

## NOTICE OF RULEMAKING INTENT (NRI)

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

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 9. HAVA Requirements

Part 9. Complaints

230:35-9-21. Purpose [AMENDED]

230:35-9-22. Complaints [AMENDED]

230:35-9-23. Receiving complaints [AMENDED]

230:35-9-24. Investigation of complaint [REVOKED]

230:35-9-25. Hearing [AMENDED]

230:35-9-26. Resolution of complaint [AMENDED]

#### **SUMMARY:**

Amendments to this subchapter will update the complaint process for reviewing and hearing alleged violations of Title III of the Help America Vote Act. The changes will still follow the procedure set forth in Title IV of HAVA, however, the hope is to avoid misuse of the hearing process for individuals who attempt to utilize it as a forum to present false allegations or testimony surrounding all aspects of the election system in Oklahoma or other systems around the country. Allegations of violations of Title III of HAVA are a serious matter, and the agency desires to keep this forum for the purpose in which it was intended – to hear and resolve bona fide complaints.

#### **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