

CHAPTER 10. THE COUNTY ELECTION BOARD

SUBCHAPTER 3. ELECTION PERSONNEL

PART 1. COUNTY ELECTION BOARD MEMBERS AND EMPLOYEES

230:10-3-17. Nepotism prohibited [REVOKED]

~~The Secretary is prohibited by law from employing any person related to him or to the Chairman or Vice Chairman of the County Election Board within the third degree by either consanguinity or affinity. Relatives of members of the County Election Board may perform duties, such as special election night duties, but they may not be reimbursed for their services.~~

230:10-3-18. Candidates related to county election board members

This rule is intended set out a procedure for the events described in subparagraph C of 26 O.S. § 2-132.

- (1) In a situation where a prospective candidate who is related within the second degree by either consanguinity or affinity to the secretary of the county election board desires to file a declaration of candidacy for an office in which the secretary of the county election board accepts such declarations, the assistant secretary (or other designated staff member) must review and determine whether to accept the declaration if it meets the requirements under the law.
- (2) From the moment that a declaration of candidacy is accepted for filing pursuant to subparagraph C of 26 O.S. § 2-132 by the State or county election board office, the secretary is temporarily disqualified to serve and suspended from their duties until the related candidate is either elected to office or no longer considered a candidate under the law.
- (3) In the event that a secretary of a county election board is so disqualified, the Secretary of the State Election Board may designate a suitable temporary replacement for the duration of that election or delegate the responsibilities during that time to the assistant secretary pursuant to 26 O.S. Sections 2-117 and 2-132.
- (4) The county may elect to continue to use their own funds to pay the salary and benefits of the disqualified secretary, however, the State Election Board will not reimburse the county for the secretary's salary during the time of disqualification. The acting secretary's salary is eligible for reimbursement by the State when a temporary replacement is designated.
- (5) In the event a member or alternate member of the county election board is so disqualified pursuant to subparagraph C of 26 O.S. § 2-132, the State Election Board may designate a suitable temporary replacement for the affected elections or may remove the member or alternate.

PART 3. THE PRECINCT ELECTION BOARD

230:10-3-38. Record of appointment of Precinct Officials

Immediately upon appointment of each Inspector, Judge or Clerk, the Secretary of the County Election Board shall enter the appropriate information in MESA. ~~A record of the appointment also shall be entered in the minutes of the County Election Board meeting for that day.~~

SUBCHAPTER 7. GENERAL ADMINISTRATION OF THE COUNTY ELECTION BOARD OFFICE

PART 1. MEETINGS OF THE BOARD

230:10-7-16. Retention of minutes

The Secretary of the County Election Board shall be responsible for preparing the minutes of each meeting of the Board. The minutes ~~shall~~should ordinarily be approved by the Board at its next meeting, if practicable. Upon approval, the minutes, together with a copy of the written notice, a copy of the agenda and any other pertinent documents, shall be retained permanently ~~in a bound book.~~

PART 3. EQUIPPING THE OFFICE

230:10-7-28. Storage for voting devices and ballot boxes

- (a) Voting devices must be stored in an area that can be locked. If possible, voting devices shall be stored ~~in the courthouse,~~ preferably in the County Election Board office or in space adjoining the office. Shelves shall be provided to hold the voting devices.
- (b) Ballot boxes shall be stored in the ~~courthouse~~County Election Board office if at all possible. However, if adequate space is not available in the ~~courthouse~~County Election Board office, it is permissible to store the ballot boxes in another county building as long

as the storage site is secure. If no other option is available, ballot boxes may be stored in secure locations at the various precinct polling places.

230:10-7-30. Voting booth storage [REVOKED]

~~Voting booths may be stored at a polling place, but this practice has proved undesirable in many instances. Because of the storage problems, it is recommended that voting booths be designed to be as compact as possible for storage purposes.~~

PART 5. MAINTAINING THE OFFICE

230:10-7-40. Cancellation File

The Cancellation File shall hold the cancelled original voter registration application forms of voters whose registration has been cancelled for death, conviction of a felony, adjudication as an incapacitated person or as a partially incapacitated person prohibited from voting, or ~~subsequent registration in another county or state~~ any other reason set forth in 26 O.S. § 4-120. [26:4-120.7] Registrations which are cancelled upon written notice from the voter or upon receipt of an address confirmation return card from the voter indicating a new address outside the county also shall be retained in this file. All forms contained in the Cancellation File may be destroyed 24 months after the date of cancellation. [26:4-120.7] These forms shall be filed alphabetically by month and year. See 230:15-11-1 through 230:15-1-10 and 230:15-11-24.

230:10-7-43. Retention of forms and materials documenting voter registration transactions

(a) **Original registration records removed from Central File.** Original voter registration records that have been removed from the Central File due to cancellation of registration or due to change in registration shall be retained for 24 months following removal. These original registration records shall be filed together by month in alphabetical order. See also 230:10-7-40.

(b) **Materials documenting cancellation of registration.** Materials used to document the cancellation of a voter's registration shall be retained for 24 months following the cancellation. These materials include Request to Cancel Registration of Deceased Voter; Potential Deletion Reports; Potential Duplicate Reports; Judgment of Incapacitation Reports, cancellation requests from voters; certified copies of death certificates; notices of felony conviction; Deleted Voters by Reason reports, address confirmation return cards indicating addresses outside the county; True Duplicates Deleted Reports; jury duty notifications from the court clerk; documentation proving non-citizenship, and any document used by the Oklahoma National Guard to notify the County Election Board of the death in the line of duty of a member of the Oklahoma National Guard.

(c) **Rejected voter registration applications.** Rejected voter registration applications shall be retained for 24 months following rejection. Rejected applications shall be filed by month in alphabetical order.

(d) **Rejection notices returned by post office.** Rejection notices that have been returned by the United States Postal Service marked "undeliverable as addressed" shall be retained for 24 months following return. Returned undelivered rejection notices shall be filed by month in alphabetical order.

(e) **Voter identification cards returned by post office.** Voter identification cards that have been returned by the United States Postal Service marked "undeliverable as addressed" shall be retained for 24 months following return. Returned undelivered voter identification cards shall be filed by month in alphabetical order.

(f) **Insufficient Information Rejection Notices returned by applicant.** An Insufficient Information Rejection Notice returned to the County Election Board by the applicant with the information required to complete the application shall be filed in the Additional Information Correspondence file or in the Central File inside a file sleeve containing the voter's original voter registration application. Material in this file shall be retained as long as the voter remains registered. An Insufficient Information Rejection Notice that is returned by a voter but still does not contain enough information to complete the application shall be filed by month in alphabetical order and retained for 24 months.

(g) **Address confirmation return cards and undelivered address confirmation notices.** All address confirmation return cards received by the County Election Board shall be retained for 24 months, except return cards used to change a voter's address in the county. Address confirmation return cards used to change the voter's address in the county shall be filed in the Additional Information Correspondence file and shall be retained as long as the voter remains registered. Undelivered address confirmation notices shall be retained for 24 months.

(h) **Registration update documents printed from MESA.** When certain voter registration transactions - such as address changes submitted electronically by Service Oklahoma, address changes and political affiliation changes submitted online, and address changes that result from returned address confirmation notices - are processed in MESA, a form is created automatically to document the registration change. These registration update documents, also called "Central File form" shall be retained in the Central File. It is the recommendation of the State Election Board that such Central File forms be placed inside a file sleeve with the voter's original voter registration application.

230:10-7-48. Correspondence

(a) **Correspondence.** The Secretary of the County Election Board shall keep a copy of each letter that goes out of the office, along with a copy of each letter received. Incoming mail shall be dated when it is received. When possible, correspondence shall be

answered on the same day it is received. A copy of the response may be stapled to the original letter. Correspondence shall be filed alphabetically and shall be retained for at least four years.

(b) **Correspondence with the State Election Board.** Correspondence with the State Election Board shall be filed separately from other correspondence, arranged by date. Correspondence with the State Election Board shall be retained for four years.

(c) **Correspondence with other County Election Boards.** Correspondence with other County Election Boards shall be filed separately from other correspondence, arranged alphabetically. Correspondence with other County Election Boards shall be retained for four years.

(d) **Correspondence with Precinct Officials.** Correspondence with Precinct Officials shall be filed separately from other correspondence, arranged by precinct or in alphabetical order. Correspondence with Precinct Officials shall be retained for four years.

(e) **Correspondence by electronic mail.** The requirements for the retention of correspondence outlined in (a) through (d) of this Section also shall apply to correspondence conducted by electronic mail. The Secretary shall retain electronic mail pertaining to the official business of the County Election Board for four years. ~~If the electronic mail message and attachments are printed, only the printed copy shall be retained.~~

230:10-7-55. Grand jury petitions

(a) Upon the delivery of a petition for impaneling a grand jury to the county election board by the court clerk, the county election board office shall have seven (7) business days, excluding Saturdays, Sundays and holidays, to determine how many of the signers of said petitions are qualified electors within the county and shall return, not later than the seventh business day, excluding Saturdays, Sundays and holidays, the original petitions to the court clerk together with a certification of the number of such signers who are qualified electors within the county. [38 O.S. Section 106]

(b) Within 24 hours of receiving said petition, the Secretary of the County Election Board shall begin verifying whether the petition contains signatures of qualified electors within the county. The 24-hour period shall not include Saturday, Sunday or legal holidays. The Secretary shall follow these steps to determine the validity of signatures on the petition.

(1) Photocopy all of the petition pages and only use the photocopy during the verification process.

(2) The Secretary and designated county election board staff shall count the total signatures on the petition. Note the total number of signatures in the upper left corner of the first page.

(3) Use MESA to verify that each person who signed the petition is a registered voter. If all columns in the petition line for a particular signor are not completed, then strike through the person's name in red on the photocopy.

(4) If a signer's name is not found in MESA, look in the Central File and the restricted records status file. If the signer's name is not found in either of these files, the person is not registered. Strike through the person's name in red on the photocopy.

(5) After verifying each signature on the petition as outlined, count the number of valid signatures.

(c) Upon completion of determining the total count, use the form letter provided by the Secretary of the State Election Board to certify and report the total number of signatures in the petition that were verified.

(d) No later than the seventh business day following the receipt of the petition, the Secretary of the County Election Board shall file the letter with the court clerk and provide a copy of the letter to the judge presiding over the matter.

PART 7. PUBLIC RECORDS

230:10-7-66. Lists of registered voters

(a) The Secretary of the County Election Board is authorized to format and print certain reports, such as lists of registered voters, from MESA for the benefit of candidates or the public. The Secretary is authorized to collect a fee of up to 25 cents per page for such specially-printed reports. Copies of Precinct Registries shall not be made available to the public prior to the election date for which they were created.

(b) Requests for reports shall be filled in as timely a manner as possible, but the Secretary shall not be required to print or to produce any such reports requested during the period beginning the week preceding through the week following an election, nor during the period beginning two weeks prior to through two weeks following a statewide General Election. Provided, however, that reports and other information that may be necessary shall be made available to candidates who are considering the filing of or who are involved in contests of election. Contests of election shall include recounts and allegations of irregularities or of fraud.

(c) ~~The Secretary is authorized to provide copies of reports generated in MESA to the public upon request in the following formats:~~

~~(1) **PDF copies on compact disks.** The Secretary may copy PDFs of reports generated in MESA to compact disks (cds) upon request. A fee of not to exceed one dollar per compact disk shall be collected. The Secretary shall use only blank media or storage devices provided by the County Election Board.~~

~~(2) **PDF copies by e-mail.** The Secretary may e-mail PDFs of reports generated in MESA upon request. (However, some reports may create files too large to be e-mailed.) No fee shall be collected for e-mailed reports.~~

~~(3) **Paper copies.** The Secretary may print copies of reports generated in MESA on paper upon request. A fee of not to exceed 25 cents per page shall be collected.~~

~~(4) **Loaned copies.** At the discretion of the Secretary, instead of the options listed in (1) through (3) of this subsection, the Secretary may print copies of reports generated in MESA and make them available for loan. No fee shall be collected for~~

PART 9. FINANCES

230:10-7-73. County Election Board member compensation and mileage reimbursement

- (a) The State Election Board shall be responsible for the total amount of compensation and mileage reimbursement for the County Election Board Chairman and Vice Chairman for each authorized meeting held to conduct business related to a regular or special federal or state election. The State Election Board also shall be responsible for County Election Board member compensation and mileage for meetings held to conduct other business mandated by statute that is unrelated to a specific federal or state election, See (h) of this Section.
- (b) The county shall be responsible for compensation and mileage reimbursement for the County Election Board Chairman and Vice Chairman for meetings held to conduct business related to a county election that is not held concurrently with a regular or special federal or state election in that county.
- (c) School districts, municipalities, and other entities authorized to call elections held by the County Election Board shall be responsible for compensation and mileage reimbursement owed to the County Election Board Chairman and Vice Chairman for meetings held to conduct business related to such regular or special elections. When two or more entities conduct regular or special elections on the same election date, the amount of County Election Board member compensation and mileage shall be divided equally among the entities, unless the elections are held concurrently with a regular or special state or county election.
- (d) The County Election Board member compensation described in this Section shall be paid at the rate established by state law. Mileage expenses shall be reimbursed at the rate currently prescribed by the state Office of Management and Enterprise Services.
- (e) The Secretary of the County Election Board, who is a member of the County Election Board, shall not be entitled to the compensation and mileage described in this Section. ~~The Secretary's compensation is detailed in 230:10-3-8.~~
- (f) County Election Board member compensation and mileage reimbursement shall be included in the Record of Expense submitted to the appropriate entity following the election. Payment for the election expenses listed in the Record of Expense shall be remitted by the appropriate entity within 30 days of receiving the Record of Expense. Upon receipt of such payment, the County Election Board Secretary shall deposit the payment in the Special Depository Account and shall reimburse the County General Fund for the amount of compensation.
- (g) Compensation for County Election Board members shall be paid by the County Clerk after FICA and any other applicable taxes have been withheld. Mileage reimbursement may be paid directly from the Special Depository Account by the County Election Board Secretary or by the County Clerk from a County Election Board budget account or other designated county account.
- (h) The State Election Board shall be responsible for County Election Board member compensation and mileage for meetings held to organize the County Election Board following the appointment of County Election Board members to new terms as described in Title 26 O.S., Section 2-111.2 and for the appointment of Precincts Officials to new terms as described in Title 26 O.S., Sections 2-124 and 2-125. The State Election Board shall provide a form to the County Election Board Secretary to file claims for County Election Board member compensation and mileage for meetings held as provided in this subsection.

230:10-7-85. Retention of County Election Board financial records

- (a) The Secretary of the County Election Board shall have the responsibility to ensure that financial records are retained as required by law.
- (b) Original financial records and/or records for which the County Election Board's copy is the only copy shall be retained for five years. These original records include but are not limited to the following.
- (1) **Budget account records.** Original records of the County Election Board's budget accounts that are maintained in MESA shall be retained for five years. ~~Similar records and reports created and printed from OEMS prior to July 1, 2013, shall be retained through June 30, 2018.~~
 - (2) **Special Depository Account records.** The Special Depository Account reports from MESA shall be considered original records of the County Election Board's Special Depository Account and shall be retained for five years. ~~Similar reports created in and printed from OEMS prior to July 1, 2013, shall be retained through June 30, 2018.~~
 - (A) Ledger Sheet
 - (B) Election Balance Sheets
 - (C) County Election Board Election Expense List
 - (D) Pre-Election Expense Claims
 - (E) Records of Expense
 - (F) Contest Balance Sheets
 - (G) Contest Records of Expense
 - (H) Voucher Control Log
 - (I) Voucher Detail Report
 - (J) Voucher Registry
 - (3) **Other records.** Other records which are required to be retained for five years include but shall not be limited to the following items:
 - (A) County Board Member Claim ~~= any copies dated prior to August 1, 2016.~~

- (B) Precinct Expense Claim Envelopes
 - (C) Duplicate copies of receipts issued by County Election Board
 - (D) Cancelled vouchers
 - (E) Voided vouchers
 - (F) Invoices, statements and other documentation of expenses paid through the Special Depository Account
 - (G) Receipts for transfers/deposits to County General Fund
- (c) Records for which the County Election Board retains only a copy and for which the original is retained by another county officer for five years shall be retained for two years following the most recent audit by the State Auditor and Inspector. These records include but shall not necessarily be limited to the following items.
- (1) Copies of purchase orders.
 - (2) Copies of vouchers.
 - (3) Copies of deposit tickets.
 - (4) Copies of the Monthly Report of County Officers.

PART 13. PRECINCTS AND SUBPRECINCTS

230:10-7-99. Precincts within municipalities

In all statutory cities, voting in elections is at large. Therefore, there is no added efficiency in making ward boundaries of such cities and precinct boundaries conform. Only in municipalities with home rule charters providing for elections by wards is there increased efficiency in making ward boundaries and precinct boundaries conform. Such municipalities are responsible for the cost to establish or update ward boundaries in the Street Guide.

PART 15. POLLING PLACES

230:10-7-109. Changes in polling place

No change shall be made in the location of a polling place fewer than 30 days before an election. In emergency situations, when it is determined that a polling place cannot be utilized less than 30 days before an election, the polling place may be moved on a temporary basis upon written approval of the Secretary of the State Election Board. When ~~such a~~ any change is made to a polling place, notice shall be posted on the door of the former polling place on the day of the election. The Secretary should contact the news media, place the information on the website (if any), and post the information on social media (if any) to announce the change in the polling place several days prior to the election. Enter a change of polling place location in the information about the precinct that is maintained in the election management system.