

**TITLE 230. STATE ELECTION BOARD  
CHAPTER 20. CANDIDATE FILING**

**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 20, Candidate Filing.

**PROPOSED RULES:**

Subchapter 3. Filing Candidacy for Federal, state, county, and Other Elective Office  
Part 1. WHEN, WHERE, AND HOW TO FILE CANDIDACY FOR ELECTIVE OFFICE  
230:20-3-4. Forms for filing Declaration of Candidacy prescribed by Secretary of the State Election Board [AMENDED]  
Subchapter 5. Contests of Candidacy  
230:20-5-5. Date for hearing contest [AMENDED]  
230:20-5-12. Disposition of deposit [AMENDED]  
Subchapter 9. Petitions Supporting Declarations of Candidacy  
230:20-9-1. Petition form prescribed by the Secretary of the State Election Board [AMENDED]  
230:20-9-3. Signatures on petitions in support of a Declaration of Candidacy [AMENDED]  
Subchapter 11. Requirements for County Election Board Secretary Under the County Campaign Finance and Financial Disclosure Act  
230:20-11-1. Responsibilities of the County Election Board Secretary under the County Campaign Finance and Financial Disclosure Act [AMENDED]  
230:20-11-2. Reports required by the County Campaign Finance and Financial Disclosure Act [REVOKED]

**a. a statement of the need for the rule and legal basis supporting it:**

The proposed amendments to subchapter 3 are necessary to clarify what forms should be used for filing a declaration of candidacy in order to create uniformity. The proposed amendments in subchapter 5 are necessary to clarify where to file a contest of candidacy and how the deposits shall be handled. More often than not, the costs for conducting the hearings for contests of candidacy are not covered by the initial deposits and result in the costs being passed along to the election boards. State law is currently silent on what happens when an individual is unsuccessful and there are additional costs for the contest that are not covered by the initial deposits. See 26 O.S. Section 5-131. The proposed amendments in subchapter 9 are necessary to clarify how petitions need to be presented. Finally, the proposed revocations in subchapter 11 are necessary due to the recent legislation in SB 890, which transferred the responsibilities for accepting campaign finance reports and financial disclosures for county and local offices to the Ethics Commission.

According to 26 O.S. § 2-107, “[t]he Secretary may promulgate, repeal or modify such rules or regulations as the Secretary deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a maximum degree of correctness, impartiality and efficiency in administration of the election laws.”

- b. **a classification of the rule as major or nonmajor**, with a justification for the classification, including an estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, state or local government units, or individuals and a determination of whether those costs will exceed One Million Dollars (\$1,000,000.00) over the initial five-year period following the promulgation of the proposed rule. Provided, if the costs exceed One Million Dollars (\$1,000,000.00), the agency shall classify the rule as a major rule:

Nonmajor. The proposed rules will not have implementation and compliance costs.

- c. **a description of the purpose of the proposed rule**, including a determination of whether the proposed rule is mandated by federal law, or as a requirement for participation in or implementation of a federally subsidized or assisted program, and whether the proposed rule exceeds the requirements of the applicable federal law:

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 20 concern the forms and procedures to be used when conducting candidate filing periods and when reviewing and accepting Declarations of Candidacy. They also establish procedures for accepting contest of candidacy petitions and for conducting contest of candidacy hearings.

The proposed amendments to subchapter 3 are necessary to clarify what forms should be used for filing a declaration of candidacy in order to create uniformity. The proposed amendments in subchapter 5 are necessary to clarify where to file a contest of candidacy and how the deposits shall be handled. More often than not, the costs for conducting the hearings for contests of candidacy are not covered by the initial deposits and result in the costs being passed along to the election boards. The proposed amendments in subchapter 9 are necessary to clarify how petitions need to be presented. Finally, the proposed revocations in subchapter 11 are necessary due to the recent legislation in SB 890, which transferred the responsibilities for accepting campaign finance reports and financial disclosures for county and local offices to the Ethics Commission.

The proposed changes to these rules are not mandated by federal law, are not a requirement for participation in a federally subsidized or assisted program, and do not exceed the requirements of the applicable federal law.

- d. **a description of the classes of persons who most likely will be affected by the proposed rule**, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

State and county election officials and potential candidates.

- e. **a description of the classes of persons who will benefit from the proposed rule:**

State and county election officials and potential candidates.

- f. **a comprehensive analysis of the rule's economic impact**, including any anticipated impacts on the full-time-employee count of the agency, any costs or benefits, and a detailed quantification of implementation and compliance costs on the affected businesses, business sectors, public utility ratepayers, individuals, state or local government units, and on the state economy as a whole. The analysis shall include a listing for all fee changes and, whenever possible, separate justification for each fee change:

The proposed amendments are not expected to have a substantial economic impact on any affected classes of persons or political subdivisions. As a result of these amendment, it is possible that future Petitioners or Contestees in a contest of candidacy may be responsible for expenses of the hearings should either of these individuals be unsuccessful and only if the initial deposit does not cover the costs for conducting the contest.

As it relates to the proposed amendments to 230:20-5-12, under current law in Title 26 of the Election Code, Petitioners (or Contestees who wish to answer a petition for contest of candidacy) must put down a deposit in the amount of \$250. State law is currently silent on what happens when an individual is unsuccessful and there are additional costs for the contest that are not covered by the initial deposits. With the increased cost of board member per diem under SB 831, the costs to conduct these contests of candidacy are increasing, and the costs not covered by deposits are being borne by the state and county election boards. Such costs are similar in nature to court costs when filing an action in district court. There are expenses for court reporters, service to the other party, for making copies, and for the use of certain facilities in addition to the statutory costs for the attendance of the board members at the open meeting.

A recent example from the State Election Board from the 2024 hearings involved two contests of candidacy. On the lowest end, the total cost for these hearings (without including staff overtime or costs for copying of filings and exhibits) came to approximately \$2,050, which clearly was not covered by the four \$250 deposits. At the conclusion of the day-long hearings in 2024, the Petitioner in neither circumstance was successful in striking the name of the other candidate by not meeting the required burden of proof. In such case with the rule amendments, each Petitioner would be required to cover (and share as the case may be) those remaining costs.

At the county level, a recent example from the Oklahoma County Election Board reveals similar expenses to the County Election Board for their contest hearings held in February 2023. For simply the appearance of the board members, court reporters, and sheriff deputies, these expenses totaled \$1,655.

- g. **a detailed explanation of the methodology and assumptions used to determine the economic impact**, including the dollar amounts calculated:

As mentioned above, the proposed amendments are not expected to have a significant economic impact. The methodology and assumptions used to determine the possible economic impact of the proposed amendments to 230:20-5-12 were finding the recent examples of a contest of candidacy detailed above.

- h. **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 amendments are not expected to have a significant economic impact on any political subdivisions, but they could reduce the costs absorbed by the affected election board as detailed above. The proposed rules will require cooperation from election officials and candidates.

- i. **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 will not have an adverse economic impact on any small businesses.

- j. **any measures taken by the agency to minimize the cost and impact of the proposed rule on business and economic development in this state, local government units of this state, and individuals:**

As previously stated, the proposed amendments are being proposed *in order to reduce the costs absorbed by the affected election board* as detailed above.

- k. **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.

- l. **a determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:**

The proposed amendments have no effect on and pose no risk to the public health, safety, or environment.

**m. the date the rule impact statement was prepared and, if modified, the date modified:**

Prepared: December 18, 2025

Modified:

**n. an analysis of alternatives to adopting the rule:**

There were no alternatives to adopting the proposed amendments.

**o. estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule:**

Because the proposed amendments or revocations in this Chapter are necessary to come into compliance with current state law and/or clarify or codify current procedures, there is no additional time that will be spent by state employees other than that which was already required.

**p. a summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule:**

Because the proposed amendments or revocations in this Chapter are necessary to come into compliance with current state law and/or clarify or codify current procedures, no federal regulations are implicated.