



JOAN ANDERSON GROWE  
Secretary of State  
ELAINE VOSS  
Deputy Secretary of State

State of Minnesota  
OFFICE OF THE SECRETARY OF STATE  
Saint Paul 55155

June 22, 1992

180 STATE OFFICE BUILDING  
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Election Division: 612/296-2805  
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Michele Swanson  
Commission Secretary  
L.C.R.A.R.  
55 State Office Building  
St. Paul, MN 55155-1201

Dear Ms. Swanson:

Enclosed for your records is a copy of the Statements of Need and Reasonableness for the proposed rule relating to election changes. If you need any further information please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Sigurdson".

Jeff Sigurdson  
Election Procedures Assistant

The Legislative Commission to  
Review Administrative Rules

JUN 24 1992



"AN EQUAL OPPORTUNITY EMPLOYER"

## STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt or modify Parts 8210.0300, 8210.0500, 8210.0600, 8210.0700, 8210.3000, 8210.3010, 8210.9920, 8210.9925, 8210.9930, 8210.9935, and 8255.0020 arises from the requirements of Minnesota Statutes 203B.08 subdivision 4, 203B.09, 203B.125, 204B.14 subdivision 6, and 204B.45 subdivision 3, 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 8210.0300 is needed to change the reference for the ballot envelope from buff to tan. This is reasonable because so many people are unsure of what constitutes the color buff, and because the vendors of materials used in absentee voting often have difficulty in securing buff colored paper.

2. Part 8210.0500 needs modification to add the reference for part 8210.9925, which is an alternative form of instruction for absentee voters being created in these proposed rules, (see part 8).

3. Part 8210.0600 is being modified in an effort to simplify the language used in the rule, and to provide the ability to fully use the capability of the state wide voter registration system.

Subpart 1 is reasonable because "absentee voter's certificate" has been identified as a phrase which confuses many absentee voters. It is being replaced throughout the absentee ballot rules with the term "statement of absentee voter".

Subpart 2 is reasonable to allow election administrators to use mailing labels during the administration of absentee voting. The use of mailing labels will reduce the amount of clerical work required with each absentee ballot.

Subpart 3 is reasonable to add the term "no smaller than" to type size in the absentee ballot rules to insure the use of a type size that is easy to read as possible.

Subpart 4 is reasonable to replace "certificate" with statement or version to simplify the language in the rules, and to provide a consistent reference through out the rules.

4. Part 8210.0700 needs modification to insure the use of a type size that is easy to read as possible. This is reasonable to insure that the printing on absentee ballot materials is as user friendly as possible.

5. Part 8210.3000 needs modification to reflect various changes in Minnesota election law since its adoption.

Subpart 1 is reasonable to clarify that the mail ballot rules are to be used not only in the mail elections authorized by Minnesota Statutes 204B.45, but for questions held at a mail election authorized in Minnesota Statutes 204B.46.

Subpart 2 is reasonable to clarify that Minnesota Statutes 204B.46 provides that school districts may authorize the use of a mail election. Changing the period for authorizing mail elections from 90 to 60 days is reasonable to provide greater flexibility to governing bodies in the conduct of their elections. The same rationale applies to decreasing the revocation period to 45 days.

Differentiating between the expiration of the authority for holding mail elections is reasonable given that Minnesota Statutes 204B.45 provides for mail balloting at any county or state election, Minnesota Statutes 204B.46 provides for the use of mail balloting at a specific special election.

Subpart 3 is reasonable to insure that notification of the discontinuance of mail voting is given to all parties involved in election administration.

Subpart 4 is reasonable to provide reference to all election administrators eligible to use mail voting. The change in statute number is needed to correct an error. Minnesota Statutes 203B.11 is the correct reference for absentee voting in health care facilities.

Subpart 12 is reasonable because a mail election may be held by a school district, county, or municipality. Therefore the definition of who pays for the election needs to be expanded.

6. Part 8210.3010 needs modification in order to simplify the instructions to mail voters. This is reasonable given that an error in completing or returning a mail ballot invalidates the ballot, and that providing instructions that are easier to read will lower the rate at which mail ballots are rejected. In particular the instructions are being altered to clarify or provide:

- a. The witness must be secured before voting begins.
- b. Only one witness is required.
- c. An accurate listing of those individuals who can serve as a witness.
- d. The manner in which the ballots can be marked and the

assistance that a voter may receive in marking their ballot.

- e. The procedure for placing the ballots in the secrecy envelope.
- f. The procedure for placing the secrecy envelope in the ballot return envelope.
- g. To provide the information required in filing out the certificate on the back of the absentee ballot return envelope, and to clarify that the certificate should be completed after the return ballot is sealed.
- h. Provide the means for returning the absentee ballot return envelope.

7. Part 8210.9920 needs modification to provide easily understood instructions to absentee voters. It is reasonable to totally replace the existing instructions because of the high level of reading comprehension needed to use those instructions. The actions needed to complete a voter registration card, and mark and return an absentee ballot are not changing. However the replacement instructions are less difficult to read, and are presented in a more rational order.

Additionally the replacement instructions are to be sent only to absentee voters that are not preregistered to vote. By sending instructions that are specific to the status of the absentee voter, rather than generic for all absentee voters, the instructions can be more specific and directed towards the voter.

8. Part 8210.9925 is needed to provide absentee ballot instructions to voters who are preregistered to vote. The rules differ from those in part 8210.9920 in that they do not provide instructions on completing a voter registration card. It is reasonable to provide a specific set of instructions for use by preregistered voters so as to reduce confusion over the instructions, and to reduce the number of duplicate registrations sent to the county auditor.

9. Part 8210.9930 needs modification to standardize the language used in the statement of absentee voter with that used in the instructions provided to absentee voters in part 8210.9920. This is reasonable as the statement of absentee voter is printed on the back of the absentee ballot return envelope, and must be completed accurately in order to be accepted by the election judges. Standardizing the language used in the instructions with that in the statement should simplify the absentee voting procedure for the voters.

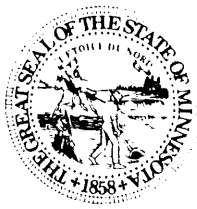
10. Part 8210.9935 needs modification to standardize the language used in the statement of absentee voter with that used in the instructions provided to absentee voters in part 8210.9925. This is reasonable as the statement of absentee voter is printed on the back of the absentee ballot return envelope, and must be completed accurately in order to be accepted by the election judges. Standardizing the language used in the instructions with that in the statement should simplify the absentee voting procedure for the voters.

11. Part 8255.0020 needs modification to provide for the manner in which congressional districts are formed relative to the procedures used in the creation of precinct boundaries. Congressional districts are formed by combining census blocks to form balanced populations. Precincts are required to be drawn, if at all possible, on visible physical boundaries. In some instances the census blocks used in the formation of congressional districts do not provide physical boundaries. In those situations it will be necessary to base the precinct boundary on a basis other than a recognizable physical feature.

Municipalities that contain precincts divided by congressional boundaries need the additional language proposed in this part in order to provide a procedure for conducting elections. It is reasonable to provide the procedure found in Minnesota Statutes 204B.16, subdivision 2 to insure that the returns are accurately reported, and to provide a means to reduce election expenses.

Pursuant to Minnesota Statutes, section 14.11 the proposed rules 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 rule will not have an impact on small business in Minnesota.

LCRAR



**Legislative Commission**

**to Review Administrative Rules**

**Representative Peter Rodosovich**  
Chair

**Senator Phil Riveness**  
Vice Chair

55 State Office Building  
St. Paul, Minnesota 55155-1201  
Telephone 612/296-1143

**Maryanne V. Hruby, Director**

June 19, 1992

*propound = 6/1/92 SR*

*rec. = 6/24/92*

Joseph Mansky, Director  
Office of the Secretary of State  
Election Division  
180 State Office Building  
St. Paul, Minnesota 55155

Dear Mr. Mansky:

I write to request a copy of the Secretary of State's Statement of Need and Reasonableness (SONAR) for recently published rules relating to election changes.

As you may know, Minnesota Statutes, sections 14.131 and 14.23 now require state agencies to provide copies of SONAR's to the LCRAR when they become available for public review.

Please send a copy of the SONAR for these proposed rules to:

The Legislative Commission to Review Administrative Rules  
Maryanne Hruby, Director  
55 State Office Building  
St. Paul, Minnesota 55155

Please contact me at 296-1143 if you have any questions.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Michele Swanson".

Michele Swanson  
Commission Secretary

