



OFFICE OF THE SECRETARY OF STATE

Statement of Need and Reasonableness

Proposed Rule Governing Presidential Primary Election Administration Local Government Expense Reimbursement, Minnesota Rules, 8215; Revisor's ID Number R-04620

Introduction

In 2016, the Minnesota Legislature passed a law creating a Presidential Nomination Primary system in Minnesota beginning in 2020. As part of that legislation, the Office of the Secretary of State was granted rulemaking authority in order to provide the procedures to implement the Presidential Nomination Primary. In 2019, the legislature amended the Presidential Nomination Primary law to give the Office of the Secretary of State authority and discretion to approve the reimbursement of additional expenses related to the Presidential Primary in addition to those expenses explicitly enumerated in statute for reimbursement. The Office of the Secretary of State is engaged in a rulemaking to clarify and provide certainty around those additional expenses that will be eligible for state reimbursement.

A Request for Comments was published in the State Register on August 5, 2019, and a number of responses were received. The Request for Comments was also sent to a broad spectrum of interested parties pursuant to a Notice Plan described in this Statement of Need and Reasonableness ("SONAR"). The Secretary's staff used the comments received in response to the Request for Comments as well as comments and suggestions received prior to the rulemaking in the form of a statewide survey of county election officials to draft the proposed rules.

Alternative Format

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or audio file. To make a request, contact Samm Bonawitz at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, samm.bonawitz@state.mn.us, 651-201-1334, 651-215-0682 (fax). TTY users may call the Minnesota Relay Service at 711.

Statutory Authority

Minnesota Statutes, section 207A.11, Laws 2016, chapter 162, section 9, requires the Office of the Secretary of State to adopt rules to implement the provisions of *Minnesota Statutes*, chapter 207A, establishing a presidential primary election in Minnesota. *Minnesota Statutes*, section 207A.15, subd. 2, as amended by Laws 2019, 1st Spec. Sess., Chap. 10, Article 4, section 8, broadened the categories of reimbursable local expenses to provide the Secretary of State with discretion to approve additional expenses eligible for local reimbursement.

The Secretary's statutory authority to adopt rules governing election administration and voting is set forth in:

Minnesota Statute, section 207A.11, paragraph (c), which provides:

(c) The secretary of state must adopt rules to implement the provisions of this chapter. The secretary of state shall consult with the party chairs throughout the rulemaking process, including seeking advice about possible rules before issuing a notice of intent to adopt rules, consultation before the notice of comment is published, consultation on the statement of need and reasonableness, consultation in drafting and revising the rules, and consultation regarding any modifications to the rule being considered.

Under these statutes, the Secretary of State has the necessary statutory authority to adopt the proposed rules.

Regulatory Analysis

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and give the Office's response.

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

The proposed rules will affect and benefit multiple classes of persons including voters, election officials and local governments, the major political parties, and the Office of the Secretary of State. While local governments and the Office of the Secretary of State will bear costs associated with the administration of a Presidential Nomination Primary, the costs associated with the Presidential Nomination Primary are imposed by statute.

Classes of Persons Benefiting and Affected by the Proposed Rules

Eligible voters and major political parties will benefit from the proposed rule because the counties and municipalities administering the Presidential Nomination Primary will be assured that they will have adequate resources to implement statutorily mandated responsibilities that serve the voters, making for a more efficient and accessible voting experience.

Election officials and local governments will benefit from the proposed rule because the proposed rule will allow counties and municipalities to be reimbursed for expenses related to the administering of the Presidential Nomination Primary. This will allow counties and municipalities to reliably administer the Presidential Nomination Primary without significantly impacting their county or municipal budget.

The **Office of the Secretary of State** will benefit from the proposed rule because it increases clarity for the Office, counties, and municipalities, by providing clear categories of expenses that are eligible for reimbursement. This clarity will also ensure an efficient and comprehensive post-election reimbursement process, a process which is mandated in statute to be administered by the Office of the Secretary of State.

Classes of Persons Bearing the Costs of the Proposed Rule

It is important to note that the costs associated with these rules are associated not with the rules themselves, but the legislation mandating the enactment of a Presidential Nomination Primary.

The **Office of the Secretary of State**, for example, will bear some of the costs of the proposed rules. The Office will incur staff costs, for example, to process additional reimbursements. Because the Office is already responsible for facilitating these reimbursements, there will be no additional costs associated with the Presidential Nomination Primary rules proposed in this process. Further, the clarity provided to both the Office of the Secretary of State and to local governments in these rules will ensure that the reimbursement process is efficient both for the Office of the Secretary of State and for all of Minnesota's local governments submitting requests for reimbursements.

Election officials and the local governments for whom they work may bear some costs related to requesting reimbursements. However, because local governments are already being asked to submit requests for reimbursement under Minnesota Statutes 207A.15, there will be no additional costs imposed by this rule in preparing these requests, and the clarity provided by the proposed rule will reduce confusion while increasing efficiency and consistency in the reimbursement process. This has the potential to reduce the administrative costs to local governments in the request for reimbursement process.

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

The Secretary of State will be required to process the additional reimbursements outlined within the proposed rules, but because the passage of the Presidential Nomination Primary law already requires the Secretary of State to process reimbursements, any additional costs imposed by the proposed rules would be negligible. Further, as described above, the clarity provided by this rule may ultimately reduce the administrative costs of the reimbursement process.

Minnesota Statutes 207A.15 gives the Secretary of State authority to approve other expenses related to the administration of the Presidential Nomination Primary. The proposed rule simply clarifies what categories of expenses the Secretary of State will be approving in addition to the expenses already allowed in statute. Because of this, the proposed rule does not bear any additional costs or any additional impact on state or local revenues, nor will the proposed rule cause any other state agency to incur costs. Instead, the proposed rule provides guidance and clarity to define the categories of expenses eligible for reimbursement in addition to what is already included in law.

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

While state and local governments will bear the costs associated with the administration of a Presidential Nomination Primary, the costs associated with the Presidential Nomination Primary are imposed by statute, not the proposed rules. Minnesota Statutes 207A.12, paragraph (a) states:

- (a) Except as otherwise provided by law, the presidential nomination primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary.

The proposed rule outlines categories of expenses eligible for reimbursement, allowing local governments to administer the Presidential Nomination Primary without risking the financial stability of their county or municipality. These categories were determined in part with the help of a statewide survey of county election officials , to ensure the most accurate listing of financial needs of election officials throughout the state.

“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”

The Office solicited feedback from local election administrators to best determine the expenses related to the administration of the Presidential Nomination Primary for the purpose of the proposed rule. Because of the specificity of Minnesota’s Presidential

Nomination Primary and election laws, short of any legislative changes, there are no alternatives to limit the costs of the Presidential Nomination Primary. During the 2019 legislative session, the Office worked in partnership with counties and cities to encourage the Legislature to adopt statewide mail balloting for the Presidential Nomination Primary due to the cost and administrative burden of the Presidential Nomination Primary. This would have significantly decreased the costs associated with the Presidential Nomination Primary. Unfortunately, the Legislature did not pass any such bill.

The Office of the Secretary of State did consider using an ad hoc approval method for additional expenses, but ultimately declined that approach because it could be perceived as unpromulgated rulemaking and because such an approach would not give local governments certainty around what expenses would or would not be approved for reimbursement. Further, as described in the rule section of the analysis, the Office of the Secretary of State carefully considered the reasonable scope of additional expenses that should be approved in the rule, after consultation with all 87 counties in Minnesota and their consultation with townships and cities within their jurisdiction.

“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”

Costs associated with complying with the proposed rule are limited, as counties and municipalities are already statutorily required to request reimbursement with the Secretary of State. The costs associated with the proposed rules are required as a result of the Presidential Nomination Primary law, and are not imposed by the rules themselves.

“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”

The proposed rule language is in direct response to the Presidential Nomination Primary law as amended by Laws 2019, 1st Spec. Sess., Chap. 10, Article 4, section 8, which broadened the categories of reimbursable local expenses by providing the Secretary of State with discretion to approve additional expenses eligible for local reimbursement. Without this proposed rule, there would be no administrative guidance for the categories of expenses eligible for reimbursement for the counties and municipalities administering the Presidential Nomination Primary. Counties and municipalities conducting elections would not have the assurance that these expense categories would be approved for reimbursement, and would be unable to plan their county or city budget accordingly.

“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”

Nothing in the proposed rule is in conflict with federal regulations. Various federal laws and regulations govern election administration, but the proposed changes do not conflict with nor modify any federal regulation or law.

"(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time."

The primary purpose of the proposed rule is to bring the Presidential Nomination Primary rules in line with current Minnesota law and increase clarity in the rules for election administrators and other units of local government. Because the proposed rule clarifies the Presidential Nomination Primary reimbursement process to ensure compliance with recently enacted state law, this consideration is not applicable.

Commissioner of Management and Budget Review

As required by Minn. Stat. § 14.131, the Secretary of State has consulted with the Minnesota Management and Budget agency. Minnesota Management and Budget was provided a copy of the proposed rule revisions as well as the draft SONAR. The Office of the Secretary of State will supplement the record with any formal response from the Minnesota Management and Budget.

In this portion of the SONAR, there usually appears a discussion of the fiscal impact and benefit of the proposed rules on local government. However, because the proposed rules directly impact local government and as the impact and benefits are addressed throughout the SONAR, both in the Regulatory Analysis preceding this section and in the rule-by-rule analysis, that information is not repeated here.

Cost of Complying for Small City or Small Business

As required by Minn. Stat. § 14.127, the Office has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small city or small business and the Office has determined that it will not. The Office has made this determination after analyzing the proposed rules in relation to the underlying statutory obligations.

As discussed in the Regulatory Analysis section of the SONAR, there are significant costs associated with administering the Presidential Nomination Primary but those costs are imposed by the enabling legislation and not the administrative rules.

Determination About Rules Requiring Local Implementation

As required by Minn. Stat. § 14.128, subd. 1, the Office has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Office has determined that they do not because elections in Minnesota are governed by federal and state laws. Thus, no local ordinance or local regulatory changes are required.

Performance Based Rules

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the Office, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the Office in meeting those goals. The proposed rules are specifically designed to clarify the Presidential Nomination Primary's reimbursement process in accordance with the Presidential Nomination Primary law as amended by Laws 2019, 1st Spec. Sess., Chap. 10, Article 4, section 8, which broadened the categories of reimbursable local expenses by providing the Secretary of State with discretion to approve additional expenses eligible for local reimbursement, with specific emphasis in the most efficient and accurate way to achieve the goals of the Presidential Nomination Primary law. Details of these considerations can be found in the rule-by-rule analysis.

Additional Notice

Minnesota Statutes, section 14.131, requires a description of the agency's efforts to provide additional notification under § 14.14, subd. 1a, to persons or classes of persons who may be affected by the proposed rule, or an explanation why these efforts were not made.

The following is: (1) a description of the Office's Additional Notice Plan and (2) an explanation of why the Office believes the Additional Notice Plan complies with Minn. Stat. § 14.131, i.e., why the Additional Notice Plan constitutes good faith efforts to seek information by other methods designed to reach persons or classes of persons who might be significantly affected by the proposal.

The Additional Notice Plan is to send a copy of the Proposed Amendments to Rules and the Statement of Need and Reasonableness for those Proposed Amendments, the Dual Notice, and a transmittal letter to the following persons by electronic mail wherever possible and by United States mail where electronic mail addresses are unavailable:

All members of the following legislative committees with policy oversight in this area of law:

House Government Operations Committee
House Elections Subcommittee
Senate State Government Finance and Policy and Elections Committee

Chairs and Ranking Minority Members of the following legislative committees with fiscal oversight in this area:

House State Government Finance Committee
House Ways and Means Committee
Senate State Government Finance and Policy and Elections Committee
Senate Finance Committee

House and Senate Leadership from the Majority and Minority Caucuses

Governor Tim Walz

Former Secretaries of State:

Mark Ritchie
Mary Kiffmeyer
Joan Anderson Grawe
Arlen Erdahl

Chairs of Minnesota's major political parties:

Democratic-Farmer-Labor Party
Grassroots-Legalize Cannabis Party
Legal Marijuana Now Party
Republican Party of Minnesota

Chairs of Minnesota's minor political parties:

Green Party of Minnesota
Independence Party of Minnesota
Libertarian Party of Minnesota

The following election attorneys:

David Asp
Jay Benanav
Daniel Cragg
Julia Dayton Klein
Matthew Haapoja

Jeffrey Holth
Erick Kaardal
Rebecca Kanninen
Fritz Knaak
John Knapp
Reid LeBeau
Eric Magnuson
William Mohrman
Richard Morgan
Michael Murphy
Charles Nauen
Jared Reams
Steven Reitenour
Vince Reuter
Brian Rice
Virginia Stark
Tony Trimble
Alan Weinblatt
David Zoll

Representatives of voting equipment and service vendors:

Clear Ballot Group, Inc.
Democracy Live
Dominion Voting System Corp.
Election Systems & Software, Inc.
Everyone Counts, Inc.
Synergy Graphics
Hart Intercivic, Inc.
Knowink
Data Card
Election Administrators
SOE Software

Representatives of local government associations:

Association of Minnesota Counties
League of Minnesota Cities
Minnesota Association of County Officers, and all Minnesota County Auditors
Minnesota Association of Townships
Minnesota School Boards Association
Minnesota County Attorney Association

Representatives of public-interest groups or government agencies:

AARP
ACLU of Minnesota
Catholic Charities
Citizens for Election Integrity Minnesota
Center of the American Experiment
Common Cause Minnesota
Education Minnesota
FairVote Minnesota
League of Women Voters of Minnesota
Minnesota Advocates for Human Rights
Minnesota Board on Aging
Minnesota Citizens Concerned for Life
Minnesota Council of Nonprofits
Minnesota Department of Veteran's Affairs
Minnesota Majority
Minnesota Taxpayers League
Minnesota Voters Alliance
Minnesota Public Interest Research Group
Minnesota School Employees Association
TakeAction Minnesota

Representatives of the following groups and agencies and organizations of people with disabilities:

Arc Minnesota
Minnesota Commission Serving Deaf, Deaf-Blind and Hard of Hearing People
Minnesota Disability Law Center
Minnesota State Council on Disability
National Alliance for the Mentally Ill - Minnesota
National Federation of the Blind

Representatives of the following groups and agencies representing communities of color in Minnesota:

Asian Americans Advancing Justice
Council on American-Islamic Relations Minnesota
Council on Asian-Pacific Minnesotans
Council for Minnesotans of African Heritage
Council on Latino Affairs
Hmong American Partnership
Immigrant Law Center

International Institute of Minnesota
Karen Organization of Minnesota
Minnesota Indian Affairs Council
Minneapolis Urban League
NAACP – Minneapolis
NAACP – St. Paul
Native Vote Alliance of Minnesota
Somali Action Alliance

The Office of the Secretary of State believes that this Additional Notice Plan complies with the statute because the notice materials – described above – provide the principal representatives of the affected parties with ample notice and opportunity to provide suggestions, proposals, and comments regarding possible rule amendments.

The listed persons and organizations receiving the Notice together represent the vast majority of persons interested in these rules. They frequently comment on (or make) public policy. They represent the major and minor political parties in Minnesota and a number of different positions on the spectrum of political thought, and will adequately represent the views of a diverse group of Minnesota citizens, which is a central purpose of the rulemaking process. They represent:

Policymakers, especially in the Legislature, who have oversight of this subject matter area;
Political parties;
Local governments and elections administrators;
Former Secretaries of State;
Lawyers with expertise in elections matters; and
Public-Policy groups and agencies representing a spectrum of populations and views held within the general public.

The Notice Plan also includes giving notice required by statute. The Office will send the proposed rules and Notice of Intent to Adopt to everyone who has registered to be on the Office's rulemaking mailing list under Minn. Stat. § 14.14, subd. 1a. The Office will also give notice to the Legislature per Minn. Stat. § 14.116.

List of Witnesses

The Office anticipates having the following witness testify in support of the need for and reasonableness of the rules at the public hearing:

David Maeda, Director of Elections, Office of the Secretary of State

Rule-by-Rule Analysis

The Secretary is proposing amendments to the current Presidential Nomination Primary rules in response to the Presidential Nomination Primary law. The proposed additional rule part and the reasoning behind the Office of Secretary of State's determination that this rule is needed and reasonable is outlined below.

8215 Presidential Nomination Primary

Pursuant to 2016 Minnesota Laws, Chapter 162, section 9, the Office of Secretary of State is required to adopt rules to implement the Presidential Nomination Primary. The Office has consulted with election officials who would be administering the Presidential Nomination Primary throughout each stage of the rulemaking process. This consultation included a statewide survey of county elections officials, soliciting input for the costs associated with the administration of the Presidential Nomination Primary throughout the State. The Office is recommending the promulgation of the proposed rule following these discussions.

The key components of the Presidential Nomination Primary statute are as follows:

- Unless otherwise provided by the Presidential Nomination Primary law, the Presidential Nomination Primary is required to be conducted in the same manner as the state primary;
- The Presidential Nomination Primary will take place on the first Tuesday in March of a presidential election year, unless the major party chairs agree on a different date by March 1 of the previous year (which they have not);
- Only major parties are eligible to participate in the Presidential Nomination Primary;
- Each major party must have a separate ballot;
- The chair of each party must submit a list of candidates that will appear on the party's ballot no later than 63 days before the date of the Presidential Nomination Primary;
- The chair of each party has the option of including on the ballot language that would allow a voter to indicate a preference for having delegates to the party's national convention remain uncommitted or contain a space for a write-in vote;
- Just as with a regular primary, registered voters will be able to vote at their polling place on Presidential Nomination Primary day or by absentee up to 46 days before Presidential Nomination Primary day;
- In order to vote in the Presidential Nomination Primary a voter must request a specific party's ballot to vote and will be given a ballot containing only that party's candidates;
- Voters living in a vote-by-mail jurisdiction will receive a ballot for each major party participating in the Presidential Nomination Primary, but are only permitted to return one voted ballot;

- A voter's choice of party ballot will be recorded in the Statewide Voter Registration System and will be provided to the chairs of the major parties as required by statute; and
- The Secretary of State has the authority to approve and administer expenses related to the administration of the Presidential Nomination Primary.

The Office of the Secretary of State adopted administrative rules in 2018 to help clarify the vast majority of the administrative components of the Presidential Nomination Primary law. However, since the legislature in 2019 made amendments to the Presidential Nomination Primary law, specifically as it relates to the reimbursement of expenses related to the Presidential Nomination Primary, the proposed rule is designed to provide additional clarity to elections administrators regarding the categories of expenses approved by the Secretary of State for reimbursement for the Presidential Nomination Primary.

Proposed rule part **8215.0700** is needed and reasonable to clarify and provide guidance regarding the categories of expenses approved by the Secretary of State for reimbursement for the Presidential Nomination Primary. This proposed rule is needed and reasonable in light of the Presidential Nomination Primary law as amended by Laws 2019, 1st Spec. Sess., Chap. 10, Article 4, section 8, which broadened the categories of reimbursable local expenses by providing the Secretary of State with discretion to approve additional expenses eligible for local reimbursement. *See Minn. Stat. § 207A.15.*

Subpart one of this rule part provides that unless otherwise permitted by law, the categories of expenses approved for reimbursement are listed within subpart two. This is needed and reasonable to clarify that there are expenses approved for reimbursement in current statute, and the items listed in subpart two are only those *additional* items approved for expense reimbursement. *See Minn. Stat. § 207A.15.* This subpart ensures that local governments are clear that they can seek reimbursement for both the explicitly enumerated statutorily approved expenses and the items identified by the Office of the Secretary of State in this rulemaking as additional approved expenses.

Subpart two of the rule part lists expense categories eligible for reimbursement. These are needed and reasonable because they give counties and municipalities administering elections clear guidance and expectations regarding what expense categories will and will not be reimbursed. Minnesota election law states that “[e]xcept as otherwise provided by law, the Presidential Nomination Primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary.” Minn. Stat. § 207A.12. There are considerable costs associated with the addition of a new state primary election, but with the assurance provided in subpart two, election administrators will be able to administer the election reliably and according to statute without significantly impacting their local budget. The categories of expenses eligible for reimbursement under subpart two were included in

consultation with counties and municipalities administering the election, and include all necessary and reasonable expenses for the administration of a statewide election, including:

- Reimbursement of the **costs associated with distributing and processing ballots for absentee, military and overseas, and mail voters** is needed and reasonable considering the growing popularity of absentee and mail voting, a method of voting made available to voters by law. Not including these costs would result in counties and municipalities being left with significant costs to cover, that would ultimately likely be passed on to their local taxpayers.
- Reimbursement of the **costs associated with preparation of an absentee voting location as a polling place**, as well as the **costs associated with preparation of electronic voting systems for absentee polling places** is needed and reasonable to remain consistent with the statutory provision regarding reimbursement for the preparation of polling places. The limited costs that may be reimbursed under this category are mirrored with the statutory limit of \$150 per polling place for polling place preparation on election day, and \$100 per polling place for electronic voting systems preparation on election day.
- Reimbursement of the **costs for the distribution and publication of statutorily mandated public notices** are needed and reasonable to allow counties and municipalities to comply with state law. Distributing and publicizing the statutorily mandated public notices is necessary and reasonable to administer the Presidential Nomination Primary, and is mandated by statute.
- Reimbursement for **mileage for travel associated with delivering materials and traveling between polling places and government buildings on election day**, as well as **parking reimbursement for election judges on election day** is needed and reasonable to ensure that local election workers are able to deliver polling place equipment, and troubleshoot various issues at the polling place without personally covering the cost of their mileage and parking, or placing this burden on the county or municipality. This is especially necessary in parts of the state where an election administrator could be driving many hours between polling places, or more densely populated cities that have significant parking fees near the polling place.
- Reimbursement for **costs associated with car or truck rental fees related to the transportation of election equipment or polling place materials** is needed and reasonable to allow counties and municipalities to transfer large amounts of equipment and supplies to and from the polling place. Many election administrators rent vehicles specifically for this purpose, and without the rental of an additional vehicle would have no way to efficiently bring equipment and materials to the polling place.
- Reimbursement for the **costs for purchasing and distributing materials for additional election judge trainings or guidance specific to the Presidential Nomination Primary**, as well as **compensation for election judges completing additional training**, are needed and reasonable in order to ensure that Minnesota's election workers are

properly trained with adequate care and resources so that the new statewide election is administered as efficiently as possible.

- Reimbursement for the **costs associated with ensuring the security and safety of the public at the polling place** is needed and reasonable in order to make sure voters are able to get to the polling place safely, and stay at the polling place without concerns of their safety or security. Due to the unpredictability of March weather, the Office is committed to making sure that voters are able to safely vote at the polling place, and election workers have a safe and secure work environment.
- Reimbursement of **costs associated with the physical storage of Presidential Nomination Primary records** is needed and reasonable because state law requires all election records be stored for at least 22 months from the date of the election. See Minn. Stat. 204B.40. With the Presidential Nomination Primary being a new election counties and municipalities are being asked to administer, many election jurisdictions will need additional storage space to accommodate the additional election and its records, in order to remain compliant with state law.
- Reimbursement of **costs associated with supplies purchased for the assembly and support of the polling place** is needed and reasonable in order to accommodate the needs of a functional polling place. Each county and municipality has differing needs for their polling place depending on the equipment used, number of registered voters, and number of election judges. The Office is committed to making sure items purchased to assemble or support the polling place for the Presidential Nomination Primary are reimbursed as they are necessary for the administering of elections, and they are needed in order to fulfil statutorily mandated responsibilities of the counties and municipalities.
- Reimbursement of **costs associated with securing communications at the polling place** is needed and reasonable in order to ensure secure and timely transmission of precinct reports on election day. The reimbursement of these costs is also needed and necessary to ensure that counties and municipalities using electronic poll books have the necessary connections between the poll books on election day.

Subpart three of the rule part is needed and reasonable to ensure that reimbursements for the expense categories listed in subpart two are consistent with the statutory provisions regarding the certification of costs for local reimbursements for the Presidential Nomination Primary.

Conclusion

Based on the foregoing, the proposed rules are both needed and reasonable.

11/5/2019

Steve Simon

Steve Simon
Secretary of State