

## NOTICE OF RULEMAKING INTENT (NRI)

### TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

230:30-1-2. Definitions [AMENDED]

Subchapter 5. Applications for Absentee Ballots

230:30-5-9. Rejected applications [AMENDED]

230:30-5-13. Application for absentee ballots may be submitted electronically [AMENDED]

Subchapter 7. Absentee Voting Boards

230:30-7-6. Scheduling Absentee Voting Boards for an election [AMENDED]

230:30-7-11.1. Preparation of polling place and voting device for in-person absentee voting [AMENDED]

Subchapter 9. Processing Applications

230:30-9-3. Processing applications for absentee ballots [AMENDED]

230:30-9-5. Processing applications from uniformed services and overseas voters [AMENDED]

230:30-9-6. Processing requests from emergency incapacitated voters [AMENDED]

230:30-9-8. Processing first responder/emergency worker emergency absentee applications, issuing ballots, and receiving voted ballots [AMENDED]

Subchapter 13. Federal Write-In Absentee Ballot

230:30-13-1. Voters permitted to use federal write-in absentee ballots [REVOKED]

230:30-13-2. Receiving and processing federal write-in absentee ballots [AMENDED]

#### **SUMMARY:**

Amendments to the rules in this Chapter, which provide information and procedures for county election boards to: administer absentee voting, receive and process absentee ballot applications, issue ballots, count voted absentee ballots, and retain absentee balloting materials. These amendments or revocations are being made in order to comply with state and federal law. Some recent legislation in Oklahoma has altered some of the dates, deadlines, and requirements regarding absentee voting. For example, the proposed amendments to 230:30-5-13 and 230:30-9-3 are necessary following the passage of HB 3364 from last session. Additionally, the proposed amendment to 230:30-5-9 is as a result of HB 2663 which amended 26 O.S. Section 14-103. Finally, the proposed amendments to 230:30-7-6, 230:30-9-6 and 230:30-9-8 were needed as a result of SB 714. The proposed amendment to 230:30-9-5 is needed for circumstances when absentee ballot applications for uniformed services and overseas voters are received from individuals not yet registered, it is clear they must meet the registration deadline for the next election pursuant to 26 O.S. Section 4-110.1. The changes made in Subchapter 13 are needed to conform with 26 O.S. Section 14-142.

#### **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 March 31, 2023 to Rachel Rogers at:  
Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.  
Email: [rachel.rogers@elections.ok.gov](mailto: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](mailto:rachel.rogers@elections.ok.gov) and received no later than 5:00 p.m. on March 31, 2023.

**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 no later than March 15, 2023 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](mailto:rachel.rogers@elections.ok.gov)

**ADDITIONAL INFORMATION:**

N/A