

**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 3. County Election Board Responsibilities

Part 5. PRECINCT OFFICIAL PAYROLL

230:35-3-30. Pre-Election Expense Claim [AMENDED]

230:35-3-33. Funds for Precinct Official compensation [AMENDED]

230:35-3-35. Prepare and register vouchers for Precinct Officials and Absentee Voting Board members [AMENDED]

230:35-3-36. Inspector receives vouchers [REVOKED]

230:35-3-36.1. Absentee Voting Board members receive vouchers [AMENDED]

230:35-3-37. Inspector distributes vouchers [REVOKED]

230:35-3-38. Inspector returns Precinct Expense Claim [AMENDED]

230:35-3-39. Procedure for distribution of vouchers [AMENDED]

230:35-3-40. Vouchers for substitutes [AMENDED]

Part 7. FINAL PREPARATIONS

230:35-3-58. Wednesday preparations [AMENDED]

Part 9. DISTRIBUTING SUPPLIES AND BALLOTS

230:35-3-65. Notifying Inspectors [AMENDED]

230:35-3-66. Issuing supplies and ballots [AMENDED]

Part 11. ELECTION DAY

230:35-3-75. Precinct procedures in Precinct Official Manual [AMENDED]

230:35-3-76. Familiarity with procedure necessary [AMENDED]

230:35-3-77. Arrival at County Election Board office [AMENDED]

230:35-3-78. Availability [AMENDED]

Subchapter 5. Instructions for Precinct Officials

Part 1. PRECINCT OFFICIALS [AMENDED]

230:35-5-1. Purpose [AMENDED]

230:35-5-2. Publication of the Precinct Official Manual [AMENDED]

230:35-5-8. Authority of Inspector [AMENDED]

Part 3. PREPARATIONS FOR ELECTION DAY

230:35-5-16. Inspection of polling place [AMENDED]

Part 7. GENERAL GUIDELINES

230:35-5-39. Violations of the law [AMENDED]

230:35-5-40. Problems [AMENDED]

Part 11. PROCESSING THE VOTER

230:35-5-55. Routine for Judge [AMENDED]

230:35-5-57. Routine for Inspector [AMENDED]

230:35-5-59. Voter assistance [AMENDED]

Part 15. AFTER THE POLLS CLOSE
230:35-5-75.1. Obtaining Detail and Tally Report [AMENDED]
Part 29. VIOLATIONS OF THE LAW
230:35-5-146. Action when laws are violated [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 Chapter were necessary due to the upcoming statutory increase in compensation for precinct officials (Senate Bill 290). Further, there have been updates to the procedure for how vouchers for precinct officials are handled. Lastly, there is a change in the title of the publication precinct officials must utilize – it is now entitled Precinct Official Manual (also known as "Notebook").

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 new statutory increase in compensation are the 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 persons most likely to be affected by the new statutory increase in compensation are the precinct officials.

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:

This is a result of the legislation itself, and not the proposed rule, but the State Election Board and local entities (which call for elections that are not held concurrently with statewide or countywide elections) will bear the financial burden for the increase in precinct official pay beginning in 2024. No fees have been increased or added to these proposed rules and no significant economic impact is anticipated.

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 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 underlying legislation will increase the budget for State and County Election Boards to cover this increased compensation. The benefits of the increase in

precinct official pay will hopefully increase the recruitment and retention of qualified precinct officials throughout the state.

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: January 16, 2024

Modified:

Prepared by:

Rachel A. Rogers, Director of Policy and Legal Affairs

Oklahoma State Election Board

(405) 521-6962

rachel.rogers@elections.ok.gov