

**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 for federal, state, county, school district, and statutory municipal offices prescribed by Secretary of the State Election Board [AMENDED]

Part 7. STATE AND COUNTY ELECTION BOARD PROCEDURES FOR RECEIVING, REVIEWING, AND ACCEPTING DECLARATIONS OF CANDIDACY

230:20-3-33. Filing fees and petitions for federal, state, and county offices [AMENDED]

230:20-3-37. Receiving, reviewing, and accepting Declarations of Candidacy [AMENDED]

Subchapter 5. Contests of Candidacy

230:20-5-5. Date for hearing contest [AMENDED]

230:20-5-6. Notice to contestee [AMENDED]

230:20-5-7. Contest of candidacy hearing [AMENDED]

230:20-5-10. Contestee may answer [AMENDED]

230:20-5-11. Burden of proof on petitioner [NEW]

**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 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.

Proposed amendments to this Chapter are the result of new legislation requiring a Voter Registration Verification Form to be made part of Declarations of Candidacy. Additionally, the burden of proof for contests of candidacy has been added back to the rules consistent with the legal advice from the Attorney General's Office on the required burden for these evidentiary hearings.

**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:**

Prospective candidates and the County and State Election Boards who conduct candidate filing and contest of candidacy hearings.

**Description of the classes of persons who will benefit from the proposed rule:**

Prospective candidates and the County and State Election Board Members and staff will benefit from the clarity in the proposed amendments in Chapter 20.

**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 20 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.

**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:**

There were some minimal costs borne by the State Election Board related to the new law that required the creation and implementation of the Voter Registration Verification Form for Candidates. The proposed amendments in Chapter 20 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 amendments in Chapter 20 are not expected to have a significant economic impact on any political subdivisions. The proposed rules will require cooperation from County Election Board Secretaries.

**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 20 are not expected to have a significant 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 20.

**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:**

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