

**TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT**

Rule Impact Statement

Pursuant to the Administrative Procedures Act, Section 303(D) of Title 75 of the Oklahoma Statutes, the Oklahoma State Election Board hereby submits the following Rule Impact Statement for **PERMANENT** rule proposals for Title 230, State Election Board, Chapter 35, Election Conduct.

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- 230:35-1-2. Definitions [AMENDED]
- Subchapter 5. Instructions for Precinct ~~Election~~ Officials [AMENDED]
- 230:35-5-57. Routine for Inspector [AMENDED]
- 230:35-5-58. Additional duties of Inspector [AMENDED]
- 230:35-5-127. Spoiled ballots [AMENDED]

Brief Description of the Purpose of the Proposed Rules:

The purpose of all the rules of the State Election Board is to provide County Election Board members and employees with the information and instructions needed to perform their duties as required by law. The rules of the State Election Board are the basis of Oklahoma's unified, uniform election system. The rules in Chapter 35 concern the responsibilities of the County Election Board Secretary, Board members, and staff concerning the preparation, conduct, and certification of elections.

Proposed amendments in Subchapter 1 provide definitions of new election terms and terms from various election statutes that have no specific definitions. For example, the term “election enclosure” has been used in Statutes and in election administration for many years, but it has never been specifically defined. “Spoiled ballots” is defined as referenced in Title 26 O.S., Section 7-122. Additionally, because there are numerous references throughout Title 230 to OEMS (an older version of election management software), and MESA (the current version of election management software), an amended definition helps to clarify that any reference to either of those versions is also a reference to the current software utilized by the State and County Election Boards. Proposed amendments in Subchapter 5, concern instructions for Precinct Officials regarding how to handle abandoned, discarded, and spoiled ballots.

Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

The persons most likely to be affected by the proposed amendments in Chapter 35 are County Election Board Secretaries and employees as well as Precinct Officials who will be affected by minor changes in terminology and procedures. The State Election Board and, to some extent, the County Election Boards will bear the costs of the amendments as they will affect training for and publications used by Precinct Officials. The State Election Board has not received information about cost impacts from any public or private entity.

Description of the classes of persons who will benefit from the proposed rule:

Precinct Officials will benefit from updated and clarified procedures and instructions. Ultimately, voters across Oklahoma benefit from better, more accurate and up-to-date election instructions and materials.

Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing for all fee changes and, whenever possible, separate justification for each fee change:

The proposed amendments in Chapter 35 are not expected to have a significant economic impact on any affected classes of persons or political subdivisions. No fees have been increased or added to these proposed rules and no significant economic impact is anticipated.

Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

No unique or additional costs are anticipated by the State Election Board for implementation and enforcement of these proposed rules.

The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

The proposed rules in Chapter 35 are not expected to provide any significant loss or gain in agency revenue or the state's general revenue.

A determination of whether implementation of the proposed rule will have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule:

As previously stated, the proposed rules in Chapter 35 are not expected to have a significant economic impact on any political subdivisions. The proposed rules will require cooperation from County Election Board Secretaries.

A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The proposed amendments in Chapter 35 are not expected to have a significant adverse economic impact on any small businesses.

An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rules:

County Election Board Secretaries were consulted during the development of the rules to ensure that the most effective rules were developed with minimal changes to daily operations and budgets. No new or increased fees will be added to these rules. There is no less costly non-

regulatory method available to help formally implement these changes to the procedures, guidelines and rules in Chapter 35.

A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed amendments have no effect on and pose no risk to the public health, safety, or environment.

A determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

The proposed amendments have no effect on and pose no risk to the public health, safety, or environment.

Date the rule impact statement was prepared and the date modified:

Prepared: February 8, 2022

Modified:

Prepared by:

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