

**TITLE 230. STATE ELECTION BOARD
CHAPTER 40. TYPES OF ELECTIONS**

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 40, Types of Elections.

PROPOSED RULES:

Subchapter 5. Municipal Elections

Part 9. Procedures

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

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]

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 40 concern the administration of special state and county elections, regular and special municipal elections and annual and special school district and technology center school district elections.

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.

The proposed 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.

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 40 are

municipalities and school district or technology school districts. 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:

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.

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 40 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 40 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 40 are not expected to have a significant economic impact on any political subdivisions. The proposed rules will require cooperation from County Election Board Secretaries and potential communication to the school districts who have in the past attempted to close precincts under these rules.

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 40 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:

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 40.

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: March 30, 2022

Modified:

Prepared by:

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