

**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 1. BEFORE THE FILING PERIOD

230:35-3-3. Assembling precinct supplies [AMENDED]

Part 13. AFTER THE POLLS CLOSE

230:35-3-84. Assembly line required for receiving returns and materials from Inspectors [AMENDED]

Part 17. DISPOSITION OF MATERIALS

230:35-3-99. Disposing of Precinct Registries [AMENDED]

230:35-3-101. Processing forms used on election day by Precinct Officials [AMENDED]

Part 19. VERIFYING AND COUNTING PROVISIONAL BALLOTS

230:35-3-126. Criteria for verification of provisional ballot affidavit information [AMENDED]

Subchapter 5. Instructions for Precinct Officials

Part 5. PREPARATIONS FOR ELECTION DAY

230:35-5-28. Preparation of polling place [AMENDED]

230:35-5-32. Preparation of voting device [AMENDED]

Part 7. GENERAL GUIDELINES

230:35-5-41. Inspector's Notes to Secretary [AMENDED]

Part 11. PROCESSING THE VOTER

230:35-5-56. Routine for Clerk [AMENDED]

Part 15. AFTER THE POLLS CLOSE

230:35-5-70. Closing the polls [AMENDED]

230:35-5-75.2. Securing the voting device [AMENDED]

230:35-5-76. Repacking supplies [AMENDED]

Part 23. VOTER ASSISTANCE

230:35-5-119. Assistance outside the polling place for physically disabled or infirm voter [AMENDED]

Part 34. PROVISIONAL VOTING PROCEDURES

230:35-5-177. Provisional voting procedure [AMENDED]

230:35-5-177.1. Provisional voting procedure for voter using the ATI [AMENDED]

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

Outside of minor terminology updates throughout the Chapter, the proposed amendments in 230:35-5-119 are an attempt to clarify the process of curbside assistance to voters who attest that they are unable to vote inside the polling place due to a disability or infirmity. State law currently allows for this type of assistance, but election officials have seen an increase in attempts by voters to create a type of “curbside voting” that was clearly not contemplated by the law. These amendments are intended to clarify that this procedure is only reserved for the voters needing assistance and that they must attest to such under penalty of perjury. Finally, the changes in 230:35-3-126 are intended to simplify the process for provisional ballot verification. The Secretary would still be required to match the voter's name, date of birth, and address of registration in order to count the ballot. Many people do not know their identification number, and if they do not have it available, they would not be able to have their ballot counted as the rule is currently written if they do not complete the driver license or social security number portion of the affidavit.

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. Any increased costs not mentioned in this Rule Impact Statement are a result of complying with the law, and not a result of the proposed rules.

- 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 35 concern the responsibilities of the County Election Board Secretary, Board members, and staff concerning the preparation, conduct, and certification of elections.

Outside of minor terminology updates throughout the Chapter, the proposed amendments in 230:35-5-119 are an attempt to clarify the process of curbside assistance to voters who attest that they are unable to vote inside the polling place due to a disability or infirmity. State law currently allows for this type of assistance, but election officials have seen an increase in attempts by voters to create a type of “curbside voting” that was clearly not contemplated by the law. These amendments are intended to clarify that this procedure is only reserved for the voters needing assistance and that they must attest to such under penalty of perjury. Finally, the changes in 230:35-3-126 are intended to simplify the process for provisional ballot verification. The Secretary would still be required to match the voter's name, date of birth, and address of registration in order to count the ballot. Many people do not know their identification number, and if they do not have it available, they would not be able to have their ballot counted as the rule is currently written if they do not complete the driver license or social security number portion of the affidavit.

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:

Election officials and voters.

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

Election officials and voters.

- 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 an economic impact on any affected classes of persons or political subdivisions. No fees have been increased or added to these proposed rules.

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

Because the proposed amendments are not expected to have an economic impact, no methodology or calculations were needed.

- 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 an economic impact on any political subdivisions. The proposed rules will require cooperation from election officials and voters.

- 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:**

Because the proposed amendments are not expected to have an economic impact, no measures were needed to minimize the cost and impact.

- 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.