**NOTICE OF RULEMAKING INTENT (NRI)**

**TITLE 230. STATE ELECTION BOARD**

**CHAPTER 40. TYPES OF ELECTIONS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

 Subchapter 7. School Elections

 Part 9. Procedures

 230:40-7-35. Precincts in school elections [AMENDED]

230:40-7-35.1. Procedure for closing the polling place for a split precinct in which 100 or fewer voters are registered in school district or technology center district [REVOKED]

 Subchapter 5. Municipal Elections

 Part 9. Procedures

 230:40-5-33. Precincts in municipal elections [NEW]

**SUMMARY:**

 Amendments in Subchapter 7 address the removal of the procedures for a school district or technology center school districts to close split precincts or polling places where there are 100 or fewer registered voters. These rules have been a source of much confusion for county election boards and school boards to understand when and how to close these precincts and polling places and what deadline applies. This has also caused confusion for voters when they received notice of a closure. Therefore, the amendments will make the practice of when and how to close split precincts less complex, which in turn will simplify the process for the county election boards, the entities involved, and the voters. The new rule in Subchapter 5 addresses the closing of split precincts for municipalities where no persons reside within that portion of the precinct contained within the limits of the municipality. This situation is not currently addressed in the Administrative Code. The added language both mirrors the process established for school districts and coincides with the statutory authority in 26 O.S. Section 13-103.

**AUTHORITY:**

Rulemaking authority is granted by Title 26 O.S., Section 2-107, to the Secretary of the State Election Board.

**COMMENT PERIOD:**

Persons may submit written comments through April 14, 2022 to Rachel Rogers at:

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

Email: rachel.rogers@elections.ok.gov. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by writing Rachel Rogers at State Election Board, P. O. Box 53156, Oklahoma City, OK 73152 or by email at rachel.rogers@elections.ok.gov no later than 5:00 p.m. on April 14, 2022.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after March 30, 2022 at the above addresses.

**CONTACT PERSON:**

Rachel A. Rogers, Director of Policy and Legal Affairs, State Election Board. (405) 521-6962. rachel.rogers@elections.ok.gov

**ADDITIONAL INFORMATION:**

N/A