primary. It is reasonable to provide an absentee ballot application for the presidential primary because of the requirement of Minnesota Statutes 207A.03 subdivision 2 which requires voters to request the ballot of the party for whose candidates the individual wishes to vote. The instruction to voters required by subpart 5 of part 8210.0200 is reasonable to alert absentee voters of the requirement to identify party choice for the presidential primary.

4. Part 8210.0250 is needed to provide a single procedure for the processing of absentee ballot applications and accepted ballots by election administrators throughout the state. This is reasonable to insure that the party identification required by Minnesota Statutes 207A.03 is recorded and attached to the duplicate registration file of the voter as required by Minnesota Statutes 207A.08.

5. Part 8210.3000 is needed to provide for the use of precincts voting entirely by mail at the presidential primary. The procedure is reasonable in that it does not increase the cost of conducting a mail election to the municipality, it conforms to the procedures for mail elections provided in Minnesota Statutes 204B.45 subdivision 2, and provides the procedures for presidential primaries provided in Minnesota Statutes Chapter 207A. It is reasonable to have mail voters indicate party preference on the secrecy envelope, as opposed to the outside of the return envelope, so as to provide privacy to the voter while the mail return envelope is in the mail.

6. Part 8210.3015 is needed to bring the certification for mail voters into compliance with the provisions of Minnesota Statutes 203B.21 subdivision 3. This is required because Minnesota Statutes 204B.45 subdivision 3 applies pertinent sections of Minnesota Election Law to Mail Elections.

7. Part 8210.9910 needs modification to remove duplicate or unnecessary information from the absentee ballot application. This is reasonable to provide the public with a form that is easy to use.

8. Part 8210.9916 is needed to provide an absentee ballot application for use in counties that have adopted the provisions of Minnesota Statutes 203B.02 subdivision 1a. This statute provides that an application for an absentee ballot can be made without specifying a reason for requesting the application. It is reasonable to provide the form of the application to insure that all counties administer the provisions of Minnesota Statutes 203B.02 subdivision 1a in a standardized manner.

9. Part 8210.9917 is needed to provide an absentee ballot application for use at a presidential primary. It is reasonable to provide an application specifically for the presidential primary because of the party declaration required at that election, as required in Minnesota Statutes 207A.03.

10. Part 8210.9918 is needed to provide an absentee ballot application for use at a presidential primary by counties that have adopted the provisions of Minnesota Statutes 203B.02 subdivision 1a. It is reasonable to provide an application that does not require the declaration of a reason for the absentee ballot but which is otherwise the same as provided in Part 8210.9917.

11. Part 8210.9920 needs modification to accurately reflect the hours that the auditor or clerks office must be open for the acceptance of absentee ballots on the Monday preceding an election. It is reasonable to modify the instructions to say 7:00 because that is the closing of office hours set in Minnesota Statutes 203B.085.

12. Part 8210.9930 is being modified to make the absent voter's certificate easier to understand and complete, and to include the declaration that no other absentee ballot was cast at this election. It is reasonable to do this to insure that the voter understands what they are signing, and to insure that the voter is aware that they should submit only one absentee ballot per election.

13. Part 8210.9935 is being modified to make the absentee voter's certificate easier to understand and complete, and to include the declaration that no other absentee ballot was cast at this election. It is reasonable to do this to insure that the voter understands what they are signing, and to insure that the voter is aware that they should submit only one absentee ballot per election.

14. Part 8220.1150 needs modification to delete the reference to running 50 blank ballots through the voting system before using the test deck required in this part. This is reasonable because testing done by the secretary of state has found no practical benefit from the 50 blank ballots. Additionally in large municipalities with a large number of voting machines to test, the 50 blank ballot requirement was time consuming and expensive.

15. Part 8220.1650 needs modification to insure that the secretary of state, and the major political parties, can secure materials necessary for investigating the accuracy of computer programming for voting systems. This is reasonable because the previous language in this part gave authority for the secretary of state and major political parties to test computer programming, but provided no access to the ballots and instructions needed to produce the tests.

16. Part 8230.0250 needs modification to make it clear that precincts using electronic voting systems have the option of using self contained stations in place of booths for the casting of ballots. The authority for electronic voting precincts to use an alternative to voting booths is found in Minnesota Statutes 206.84 subdivision 5, it is reasonable to clarify this rule to reflect the authority provided in this statute.

17. Part 8230.3950 needs modification to reduce the number of copies of returns from four to three. This is reasonable because the secretary of state has no need for more than one copy of the return. As seen in the next part the requirement that the secretary of state receive two copies was the sole cause of the fourth copy being produced.

18. Part 8230.4050 needs modification to reduce the number of copies of the election returns sent to the secretary of state from two to one copy. This is reasonable because the secretary of state can gain all needed information from one copy of the returns, and the additional copy significantly increased the storage space and staff time needed to process the returns.

19. Part 8230.4350 subpart 2 needs modification to provide for two goals, first to insure that ballots are distributed to the correct precinct, and secondly to reduce printing costs of the ballots to local government units. It is reasonable to provide a visual check on the precinct name for election judges and voters to use in insuring that they have been issued the correct ballot. However, at certain elections providing for the use of a style indicator is reasonable if the ballot is the same at all precincts. A style indicator identifies the election, but not the specific precinct. The use of a style indicator will dramatically reduce printing costs to local government units by eliminating a unique printing for each precinct involved in the election.

20. Part 8230.4350 subpart 5 is being modified because of the need to protect the ballot secrecy of each voter. An election judge is stationed by the precinct counting system to assist voters who are unsure of how to insert their ballot into the machine, and to deal with any breakdown of the machine. It is reasonable to station the election judge at least six feet from the precinct counting system to insure that the voter can insert the ballot into the machine in privacy without the election judge viewing the manner in which the ballot is marked. If stationed six feet away the election judge can still monitor and assist in the use of the precinct counting system.

21. Part 8235.0200 needs modification to include the school district clerk as the official responsible for recounts held by a school district canvassing board. This is reasonable given that Minnesota Statutes 204C.36 subdivisions 1 and 3 makes the school district clerk the depository for requests of recounts for school board member elections, and school district special elections.

22. Part 8235.0800 is needed to provide for the challenging of the manner in which a ballot is counted at a recount of a ballot question. It is reasonable to provide individuals who request recounts of questions with the same rights as individuals who request recounts of elections for an office.

23. Part 8240.1300 is needed to provide the time frame under which election judge training sessions may be held. It is reasonable to expand the period of time for holding training sessions from 30 days to 60 days because of the number of preelection duties county auditors and municipal clerks must attend to prior to the election. The expanded time frame will allow the training authority to hold training sessions and still meet their other election obligations.

The requirement that a special training session be held for election judges serving in the presidential primary is needed because of the unique provisions of Minnesota Statutes 207A.03. It is reasonable to require a training session to insure that the election judges are educated in these provisions, and to determine the length of the training session based on the experience level

of the election judges and their knowledge of the voting system to be used at the presidential primary.

The addition of state and replacement of regular with general is needed to clarify the amount of training required in a given election year. It is reasonable to require that election judges attend a training session prior to the state primary, or prior to the state general election, requiring attendance at two sessions would be a duplication of effort.

24. Part 8240.1650 is needed to insure an orderly and complete training session for election judges prior to the conduct of a presidential primary.

Subpart 1 is reasonable to provide flexibility to the county auditor in establishing the length of the training session based on the experience level of the election judges with this type of election.

Subpart 2 is reasonable to insure that at the training session the election judges are exposed to the forms and documents they will use during the presidential primary. As the secretary of state is responsible for the format of these forms it is reasonable that the secretary of state provide copies of the documents to each county auditor.

Subpart 3 is reasonable because of the requirement that each party have a separate ballot at the presidential primary, and the effect this requirement will have on the counting of ballots. To insure that election judges are prepared for the election it is reasonable to provide that they are exposed to the ballot and voting systems prior to election day.

Subpart 4 is reasonable to provide a training course outline to insure that the training authority covers all duties unique to the presidential primary.

25. Part 8240.1655 is needed to provide a standard set of qualifications for the appointment of high school election judges as provided in Minnesota Statutes 204B.19 subdivision 6.

Subpart 1 is reasonable to provide a link between the rules and the enabling statute.

Subpart 2 is reasonable to require a training course for trainee election judges that is as rigorous as the training required for regular election judges. As trainee election judges will be required to perform the same duties as all other election judges it is reasonable to require a complete training course.

Subpart 3 is reasonable to list the minimum qualifications that trainee election must meet before they can be selected as an election judge. The requirement to be an United States citizen,

and a resident of the municipality in which they will serve is used to emphasize that the trainee election judge is a member of the community, and meets basic requirements required of all election judges. The certification of good academic standing is a reasonable way to insure that the individuals selected to serve as a trainee election judge are capable of meeting the demands of the job.

Subpart 4 is reasonable to provide the appointing authority with a listing of the conditions that must be met before an individual can be selected as a trainee election judge. The specific conditions listed in this subpart are drawn from the enabling statute.

Subpart 5 is reasonable to provide a reference on the minimum level of compensation a trainee election judge may be paid. The specific level of compensation is provided in the enabling statute.

Subpart 6 is reasonable to provide the maximum level of trainee election judges that can be appointed to any one precinct. The maximum level of one-third for trainee election judges is reasonable so that partisan balance is maintained in the precinct, and so that an adequate number of regular election judges are available to the precinct.

26. Part 8250.0350 is needed to correct an incorrect statutory reference in the rule.

27. Part 8250.0360 is needed because the secretary of state is required in Minnesota Statutes 207A.04 to prepare paper ballots for use at the presidential primary. It is reasonable to extend ballot preparation authority to any office required to produce ballots for an election.

Pursuant to Minnesota Statutes, section 14.11, the proposed rule will not have any impact on agricultural land nor will the adoption of these rules 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 rules will not have an impact on small business in Minnesota.