

**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 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]

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 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.

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 State Election Board Staff and individuals who seek to utilize the complaint process. 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 State Election Board Secretary and staff will benefit from updates to the complaint process.

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.

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 an 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 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 21, 2023

Modified:

Prepared by:

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