

## **TITLE 230. STATE ELECTION BOARD**

### **CHAPTER 10. THE COUNTY ELECTION BOARD**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **230:10-1-1. Purpose**

The rules in this Chapter describe the employment of County Election Board staff and Precinct Officials; training programs available for County Election Board members and staff and for Precinct Officials; and the organization and maintenance of the County Election Board office.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-1-2. Definitions [REVOKED]**

[Source: Added at 11 Ok Reg 289, eff 11-1-93 (emergency); Added at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

#### **SUBCHAPTER 3. ELECTION PERSONNEL**

##### **PART 1. COUNTY ELECTION BOARD MEMBERS AND EMPLOYEES**

##### **230:10-3-1. Membership [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-3-2. Appointment of Secretary [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-3-3. Appointment of County Election Board members and alternate members [REVOKED]**

[Source: Amended at 11 Ok Reg 293, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1565, eff 6-1-94; Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 28 Ok Reg 255, eff 1-1-11 (emergency); Amended at 28 Ok Reg 1130, eff 7-1-11; Revoked at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-3-4. Organization [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-3-5. Eligibility [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-3-5.1. Disqualification of County Election Board member or Secretary [REVOKED]**

[Source: Added at 12 Ok Reg 2185, eff 7-1-95; Amended at 15 Ok Reg 2543, eff 7-1-98; Revoked at 30 Ok Reg 1617, eff 7-15-13]

##### **230:10-3-6. Creation of vacancies [REVOKED]**

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 23 Ok Reg 1274, eff 7-1-06; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-7. Filling vacancies [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-8. Salary of the Secretary [REVOKED]**

[Source: Amended at 10 Ok Reg 2715, eff 7-1-93; Amended at 13 Ok Reg 555, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 20 Ok Reg 468, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1085, eff 7-1-03; Amended at 21 Ok Reg 545, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1855, eff 7-1-05; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 28 Ok Reg 255, eff 1-1-11 (emergency); Amended at 28 Ok Reg 1130, eff 7-1-11; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-9. Salary schedule [REVOKED]**

[Source: Revoked at 10 Ok Reg 2715, eff 7-1-93]

#### **230:10-3-9.1. Administrative supervision of the County Election Board by the State Election Board**

(a) The Secretary of the State Election Board shall be authorized *to provide administrative supervision directly to any County Election Board.*[26:2-107]

Administrative supervision is the direct supervision of the activities of the Secretary of the County Election Board by the Secretary of the State Election Board. Such supervision may be provided on a daily basis in the County Election Board office or through periodic visits to the County Election Board during the period of administrative supervision. The Secretary of the State Election Board shall assign one or more members of the State Election Board staff to conduct the supervision of a County Election Board.

(b) A County Election Board may be placed under administrative supervision at the discretion of the Secretary of the State Election Board for reasons which shall include, but shall not be limited to, the following.

(1) A County Election Board may be placed under administrative supervision when there is compelling evidence that the conduct of an election will be in jeopardy without intervention by the State Election Board.

(2) A County Election Board may be placed under administrative supervision when there is compelling evidence of ongoing failure to comply with state and federal election laws and/or the rules of the State Election Board.

(3) A County Election Board may be placed under administrative supervision when there is no Secretary in office or when there is no County Election Board staff.

(c) The Secretary of the State Election Board shall provide written notice to the Secretary of the County Election Board when the County Election Board is placed under administrative supervision. The written notice shall include the reason the County Election Board is being placed under administrative supervision.

(d) The responsibility for the operation of a County Election Board under administrative supervision shall remain with the Secretary of the County Election Board.

(e) The Secretary of the State Election Board shall provide written notice to the Secretary of the County Election Board when the administrative supervision ends.

[Source: Added at 10 Ok Reg 2715, eff 7-1-93]

### **230:10-3-9.2. Employment and supervision of County Election Board personnel when office of Secretary is vacant [REVOKED]**

[Source: Added at 21 Ok Reg 545, eff 2-3-04 (emergency); Added at 22 Ok Reg 1855, eff 7-1-05; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-10. Compensation claims for the Chairman and Vice Chairman [REVOKED]**

[Source: Amended at 10 Ok Reg 2715, eff 7-1-93; Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 14 Ok Reg 2621, eff 7-1-97; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 30 Ok Reg 1617, eff 7-15-13; Amended at 33 Ok Reg 1402, eff 9-11-16; Revoked at 34 Ok Reg 1117, eff 9-11-17]

### **230:10-3-11. Employment of the Assistant Secretary [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-12. Compensation of the Assistant Secretary**

The Assistant Secretary of the County Election Board shall be compensated at the appropriate rate for all hours worked in excess of his or her regular work hours in compliance with the requirements of the federal Fair Labor Standards Act. Compensation and any related benefits for such overtime hours shall be paid by the county. See 230:10-7-125 through 230:10-7-133.

[Source: Amended at 14 Ok Reg 2621, eff 7-1-97; Amended at 17 Ok Reg 2335, eff 7-1-00; Amended at 22 Ok Reg 1855, eff 7-1-05; Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-13. Employment of the Chief Clerk [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-14. Compensation of the Chief Clerk**

(a) The Chief Clerk of the County Election Board shall be compensated at the appropriate rate for all hours worked in excess of his or her regular work hours in compliance with the requirements of the federal Fair Labor Standards Act. Compensation and any related benefits for such overtime hours shall be paid by the county. See 230:10-7-125 through 230:10-7-133.

(b) The salary of the highest paid first or chief deputy in the county, excluding the undersheriff, shall be converted to an hourly rate for the purpose of determining the salary of the Chief Clerk. The following formula shall be used to determine the hourly rate.

**(1) Determining hourly rate paid to the highest salaried first deputy.**

(A) Multiply the number of hours in the highest paid deputy's regular work week by 52 to determine the maximum number of work hours per year.

(B) Divide the maximum number of work hours per year by 12 to determine the maximum regular work hours per month.

(C) Divide the gross monthly salary paid to the deputy by the number of hours per month determined in step B. This is the deputy's hourly rate.

**(2) Determining the Chief Clerk's minimum salary.**

(A) Multiply the number of hours in the Chief Clerk's regular work week by 52 to determine the maximum number of work hours per year.

- (B) Divide the number of work hours per year by 12 to determine the maximum regular work hours per month.
- (C) Multiply the maximum regular work hours per month by the hourly rate determined in (1)(C) of this subsection to determine the monthly salary for the Chief Clerk based on the hourly rate paid to the highest salaried first deputy.
- (D) Multiply the scheduled salary for the Secretary of the County Election Board by 0.9. (90%).
- (E) Divide the amount determined in (D) by 12. This is the amount of the monthly salary for the Chief Clerk based on 90% of the Secretary's salary.
- (F) The minimum salary of the County Election Board Chief Clerk is the lower amount of (C) or (E).

[Source: Amended at 14 Ok Reg 2621, eff 7-1-97; Amended at 17 Ok Reg 2335, eff 7-1-00; Amended at 21 Ok Reg 3143, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1855, eff 7-1-05; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-15. Additional clerical personnel**

The Secretary of the County Election Board has the authority to employ additional clerks and other personnel. [26:2-117] The Secretary may make such employment on a permanent basis or on a temporary basis. The Secretary has the authority to assign duties for all such personnel and may remove such personnel at any time.

[Source: Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-16. Compensation of additional personnel**

Additional personnel employed by the Secretary of the County Election Board shall be compensated at the appropriate rate for all hours worked in excess of their regular work hours in compliance with the requirements of the federal Fair Labor Standards Act. Compensation and any related benefits for such overtime hours shall be paid by the county. See 230:10-7-125 through 230:10-7-133.

[Source: Amended at 17 Ok Reg 2335, eff 7-1-00; Amended at 30 Ok Reg 1617, eff 7-15-13]

#### **230:10-3-16.1. Compensation for temporary personnel must be funded [REVOKED]**

[Source: Added at 21 Ok Reg 545, eff 2-3-04 (emergency); Added at 21 Ok Reg 3143, eff 7-22-04 (emergency); Added at 22 Ok Reg 1855, eff 7-1-05; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-17. Nepotism prohibited**

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.

## **PART 3. THE PRECINCT ELECTION BOARD**

### **230:10-3-23. Membership [REVOKED]**

[Source: Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-24. Appointment of Inspector [REVOKED]**

[Source: Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-25. Appointment of Judge and Clerk [REVOKED]**

[Source: Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-26. Retention of lists**

The lists of nominees for Judge and Clerk in each precinct submitted by the county central committees of the two largest recognized political parties shall be retained throughout the four-year term.

[Source: Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-27. Vacancies on the Precinct Election Board [REVOKED]**

[Source: Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

#### **230:10-3-27.1. Substitute Precinct Officials**

(a) In the event that an appointed Inspector, Judge or Clerk is unable to work in a specific election due to illness or conflicting plans, the Secretary shall be authorized to name a substitute for that position for the affected election. This substitute Precinct Official shall be a registered voter in the same political party and shall be trained in the duties of the position in the same manner as the appointed official.

(b) On election night, the Secretary shall provide to the County Election Board members for their approval a list of any substitute Precinct Officials named for the election. The list should include each substitute Precinct Official's name, address, political affiliation and the precinct in which he or she served. The minutes of the Board meeting shall include the list of substitute Precinct Officials who served in the election.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2373, eff 7-1-92; Amended at 17 Ok Reg 2335, eff 7-1-00]

### **230:10-3-28. Appointment of Counters [REVOKED]**

[Source: Revoked at 9 Ok Reg 1227, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2373, eff 7-1-92]

#### **230:10-3-28.1. Special-purpose precinct workers**

(a) The County Election Board Secretary is authorized to employ special-purpose precinct workers as needed for any county, school district, municipal, or other local election. [26:2-128.2] The County Election Board Secretary may employ special-purpose precinct workers to assist the Inspector, Judge, and Clerk with specific tasks, but they are not members of the Precinct Election Board and shall not perform any other duties assigned to the Inspector, Judge, or Clerk. Employment of special-purpose precinct workers usually shall be reserved for elections at which a large turnout is anticipated or at which an unusually large number of voters may need to update their voter registrations or vote provisionally. Only one special-purpose precinct worker may be assigned to a precinct, but that person may serve as both a Registration Official and as a Provisional Voting Officer. Special-purpose precinct workers may be employed for the following purposes only.

(1) **Registration Officials.** A Registration Official is a special-purpose precinct worker employed to help voters fill out new Oklahoma Voter

Registration Application forms needed to correct certain deficiencies in their voter registration records. The specific duties of a Registration Official are outlined in 230:35-5-60. When a Registration Official is not employed, the duties are performed by the Judge as part of the regular election duties without additional compensation.

(2) **Provisional Voting Officers.** A Provisional Voting Officer is a special-purpose precinct worker employed to help voters cast provisional ballots. The specific duties of the Provisional Voting Officer are outlined in 230:35-5-177. When a Provisional Voting Officer is not employed, the duties are performed by the Inspector as part of the regular election duties without additional compensation.

(b) Special-purpose precinct workers shall be compensated at the same rate as the Judge and Clerk. [26:2-128.2] Compensation for special-purpose precinct workers shall be included on the Pre-Election Expense Claim for the election. The State Election Board shall pay for the compensation of special-purpose precinct workers only when such payment is authorized by the Secretary of the State Election Board in advance of the election. The Secretary of the State Election Board may establish a maximum number of special-purpose precinct workers in each county for which the State Election Board shall pay. The maximum number of state-funded special-purpose precinct workers per county shall be based on a percentage of the number of precincts in each county. The percentage used may change from election to election depending upon the availability of state funds for this purpose. The Secretary of the State Election Board shall notify the County Election Board Secretary of the maximum number of state-funded special-purpose precinct workers authorized for the county prior to the election. The County Election Board Secretary may employ other special-purpose precinct workers in addition to those funded by the State Election Board if sufficient funds are available to cover the expense.

[Source: Added at 21 Ok Reg 545, eff 2-3-04 (emergency); Added at 22 Ok Reg 1855, eff 7-1-05; Amended at 23 Ok Reg 1274, eff 7-1-06]

### **230:10-3-29. Eligibility [REVOKED]**

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-30. Disqualification of Precinct Election Board member; "consanguinity," "affinity," "third degree" defined [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-31. Party not represented [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 16 Ok Reg 2399, eff 7-1-99]

### **230:10-3-32. Nepotism prohibited**

The County Election Board is prohibited by law from appointing as Inspector, Judge or Clerk any person related to any member of the County Election Board within the third degree by either consanguinity or affinity (terms defined in 230:10-3-30).

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92]

### **230:10-3-33. Compensation of Inspector [REVOKED]**

[Source: Amended at 13 Ok Reg 555, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 16 Ok Reg 520, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 23 Ok Reg 1274, eff 7-1-06; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-34. Compensation of Judges and Clerks [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 13 Ok Reg 555, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 16 Ok Reg 520, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 23 Ok Reg 1274, eff 7-1-06; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-35. No double compensation**

In no event may compensation for an Inspector exceed \$97 plus mileage, nor may compensation for a Judge or Clerk exceed \$87 for any election or elections conducted on a single day. The foregoing applies to Inspectors, Judges and Clerks who serve both a precinct and a subprecinct.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 13 Ok Reg 555, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 16 Ok Reg 520, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 23 Ok Reg 1274, eff 7-1-06; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-36. Removal of Inspectors, Judges, and Clerks [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 17 Ok Reg 2335, eff 7-1-00; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-3-37. Notification of appointment**

Immediately upon appointment of each Inspector, Judge or Clerk, the Secretary of the County Election Board shall mail or deliver to each official a Notice of Appointment to Precinct Election Board.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92]

### **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.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 30 Ok Reg 1617, eff 7-15-13]

## **PART 5. VOTER REGISTRARS [REVOKED]**

### **230:10-3-43. Appointment of Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

#### **230:10-3-43.1. Designation of motor license agents as Voter Registrars [REVOKED]**

[Source: Added at 11 Ok Reg 289, eff 11-1-93 (emergency); Added at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-44. Mandatory removal of Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-45. Eligibility [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-46. Compensation of Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-47. Waiver of compensation for appointed Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-48. Notification of appointment or designation as Voter Registrar [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-49. Record of appointment of Voter Registrars [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-3-50. Nepotism prohibited [REVOKED]**

[Source: Revoked at 12 Ok Reg 2185, eff 7-1-95]

## **SUBCHAPTER 5. ELECTION TRAINING**

### **PART 1. THE COUNTY ELECTION BOARD**

#### **230:10-5-1. Statewide and regional workshops**

(a) At least once every two years, the State Election Board will conduct either a statewide or regional workshop for the County Election Board Secretary and employees. Such workshops are designed to acquaint participants with effective office administration techniques and current developments in election administration. The workshops are scheduled at times which are convenient for election officials, and attendance by the Secretary and the Assistant Secretary or Chief Clerk is mandatory.

(b) At least once every four years, the State Election Board will provide training for the County Election Board Chairman and Vice Chairman and for the alternate members. Attendance at such training is mandatory.

[Source: Amended at 25 Ok Reg 347, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1912, eff 7-1-08]

#### **230:10-5-2. Reimbursement for workshops [REVOKED]**

[Source: Amended at 10 Ok Reg 2715, eff 7-1-93; Amended at 14 Ok Reg 2621, eff 7-1-97; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 24 Ok Reg 1489, eff 7-1-07; Amended at 25 Ok Reg 347, eff 11-5-07 (emergency);



Amended at 25 Ok Reg 1912, eff 7-1-08; Revoked at 30 Ok Reg 1617, eff 7-15-13]

#### **230:10-5-2.1. Training for trainers required**

All County Election Board personnel who intend to conduct training for Precinct Officials first shall be required to attend training for trainers provided by the State Election Board. Training for trainers shall be conducted by the State Election Board at least once every two years prior to the state election season. In order to be eligible to participate in training for trainers, personnel must have been employed with the County Election Board for at least two years. However, the Secretary of the State Election Board may approve exceptions to this requirement. In the event that Precinct Official training is required in a county where no County Election Board staff member has attended the required training for trainers, the State Election Board shall provide a qualified trainer.

[Source: Added at 25 Ok Reg 347, eff 11-5-07 (emergency); Added at 25 Ok Reg 1912, eff 7-1-08]

#### **230:10-5-3. Independent Study Program [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

#### **230:10-5-4. Required publications in the County Election Board office [REVOKED]**

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Revoked at 16 Ok Reg 2399, eff 7-1-99]

#### **230:10-5-5. Monthly newsletter [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

#### **230:10-5-6. Calendar [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

#### **230:10-5-7. Inspections**

From time to time, representatives of the State Election Board will visit the County Election Board office. The purpose of these visits is to inform and assist, in an effort to achieve uniformity in the administration of election laws. [26:3-109] The representative may be a member of the State Election Board staff or may be a Regional Coordinator. Regional Coordinators are County Election Board Secretaries, Assistant Secretaries or Chief Clerks under contract with the State Election Board to perform such services.

[Source: Amended at 30 Ok Reg 1617, eff 7-15-13]

### **PART 3. THE PRECINCT ELECTION BOARD**

#### **230:10-5-12. Precinct Official training**

The County Election Board Secretary conducts training for all Precinct Officials in the county before the regularly scheduled statewide elections in even-numbered years. [26:3-111] Each Inspector, Judge, and Clerk must attend training every two years before working in an election. The Secretary also schedules training sessions as needed for Precinct Officials appointed to fill vacancies or named as substitutes. The Secretary of the State Election Board may require additional training sessions for Precinct Officials at any time.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 17 Ok Reg 2335, eff 7-1-00; Amended at 25 Ok Reg 347, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1912, eff 7-1-08; Amended at 30 Ok Reg 1617, eff 7-15-13; Amended at 30 Ok Reg 1613, eff 7-15-13]

### **230:10-5-13. Reimbursement for training**

(a) Each Inspector, Judge and Clerk who attends a required training session conducted by the County Election Board Secretary is entitled to receive a reimbursement in the amount provided by law. In addition, each Precinct Official required to drive to a training session may be reimbursed for round trip mileage from his or her home to the training site at the rate currently allowed by the Internal Revenue Service for a business expense deduction. However, a Precinct Official who lives in the same town where a training session is held may not receive mileage reimbursement.

(b) The State Election Board pays the amount provided by law for each Precinct Official who attends a required training session. Required training is defined as the training conducted every two years prior to statewide elections, training conducted at other times for Precinct Officials appointed to fill vacancies, and any additional training mandated by the Secretary of the State Election Board. A Precinct Official who chooses to attend additional training sessions for the purpose of review is not entitled to be paid for such review sessions by the State Election Board. Upon completion of a required Precinct Official training session, the County Election Board Secretary shall follow these steps to prepare a claim to submit to the State Election Board.

(1) Enter training credit in MESA for each person who attended a required training session. Indicate the position or positions for which the person was trained. The system automatically flags the individual to be paid. If a Precinct Official is not entitled to payment as outlined above, override the payment flag.

(2) Request and print the Precinct Official Training Expense Claim. Send the first page of the claim to the State Election Board. Keep the list of Precinct Officials' names as documentation of the claim.

(3) Deposit the warrant received from the State Election Board for Precinct Official training expenses in the Special Depository Account and create vouchers for each Precinct Official who attended training.

(c) The mileage reimbursement for Precinct Officials who attend required training is paid by the county from the County Election Board's budget account. The County Election Board Secretary shall follow the procedure established by the County Clerk to ensure that mileage reimbursement is paid.

(d) The mileage reimbursement for Precinct Officials who attend an additional training session required by the Secretary of the State Election Board may be paid by the State Election Board.

[Source: Amended at 9 Ok Reg 1277, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 18 Ok Reg 1859, eff 7-1-01; Amended at 30 Ok Reg 1617, eff 7-15-13]

## **PART 5. VOTER REGISTRARS [REVOKED]**

### **230:10-5-18. Registrar training [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-5-19. Reimbursement for workshops [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-5-20. Required publications [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-5-21. Continuous training [REVOKED]**

[Source: Amended at 11 Ok Reg 289, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1563, eff 6-1-94; Revoked at 12 Ok Reg 2185, eff 7-1-95]

### **230:10-5-22. Required information [REVOKED]**

[Source: Revoked at 12 Ok Reg 2185, eff 7-1-95]

## **SUBCHAPTER 7. GENERAL ADMINISTRATION OF THE COUNTY ELECTION BOARD OFFICE**

### **PART 1. MEETINGS OF THE BOARD**

#### **230:10-7-1. When meetings shall be called**

The County Election Board shall meet as often as is necessary to transact the business required. However, the Chairman and Vice Chairman can be reimbursed by the State Election Board for only 40 meetings during any fiscal year (July 1 to June 30). Certain meetings obviously must be held, such as meetings to canvass returns of elections, meetings to certify the results of elections, meetings to organize the Board, etc. Other meetings shall be held when necessary, to perform such functions as changing precinct boundaries, appointing Precinct Officials, etc.

#### **230:10-7-1.1. Open Meeting Act shall be observed**

All meetings of the State Election Board and of each County Election Board shall be conducted pursuant to the requirements of the Oklahoma Open Meeting Act, Title 25 O.S. 2011, Section 301 et seq.

[Source: Added at 30 Ok Reg 1617, eff 7-15-13]

#### **230:10-7-2. Scheduling meetings**

The Secretary of the County Election Board is responsible for the day-to-day administration of the office and will know when meetings of the Board are necessary. When the Secretary determines that a meeting should be called, the Secretary shall instruct the Assistant Secretary or Chief Clerk to contact the Chairman and Vice Chairman to arrange the time of the meeting. Ordinarily, meetings shall be held in the County Election Board office. Time and date of the meeting shall be as convenient as possible for all three members. A written notice may be sent to the Chairman and Vice Chairman when a meeting is scheduled, as a supplement to oral communication. However, electronic mail or text messages used to communicate with County Election Board members or alternate members should be sent and received only by the Assistant Secretary or Chief Clerk.

[Source: Amended at 35 Ok Reg 1184, eff 9-14-18]

### **230:10-7-3. Types of meetings; terms defined [REVOKED]**

[Source: Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 24 Ok Reg 1489, eff 7-1-07; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-4. Public notice required [REVOKED]**

[Source: Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 23 Ok Reg 1274, eff 7-1-06; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-5. Additional public notice for special meetings [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-6. Changes in regularly scheduled meetings [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-7. Agendas required [REVOKED]**

[Source: Amended at 10 Ok Reg 2715, eff 7-1-93; Amended at 16 Ok Reg 2399, eff 7-1-99; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-8. Agenda for continued meetings [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-9. Meetings must be open [REVOKED]**

[Source: Amended at 14 Ok Reg 2621, eff 7-1-97; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-10. Informal meetings prohibited [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-11. Quorum necessary**

(a) The County Election Board is a three-member Board. The Secretary of the County Election Board is a member of the Board. Two members constitute a quorum of the Board, and a quorum is required to convene a meeting and conduct business.

(b) At any time two Board members are present in the County Election Board office outside a called meeting, they risk violation of the Oklahoma Open Meeting Act if any County Election Board business is discussed. In order to reduce the risk of violating the Open Meeting Act, the following rules shall be observed by all County Election Board members and alternate members.

(1) A member or alternate member of the County Election Board shall not serve on an in-person Absentee Voting Board during early voting if the in-person absentee voting site is located in or near the County Election Board office.

(2) A County Election Board member or alternate member may serve on a nursing home Absentee Voting Board, but two members may not serve together on the same nursing home Absentee Voting Board. The County Election Board Secretary must exercise caution when communicating instructions to nursing home Absentee Voting Board members when they receive or return supplies and ballots.

(3) A member or alternate member of the County Election Board may serve on an in-person Absentee Voting Board assigned to a secondary in-person absentee voting site. See 230:30-7-6.2.

[Source: Amended at 35 Ok Reg 1184, eff 9-14-18]

#### **230:10-7-12. Chairman presides**

The Chairman of the County Election Board shall preside at meetings of the Board. In his absence, the Vice Chairman shall preside. In the absence of both the Chairman and Vice Chairman, the Secretary shall preside. An alternate Board member shall not be required to preside at a County Election Board meeting unless all three regular Board members - the Chairman, the Vice Chairman, and the Secretary - are absent.

[Source: Amended at 14 Ok Reg 2621, eff 7-1-97]

#### **230:10-7-13. Parliamentary procedure to be observed**

Some form of parliamentary procedure shall be observed in meetings of the County Election Board. Each action that is taken shall be first moved by one member of the Board, seconded by another, then voted upon by all members. It must be approved by a majority to be passed.

#### **230:10-7-14. Method of voting**

In all meetings of the County Election Board, each member's vote shall be publicly cast and recorded. [25:305] In taking the vote on any motion that has been properly seconded, the roll of members of the County Election Board must be called orally, and the vote of each member must be announced orally. The roll call may be conducted by the Secretary or by a member of the County Election Board staff designated by the Secretary.

[Source: Amended at 23 Ok Reg 1274, eff 7-1-06]

#### **230:10-7-15. Minutes of meetings required [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

#### **230:10-7-16. Retention of minutes**

The Secretary of the County Election Board shall be responsible for typing of the minutes of each meeting of the Board. The minutes shall be approved by the Board at its next meeting. 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.

#### **230:10-7-17. Keeping Chairman and Vice Chairman advised**

Most operations of the County Election Board do not require approval or direction from the Board itself. Therefore, the Secretary of the County Election Board shall keep the Chairman and Vice Chairman advised of ongoing operations, such as the office hours, so that the Chairman and Vice Chairman will be knowledgeable about operations of the election system in the county.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95]

### **PART 3. EQUIPPING THE OFFICE**

### **230:10-7-23. Legal requirements [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-24. Furniture [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 16 Ok Reg 2399, eff 7-1-99]

### **230:10-7-25. Equipment [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

### **230:10-7-26. Maps**

The County Election Board office shall be equipped with a large map of the county and with maps of any municipalities within the county. The maps shall show the precincts, the Congressional, State Senate and State Representative districts and County Commissioner districts. The State Election Board shall provide a map of the county showing both precinct boundaries and school district boundaries. The State Election Board also shall provide maps of each precinct showing the boundaries of all school districts with territory within the precinct. The precinct maps shall be used at the polling place for all school district elections.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 17 Ok Reg 2335, eff 7-1-00]

### **230:10-7-27. Voting devices and ballot boxes [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **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 if at all possible. However, if adequate space is not available in the courthouse, 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.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92]

### **230:10-7-29. Voting booths**

The Secretary of the County Election Board shall cause at least two voting booths to be provided for each precinct. A voting booth must contain a counter or shelf and must be constructed in such a manner that a member of the Precinct Election Board can determine whether more than one person is in the booth, but in such a manner as to insure secrecy for the voter in marking his ballots.

### **230:10-7-30. Voting booth storage**

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.

**230:10-7-31. Central File**

The Central File is a file which contains the original registration records of all the registered voters in the county and shall be kept in file drawers in alphabetical order. [26:4-115]

**230:10-7-32. Official seal**

The County Election Board must have an official seal, which is affixed to Certificates of Election and other official acts of the Board.

**230:10-7-33. Supplies [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 16 Ok Reg 2399, eff 7-1-99]

**PART 5. MAINTAINING THE OFFICE****230:10-7-38. Office hours [REVOKED]**

[Source: Amended at 13 Ok Reg 555, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2469, eff 7-1-96; Revoked at 30 Ok Reg 1617, eff 7-15-13]

**230:10-7-39. General duties of the Secretary [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

**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. [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.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 30 Ok Reg 1617, eff 7-15-13]

**230:10-7-41. Retention of materials used in electing federal candidates**

All voted ballots and related materials involved in Primary, Runoff Primary, General or Special Elections for United States Representative, United States Senator and Electors for President and Vice President and in the Presidential Preferential Primary must be retained for 24 months after the date of the election.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95]

**230:10-7-42. Retention of absentee ballot materials**

All materials used in requesting and casting absentee ballots must be retained for 24 months after the date of the election. [26:14-132]

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95]

**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, 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 the Department of Public Safety, 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.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 30 Ok Reg 1617, eff 7-15-13; Amended at 36 Ok Reg 1537, eff 9-16-19]

#### **230:10-7-44. Retention of ballots [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 22 Ok Reg 1855, eff 7-1-05; Amended at 24 Ok Reg 1489, eff 7-1-07; Revoked at 30 Ok Reg 1617, eff 7-15-13]

#### **230:10-7-45. Retention of Precinct Registries and affidavits**

(a) All Precinct Registries shall be retained for 60 months after the date of the election. These items shall be stored together in a container bearing the date of the election and the date on which they may be destroyed.

(b) All original, paper Precinct Registries shall be retained for 24 months following the date of the election. After 24 months, the County Election Board Secretary is authorized to scan all original Precinct Registries. After scanning the Precinct Registries and verifying that the scanned copies are both legible and complete, the original Precinct Registries may be destroyed and the digital copies shall be retained for the remaining 36 months of the 60-month retention period.

(c) All used ATI Session Logs, Absentee Voter Affidavits, Spoiled Ballot Affidavits, Voter Assistance Forms, and Provisional Ballot Refusal forms shall be retained for 24 months after the date of the election. These forms may be stored together, organized by precinct, in a container labeled with the election date and the date on which they may be destroyed.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 34 Ok Reg 1120, eff 9-11-17]

#### **230:10-7-46. Inventory of forms and supplies**

The County Election Board shall keep a standing inventory of forms and supplies needed for the conduct of elections. See 230:10-7-88 through 230:10-7-91.

#### **230:10-7-47. Election results**

The County Election Board must maintain results by precinct of each election conducted in the county as a permanent record. [26:3-127] A copy of the Official Certification Report, signed by the members of the County Election Board and bearing the County Election Board seal, shall be retained permanently.

[Source: Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 30 Ok Reg 1617, eff 7-15-13]

#### **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.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 27 Ok Reg 1122, eff 6-1-10]

### **230:10-7-48.1. County Election Board electronic mail addresses**

(a) The Secretary of the State Election Board has obtained and provided to each County Election Board office an "@elections.ok.gov" e-mail address. These e-mail addresses are administered by the State of Oklahoma's Office of Management and Enterprise Services and are accessed through a webmail service. Each such e-mail address is formatted as follows: CountyNameCounty@elections.ok.gov. Use of these e-mail accounts is required to send and receive all official communication with the State Election Board office and with voters, and is strongly recommended for communications with officials of school districts, municipalities, and other entities for which the County Election Board conducts elections, and with other county officers. These e-mail addresses shall be used on all public-facing websites, social media sites, and on all informational materials maintained or produced by the County Election Board. These e-mail addresses will appear on the State Election Board website and will be provided to the Federal Voting Assistance Program by the State Election Board for the use of uniformed services and overseas voters from Oklahoma.

(b) The only e-mail account that may be accessed on a computer in a County Election Board office that runs the MESA (Modern Election Support Application) software is the state-provided "@elections.ok.gov" account unless an exemption, as outlined in (c) of this Section, has been granted by the State Election Board.

(c) A County Election Board that uses an e-mail account assigned to it by its county Information Services department may request an exemption to continue using that e-mail address, to access it on computers in the office running MESA, and to publish it on public-facing county websites maintained by the county or on social media sites maintained by the County Election Board staff. Requests for such exemptions shall be submitted to the State Election Board Information Services Division. If approved, notice of the approval will be provided in writing by the Assistant Secretary of the State Election Board or by the Director of Information Services.

[Source: Added at 27 Ok Reg 597, eff 12-3-09 (emergency); Added at 27 Ok Reg 1122, eff 6-1-10; Amended at 36 Ok Reg 1537, eff 9-16-19]

### **230:10-7-49. Monthly report [REVOKED]**

[Source: Revoked at 11 Ok Reg 293, eff 11-1-93 (emergency); Revoked at 11 Ok Reg 1565, eff 6-1-94]

### **230:10-7-50. Annual reports**

No later than January 15 each year the Secretary of the County Election Board shall file with the County Clerk a report stating the total number of registered voters, by party, in the county as of January 1. The report used for this purpose shall be the monthly Administration and Registration Report requested in MESA after the first day of January. The Secretary shall retain a copy of this report as a permanent record.

[Source: Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-51. Analysis of election [REVOKED]**

[Source: Amended at 13 Ok Reg 2469, eff 7-1-96; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-52. Report of contests**

The Secretary shall file with the State Election Board a report of contests filed on any election conducted by the County Election Board. The Secretary shall retain a copy of each report on contest as a permanent record.

[Source: Amended at 13 Ok Reg 2469, eff 7-1-96]

### **230:10-7-53. Reporting forms**

The State Election Board shall furnish the County Election Board forms needed to make reports at the appropriate times.

### **230:10-7-54. Change Notification form**

The Secretary of the County Election Board shall use the Change Notification form to notify the State Election Board of any changes in office personnel information or administrative information such as changes in hours or address. A supply of Change Notification forms shall be kept in the County Election Board office.

[Source: Added at 11 Ok Reg 293, eff 11-1-93 (emergency); Added at 11 Ok Reg 1565, eff 6-1-94]

## **PART 7. PUBLIC RECORDS**

### **230:10-7-58. Open Records Act shall be observed**

The State Election Board and each County Election Board shall comply with the requirements and provisions of the Oklahoma Open Records Act, Title 51 O.S. 2011, Section 24A et seq.

[Source: Added at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-59. Public records**

(a) All records of the County Election Board, except as specifically designated otherwise in federal or state law, must be made available for public inspection, copying and/or mechanical reproduction during regular office hours. [51:24A.5] The County Election Board must provide prompt, reasonable access to its records but may establish reasonable procedures to protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.

(b) According to state law, a voter's full or partial driver license number or Social Security number provided on a voter registration application form shall not be

considered a public record and shall be kept confidential by the County Election Board. [26:4-112; 51:24A.5] When providing copies of original voter registration application forms in the Central File or from the cancellation file, a full or partial driver license or Social Security number shall be masked or obscured on the original while the copy is made or shall be blacked out on the copy. Under no circumstances shall an original voter registration application form in the Central File or cancellation file be permanently altered to conceal these numbers. In the event that an election official in another jurisdiction or law enforcement personnel request a copy of an original registration form with these numbers left visible, contact the State Election Board immediately.

[Source: Amended at 12 Ok Reg 2185, eff 7-1-95; Amended at 20 Ok Reg 468, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1085, eff 7-1-03; Amended at 27 Ok Reg 597, eff 12-3-09 (emergency); Amended at 27 Ok Reg 1122, eff 6-1-10; Amended at 28 Ok Reg 1130, eff 7-1-11; Amended at 30 Ok Reg 1617, eff 7-15-13; Amended at 34 Ok Reg 1117, eff 9-11-17]

### **230:10-7-60. Persons authorized to release records [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-61. Written notice [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

### **230:10-7-62. Fees for reproduction of records [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-63. Written schedule of fees [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-64. Search fees shall not be charged when in public interest [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-65. Fees not to discourage requests [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **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 loaned copies.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2373, eff 7-1-92; Amended at 10 Ok Reg 59, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2715, eff 7-1-93; Amended at 22 Ok Reg 1855, eff 7-1-05; Amended at 26 Ok Reg 2524, eff 7-15-09; Amended at 28 Ok Reg 1130, eff 7-1-11]

### **230:10-7-66.1. Voter registration records available on electronic media from State Election Board**

Certain voter registration records are available in an electronic format from the State Election Board. Information about the available records and instructions for obtaining them are available by contacting or visiting the State Election Board office and on the State Election Board website: [www.elections.ok.gov](http://www.elections.ok.gov).

[Source: Added at 10 Ok Reg 59, eff 10-9-92 (emergency); Added at 10 Ok Reg 2715, eff 7-1-93; Amended at 12 Ok Reg 2975, eff 6-15-95 (emergency); Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 13 Ok Reg 4025, eff 9-13-96 (emergency); Amended at 14 Ok Reg 2621, eff 7-1-97; Amended at 22 Ok Reg 1855, eff 7-1-05; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 32 Ok Reg 1732, eff 9-11-15]

## **PART 9. FINANCES**

### **230:10-7-70. Preparation of the budget**

No later than the first Monday in July of each year, the Secretary of the County Election Board must submit an Annual Report of Earnings and Expenditures for the previous fiscal year, along with an Estimate of Needs for the next fiscal year. This report must be submitted on a form which is available from the County Clerk or Board of County Commissioners. In preparing the budget, the Secretary shall observe the following:

(1) The Secretary shall refer to the Day Ledger Report in MESA. The Day Ledger Report is an itemized statement of expenditures by the County Election Board from the budget account for a fiscal year.

(2) The Secretary shall refer to the Report on Earnings and Expenditures and Estimate of Needs for the most recent election year when preparing the budget for an upcoming election year.

(3) The Secretary shall meet with the County Commissioners and the County Excise Board or with the County Budget Board to explain budgetary needs for the coming year.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 18 Ok Reg 1859, eff 7-1-01; Revoked at 30 Ok Reg 1613, eff 7-15-13; Revoked at 30 Ok Reg 1613, eff 7-15-13; Amended

**230:10-7-71. Purchasing supplies**

Purchasing of supplies by the County Election Board shall be made through the County Purchasing Agent. The County Election Board shall make purchasing requests on requisition forms required by the County Purchasing Agent. Upon request, the Secretary shall submit to the County Purchasing Agent a list of supplies, materials and equipment used in common with other county departments. The Secretary shall designate two receiving officers in writing, and this written designation shall be filed with the County Clerk. [19:1504] *A receiving officer shall receive all supplies, materials and equipment purchased, lease-purchased or rented by his department and shall identify such items received in a manner prescribed by the county road and bridge inventory officer or Board of County Commissioners or designee.* [19:1504] *The receiving officer shall also maintain a record of all supplies, materials and equipment received, disbursed, stored and consumed by his department.* [19:1504] (In most counties, the County Purchasing Agent is the County Clerk or an employee of the County Clerk.)

[Source: Amended at 30 Ok Reg 1617, eff 7-15-13]

**230:10-7-72. Bidding procedure**

Competitive bidding required by the County Election Board shall be made through the County Purchasing Agent.

**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 Precinct 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.

[Source: Amended at 10 Ok Reg 2715, eff 7-1-93 (emergency); Amended at 30 Ok Reg 1617, eff 7-15-13; Amended at 34 Ok Reg 1117, eff 9-11-17]

#### **230:10-7-74. Pre-Election Expense Claim**

Not less than 35 days prior to an election to be conducted by the County Election Board, the Secretary of the County Election Board shall submit to the entity authorizing the election a Pre-Election Expense Claim which shall consist of an estimate of the amount of compensation for Precinct Officials, Absentee Voting Board members, and special-purpose precinct workers for the upcoming election. [26:3-105.1(A)] The estimate of compensation shall be accompanied with an estimate of the amount of the Inspector's mileage, the amount of mileage for Precinct Officials who are assigned to polling places ten miles or more from their homes if their mileage is known at the time the Pre-Election Expense Claim is prepared, mileage for any Absentee Voting Board member who travels ten miles or more from home to the County Election Board office to report for duty, and the amount of mileage for a round trip from the County Election Board office to the nursing home or homes for one member of each nursing home Absentee Voting Board. The Pre-Election Expense Claim report from MESA shall be used to submit these estimates to the entity authorizing the election. See 230:35-3-29 through 230:35-3-49.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 16 Ok Reg 520, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2399, eff 7-1-99; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 33 Ok Reg 1402, eff 9-11-16]

#### **230:10-7-75. State Claim for Absentee Voting Board [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Revoked at 16 Ok Reg 520, eff 1-1-99 (emergency); Revoked at 16 Ok Reg 2399, eff 7-1-99]

#### **230:10-7-76. Special Depository Account**

(a) The County Election Board must use a County Election Board Special Depository Account for receipt and disbursement of monies received by the Board.

[26:3-108] The Special Depository Account is operated through the County Treasurer's office. It is used to receive funds such as candidate filing fees, deposits for contests of candidacy, deposits for contests of election, funds for compensation of Precinct Officials and Absentee Voting Boards, payments for school elections and payments for municipal elections. Deposits shall be made daily as funds are received, and disbursements shall be made as soon as legally possible. Any balance continuing in the Special Depository Account after all appropriate disbursements have been made shall be only from candidate filing fees or from processing fees received for County Campaign Committee Statements of Organization.

(b) The County Election Board Secretary shall be authorized to make expenditures from the balance of candidate filing fees and processing fees in the Special Depository Account for any lawful purpose. [26:3-108] However, before expending funds from the balance of filing and processing fees, the Secretary shall seek approval from the State Election Board staff for the expenditure.

(c) The following election expenses always shall be paid by the County Election Board Secretary with vouchers from the Special Depository Account:

(1) Compensation and mileage reimbursement for Precinct Officials, Absentee Voting Board members, and special purpose precinct workers for all elections.

(2) Expenses related to elections conducted for school districts, technology center districts, municipalities, and other local entities authorized to call elections conducted by the County Election Board.

(d) Funds received from the State Election Board or from school districts, technology center districts, municipalities, and other local entities for County Election Board member compensation, overtime compensation for County Election Board employees, and compensation for part-time or temporary employees shall not be paid by the County Election Board Secretary from the Special Depository Account. Funds received for such compensation shall be reimbursed to the county general fund, as described in 230:10-7-83 and in 230:10-7-132. All such compensation shall be paid by the County Clerk with warrants from a County Election Board budget account after FICA and any other applicable federal or state taxes have been withheld. All such compensation shall be reported by the County Clerk on W-2 forms each year.

[Source: Amended at 15 Ok Reg 2543, eff 7-1-98; Amended at 20 Ok Reg 468, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1085, eff 7-1-03; Amended at 33 Ok Reg 1402, eff 9-11-16; Amended at 34 Ok Reg 1117, eff 9-11-17]

### **230:10-7-77. Pre-numbered receipts required**

A pre-numbered receipt shall be issued for all funds received by the County Election Board and deposited in the Special Depository Account. The face of the receipt shall show both the source of the funds and the purpose for which the funds were received. The receipt produced from MESA is sufficient to meet this requirement.

[Source: Amended at 36 Ok Reg 1537, eff 9-16-19]

### **230:10-7-78. Pre-numbered vouchers required**

(a) The Secretary of the County Election Board shall use the pre-numbered voucher known as voucher #214 with the Special Depository Account. Voucher #214 has been approved by the State Auditor and Inspector for use with the Special Depository Account. Vouchers issued from the Special Depository Account shall show the purpose of the payment. For example, a notation such as, "Compensation for Judge, Precinct 11, 8-23-88, Primary Election" should be written on the face of



the voucher.

(b) The Secretary of the County Election Board shall be responsible for obtaining paper stock for vouchers that meets standard banking requirements. Specifications and requirements for the size, perforation, and numbering of such paper stock for vouchers are available from the State Election Board. Strict adherence to such specifications and to any requirements of the County Treasurer and/or of a banking institution used by the county is mandatory.

[Source: Amended at 36 Ok Reg 1537, eff 9-16-19]

### **230:10-7-79. Special Depository Account ledger**

The Secretary shall maintain a ledger on the Special Depository Account in MESA. The ledger shall list the date of each transaction, the name of the depositor or claimant, the purpose of the deposit or expenditure, the voucher number and amount of each voucher issued, the receipt number and amount of each deposit and the balance of the account. Vouchers shall be entered in the ledger on the same day they are registered with the County Treasurer. Expenditures and receipts shall be totaled at the end of each month. The Ledger Sheet-SDA report shall be printed on a regular basis.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-80. Monthly report filed with County Clerk**

The Secretary is required to file a report on the Special Depository Account with the County Clerk no later than the second Monday of each month. The report shall be filed on the most current version of the State Auditor and Inspector's Form 140. This form is available from the County Clerk. A PDF version of the current form also is available on the State Auditor and Inspector's website: [www.sai.ok.gov](http://www.sai.ok.gov). The report is required to include the sources and amounts of all funds received and the amounts and purposes of vouchers issued during the preceding calendar month. The report on Form 140 shows the totals for expenditures and receipts from the Special Depository Account Ledger for the month of the report. A copy of the Ledger Sheet-SDA report for the month of the report is required to be attached to the Form 140 to provide an itemized accounting of the Special Depository Account transactions. The Ledger Sheet-SDA report is available in MESA.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 36 Ok Reg 1537, eff 9-16-19]

### **230:10-7-81. Election balance sheet**

A balance sheet shall be maintained in MESA for each election. The balance sheet lists by category all funds that flow through the Special Depository Account for an individual election. The amount of funds received must equal the amount of expense incurred, and the balance sheet for each election must end with a zero balance.

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-82. Expenses paid through Special Depository Account [REVOKED]**

[Source: Amended at 9 Ok Reg 1227, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2373, eff 7-1-92; Amended at 20 Ok Reg 468, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1085, eff 7-1-03; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 30 Ok Reg 1617, eff 7-15-13; Amended at 33 Ok Reg 1402, eff 9-11-16; Revoked at 34 Ok Reg 1117, eff 9-11-17]

### **230:10-7-83. Reimbursement to County General Fund**

At the end of each month, all fees received from school districts and municipalities for postage, telephone or other budget item expenses incurred by the entity in an election shall be reimbursed to the County General Fund. Funds received from the State Election Board for County Election Board member compensation and mileage reimbursement for meetings held to conduct business in connection with a regular or special federal or state election and for meetings to conduct other business required by statute shall be reimbursed to the County General Fund. Funds received from school districts, municipalities, and any other entities for County Election Board member compensation, part-time help, and overtime compensation and mileage reimbursement for County Election Board employees shall be reimbursed to the County General Fund as outlined in 230:10-7-132. Such reimbursements shall be made immediately upon receipt of the funds from the entity or from the State Election Board. All fees collected for copying documents shall be reimbursed to the County General Fund. The Secretary shall issue a voucher from the Special Depository Account to the County Treasurer in the appropriate amount.

[Source: Amended at 17 Ok Reg 2335, eff 7-1-00; Amended at 33 Ok Reg 1402, eff 9-11-16; Amended at 34 Ok Reg 1117, eff 9-11-17]

### **230:10-7-84. State Election Board reimbursed for computer supplies [REVOKED]**

[Source: Added at 10 Ok Reg 59, eff 10-9-92 (emergency); Added at 10 Ok Reg 2715, eff 7-1-93; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **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.

[Source: Added at 13 Ok Reg 2469, eff 7-1-96; Amended at 23 Ok Reg 1274, eff 7-1-06; Amended at 34 Ok Reg 1117, eff 9-11-17]

## **PART 11. KEEPING AN INVENTORY**

### **230:10-7-88. Inventory**

The Secretary of the County Election Board shall conduct an inventory of forms and supplies provided by the State Election Board on a regular basis. The Secretary shall keep enough election supplies on hand to conduct a countywide election at any time.

### **230:10-7-89. Ordering election supplies**

Election supplies are supplies that the County Election Board uses only to conduct an election. Whenever the need for additional election supplies arises, the Secretary shall order those materials from the State Election Board.

### **230:10-7-90. Ordering maintenance supplies**

Maintenance supplies are supplies such as registration materials that the County Election Board shall maintain at all times. The Secretary shall order these materials from the State Election Board when necessary.

### **230:10-7-91. Storing supplies**

Supplies and forms provided by the State Election Board shall be stored in an orderly fashion at all times. Maintenance supplies shall be stored separately from election supplies.

## **PART 13. PRECINCTS AND SUBPRECINCTS**

### **230:10-7-96. Establishment of precincts [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-97. Boundary limitations [REVOKED]**

[Source: Amended at 11 Ok Reg 293, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1565, eff 6-1-94; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-98. Precincts designated by number**

All precincts within a county shall be designated by a number only. Names and ward designations shall not be used.

### **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.

[Source: Amended at 11 Ok Reg 293, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1565, eff 6-1-94; Amended at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-100. Changes in precincts [REVOKED]**

[Source: Amended at 13 Ok Reg 2469, eff 7-1-96; Amended at 16 Ok Reg 2399, eff 7-1-99; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-101. Changes in precincts prohibited [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

### **230:10-7-102. Reapportionment [REVOKED]**

[Source: Revoked at 16 Ok Reg 2399, eff 7-1-99]

### **230:10-7-103. Subprecincts [REVOKED]**

[Source: Amended at 11 Ok Reg 293, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1565, eff 6-1-94; Amended at 21 Ok Reg 3143, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1855, eff 7-1-05; Revoked at 30 Ok Reg 1617, eff 7-15-13]

## **PART 15. POLLING PLACES**

### **230:10-7-108. Number and location of polling places**

There must be one polling place for each precinct, and that polling place must be located within the geographical boundaries of the precinct. [26:3-120] The State Election Board is authorized to make exceptions to this requirement. However, exceptions will be granted only in those instances in which it can be shown that compliance is impossible. In order to obtain such an exception, the County Election Board Secretary must make written application to the State Election Board setting forth the reasons why compliance is not possible and detailing the actions which have been taken to locate a polling place within the boundaries of the affected precinct. The State Election Board will notify the County Election Board Secretary, in writing, of the decision regarding the request.

[Source: Amended at 14 Ok Reg 2621, eff 7-1-97; Amended at 30 Ok Reg 1617, eff 7-15-13]

### **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. When such a change is made, notice shall be posted on the door of the former polling place on the day of the election. The news media should be requested 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 OEMS.

[Source: Amended at 14 Ok Reg 2621, eff 7-1-97]

### **230:10-7-110. Boards to provide polling places [REVOKED]**

[Source: Amended at 27 Ok Reg 1122, eff 6-1-10; Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-111. Liability [REVOKED]**

[Source: Revoked at 30 Ok Reg 1617, eff 7-15-13]

### **230:10-7-112. Accessibility for elderly and handicapped voters**

All precinct polling places in Oklahoma shall be made accessible for elderly and handicapped voters. The State Election Board will provide survey forms to be used to determine whether a polling place is accessible. The Secretary of the County Election Board is responsible for ensuring the accessibility of all polling places in the county.

### **230:10-7-113. Alternatives for voters assigned to inaccessible polling places**

If a polling place cannot be made accessible even by temporary modifications for an election, voting alternatives must be provided to elderly or handicapped voters. An elderly or handicapped voter assigned to an inaccessible polling place may request, in advance of the election, to be assigned to an accessible polling place. The accessible polling place to which such a voter is assigned shall be one issuing the same ballots which the voter was entitled to receive at the polling place for his precinct. An elderly or handicapped voter assigned to an inaccessible polling place may request to be assisted by two Precinct Officials outside the polling place. See 230:35-5-119.

### **230:10-7-114. Reports on accessibility**

Following the General Election in an even-numbered year, the Secretary of the County Election Board shall report to the State Election Board the number of accessible polling places and the number of inaccessible polling places in the county for the General Election. The report must include the reasons for inaccessibility. In addition, the State Election Board may request reports on polling place accessibility at other times. The State Election Board will provide report forms at the appropriate time.

## **PART 17. SPECIAL DUTIES OF THE COUNTY ELECTION BOARD [REVOKED]**

### **230:10-7-119. Verification of audit request petitions [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2373, eff 7-1-92; Amended at 16 Ok Reg 2399, eff 7-1-99; Revoked at 30 Ok Reg 1617, eff 7-15-13]

## **PART 19. COUNTY ELECTION BOARD STAFF OVERTIME**

**230:10-7-125. Overtime compensation for County Election Board employees**

County Election Board employees, except the Secretary of the County Election Board, shall be compensated for all overtime hours in compliance with the federal Fair Labor Standards Act at the appropriate hourly rate. The Secretary is exempt from Fair Labor Standards Act coverage and shall not be entitled to receive overtime compensation. Overtime compensation shall be paid by the county through the regular payroll process for the period in which the overtime was incurred. County policy concerning the form of overtime compensation - whether monetary payment or compensatory time off work - shall be observed. If a County Election Board employee receives monetary payment for overtime, the appropriate amounts for state and federal taxes, social security, etc., shall be withheld. If overtime is paid with compensatory time off work, the appropriate number of hours is credited to the employee's record, and the employee shall be permitted to use the time upon request and the approval of the Secretary. When a County Election Board employee works overtime in connection with a regular or special election conducted for any entity other than the state or county, the Secretary is authorized to bill the entity for the amount of the overtime compensation plus any related employer-paid benefits on the Record of Expense and to reimburse the county for the overtime after receiving the entity's payment as outlined in 230:10-7-132. Overtime for a County Election Board employee shall not be considered, billed, or paid as a contract labor expense.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

**230:10-7-126. Determining and defining regular work hours, overtime hours, and payment rates for County Election Board employees**

(a) **Regular work hours.** A standard work week, as defined by the federal Fair Labor Standards Act, is 40 hours per week. The Secretary of the County Election Board establishes the regular work hours for each employee of the County Election Board and those work hours may total less than 40 hours per week. The Secretary shall require each County Election Board employee to maintain detailed time records that show the number of hours worked each day, both regular and overtime hours, and that indicate the entity or entities for which any overtime hours are worked.

(b) **Overtime hours.** Overtime hours are all hours that an employee works in excess of his or her regular work hours. If an employee regularly works less than the standard 40-hour week, overtime hours in excess of the employee's regular work hours up to 40 hours per week are compensated at "straight time" - one hour of compensation paid for each hour worked. Overtime hours worked in excess of 40 hours per week are compensated at "time and a half" - one and one-half hours of compensation paid for each hour worked. However, before overtime can be paid at time and a half, the employee must be physically present at work for 40 full hours during the week. If there is a paid holiday or if the employee used any vacation time, sick leave, or compensatory time during the week in which the overtime hours were worked, the overtime cannot be paid at time and a half until the employee has been physically present at work for 40 hours during the week.

(c) **Adjusted Work Day.** The Secretary is authorized to adjust an employee's work day as needed to accommodate election-related tasks. For example, if an employee's regular work day consists of six hours, the Secretary may require the employee to report for work either earlier or later than usual on election day to accommodate election duties, but as long as the employee works no more than six

hours on that election day, no overtime is incurred. However, the Fair Labor Standards Act prohibits adjustments to an employee's work week that are intended to avoid the provisions of that Act. If an employee works more than his or her regular number of hours on any day during the week, a subsequent day during that week cannot be shortened solely for the purpose of avoiding overtime.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

#### **230:10-7-127. Calculating hourly wage**

The hourly wage for a County Election Board employee shall be calculated according to the following formula.

- (1) Multiply the number of hours in the employee's regular work week by 52 to determine the total number of regular hours worked per year.
- (2) Divide the number of hours worked per year by 12 to determine the number of hours worked per month.
- (3) Divide the employee's monthly salary by the number of hours worked per month to determine the employee's hourly wage.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

#### **230:10-7-128. Assistance with overtime claims for County Election Board employees**

The Secretary shall request the assistance of the payroll clerk in the County Clerk's office to determine which employer-paid benefits must be included in the amount of overtime compensation to be billed to another entity. The Secretary also shall request the assistance of the payroll clerk to determine the appropriate amounts to bill the entity for these employer-paid benefits.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

#### **230:10-7-129. Request for exception to compensatory time policy**

If it is the county's policy to pay county employees for overtime in the form of compensatory time off work, the Secretary of the County Election Board may request an exception to that policy for County Election Board employees if the overtime was incurred on behalf of an entity other than the state or county. In this case, the entity will be billed for the amount of overtime compensation and related employer-paid benefits, and the funds will be reimbursed to the county upon receipt of the entity's payment for the election expenses. However, the Commissioners shall have no obligation to grant such a request for an exception to the county's policy.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

#### **230:10-7-130. Resolution to return overtime reimbursement from entities to County Election Board account**

The Secretary shall be authorized to ask the County Commissioners to adopt a resolution directing that funds received from other entities for overtime compensation and benefits paid to County Election Board employees be immediately reimbursed to the County Election Board's Personal Services account. Such resolutions are authorized by 62 O.S. 1991 § 335, and must be adopted annually. The Secretary of the County Election Board shall not draft the resolution. The Secretary may refer County Commissioners to the District Attorney or to the Management Services Division in the Office of the State Auditor and Inspector for additional information and/or sample copies of such resolutions.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

**230:10-7-131. Billing entities for applicable overtime expenses for County Election Board employees**

(a) When preparing the Record of Expense for an entity other than the state or county, the Secretary shall include the amount of overtime compensation and any related employer-paid benefits for each employee who worked overtime in connection with the entity's election. The overtime must be billed, the payment must be received from the entity, and the Personal Services Account must be reimbursed even if it is county policy to give compensatory time off work instead of monetary payments for overtime.

(b) If it is county policy to pay overtime in the form of compensatory time off work, the funds received from entities other than the state or county for overtime that are reimbursed to the Personal Services account may be used as needed to pay temporary employees hired to cover routine office operation while regular employees use their compensatory time. If the funds reimbursed to the Personal Services account are not needed for compensation of either regular or temporary employees, the excess funds may be transferred to another account and used for any lawful purpose. The Secretary must fill out a copy of the Transfer of Appropriation form (SA&I Form No. 237) to request the transfer, and the transfer of funds must be approved by the County Commissioners, or by the Budget Board if the county has a Budget Board. The law does not prohibit such transfers from the Personal Services account.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00]

**230:10-7-132. Reimbursing funds to the Personal Services account**

When an entity's payment for the expenses listed on the Record of Expense is received, the Secretary shall deposit the funds in the County Election Board's Special Depository Account and shall pay the various expenses of the election according to routine procedures. The Secretary also shall observe the following procedure to reimburse the County General Fund for the compensation and benefits paid to County Election Board employees for overtime worked in connection with the entity's election. (In a county with a Budget Board, the Secretary shall ask the County Clerk to contact the office of the State Auditor and Inspector for the procedure to reimburse these funds to the County Election Board's Personal Services account.) The County Commissioners first must have adopted a resolution directing such reimbursement before this procedure can be implemented. See 230:10-7-130.

(1) Issue a voucher from the Special Depository Account in the amount of the overtime compensation plus the employer-paid benefits for deposit in the County General Fund.

(2) Fill out a copy of the Reimbursement to General Fund Account form (SA&I Form No. 313).

(A) If the resolution adopted by the County Commissioners directing reimbursement to the County Election Board's Personal Services Account does not have a resolution number, leave that space blank. Be certain to enter the date the resolution was adopted in the appropriate space.

(B) Enter the County Election Board's Personal Services account number in the first column. However, if benefits are paid to a General Fund Account other than the County Election Board's



Personal Services account, enter the benefits account number in the first column instead.

(C) Enter the name of the entity or entities for which the election was conducted in the fourth column labeled "Source of Reimbursement."

(D) Enter the total amount to be paid to the County Election Board Personal Services account in the fifth column. Also enter the amount to be paid to the benefits account if it is separate from the Personal Services account.

(3) Attach the voucher to the Reimbursement to General Fund Account form.

(4) Take the completed Reimbursement to General Fund Account form with the voucher attached to the County Treasurer. Ask the Treasurer to issue a receipt for the voucher and to sign and date the Reimbursement to General Fund Account form.

(5) Enter the County Treasurer's receipt number in the second column and the receipt date in the third column.

(6) Make two copies of the completed Reimbursement to General Fund Account form. Deliver the original form to the County Clerk, one of the copies to the County Treasurer, and keep the other copy for the County Election Board's records.

(7) Add a reimbursement transaction to the MESA Budget Account and document the reimbursement on the Day Ledger Budget Account.

[Source: Added at 17 Ok Reg 2335, eff 7-1-00; Amended at 30 Ok Reg 1617, eff 7-15-13]

## **CHAPTER 15. VOTER REGISTRATION**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **230:15-1-1. Purpose**

The rules in this Chapter concern voter registration. The rules in Subchapter 3 establish State and County Election Board responsibilities for voter outreach and education. The rules in Subchapter 5 describe the qualifications for voter registration in Oklahoma and establish procedures for applying for voter registration by mail. Subchapter 5 also contains rules concerning voter registration application services offered in motor license agencies and by the various voter registration agencies. The rules contained in Subchapter 9 establish procedures for State and County Election Board personnel responsible for processing applications for new voter registration or for change of voter registration. The rules contained in Subchapter 11 establish procedures for cancelling voter registration and for conducting a voter registration address confirmation.

[Source: Amended at 12 Ok Reg 2191, eff 1-7-95]

#### **230:15-1-2. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Activation date**" means the date that a valid application becomes a voter registration.

**"Active voter registration application services"** means that personnel of a motor license agency or of a voter registration agency identified in 230:15-5-122 or 230:15-5-123 take an active, participatory role in offering the opportunity to apply for voter registration as required in 230:15-5-100 or in 230:15-5-125.

**"Approved application"** means a voter registration application that contains all required information [see 230:15-5-84 and 230:15-9-19] and that does not apparently duplicate an existing voter registration.

**"Federal voter registration application"** means the form prescribed by the United States Election Assistance Commission to be used to apply for voter registration or to apply for change of voter registration and to be accepted for these purposes in all states.

**"MESA"** means the Modern Election Support Application software used by County Election Board personnel for voter registration, absentee voting, and election administration and maintenance.

**"Oklahoma Voter Registration Application"** means the form prescribed by the Secretary of the State Election Board for use in Oklahoma to apply for voter registration or to apply for change of voter registration by mail, at motor license agencies and at all voter registration agencies identified in 230:15-5-122 and 230:15-5-123.

**"Passive voter registration application services"** means that personnel of a motor license agency or of a voter registration agency identified in 230:15-5-122 or 230:15-5-123 are required to make the Oklahoma Voter Registration Application form available to persons conducting business with the agency and to the general public but are not directly involved in the voter registration application process, and are not required to accept completed applications for transmittal to the State Election Board. [See 230:15-5-108 and 230:15-5-131.]

**"Proof of identity"** means a form of personal identification that meets the requirements listed in 26 O.S., Section 7-114, as amended by State Question 746.

**"Valid application"** means a voter registration application that results in a new voter registration or in a change to an existing voter registration.

**"Voter registration agency"** means an office of a governmental agency specified in either 230:15-5-122 or in 230:15-5-123, or a location designated by such agencies, at which either active or passive voter registration application services are available.

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Amended at 12 Ok Reg 2191, eff 7-1-95; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 28 Ok Reg 255, eff 1-1-11 (emergency); Amended at 28 Ok Reg 1132, eff 7-1-11]

## **SUBCHAPTER 3. VOTER OUTREACH**

### **PART 1. RESPONSIBILITIES FOR VOTER OUTREACH**

#### **230:15-3-1. Responsibility for voter outreach**

The Secretary of the Country Election Board shall be authorized to organize and to conduct voter outreach programs in the country.

[Source: Amended at 12 Ok Reg 2193, eff 1-7-95]

#### **230:15-3-2. Participation by Chairman and Vice Chairman [REVOKED]**

[Source: Amended at 12 Ok Reg 2193, eff 7-1-95; Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-3. Purpose of voter outreach [REVOKED]**

[Source: Amended at 12 Ok Reg 2193, eff 7-1-95; Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-4. Goals of voter outreach [REVOKED]**

[Source: Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-5. Relations with the voters [REVOKED]**

[Source: Amended at 12 Ok Reg 2193, eff 7-1-95; Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-6. Voter education programs [REVOKED]**

[Source: Amended at 12 Ok Reg 2193, eff 7-1-95; Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-7. Statewide voter outreach programs [REVOKED]**

[Source: Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-8. Voter registration [REVOKED]**

[Source: Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-9. Voter participation [REVOKED]**

[Source: Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-10. Press releases**

The State Election Board shall, from time to time, provide model press releases that can be used to disseminate information to voters and prospective voters of the county. The Secretary of the County Election Board shall cause such press releases to be adapted for the county and distributed to the news media of his county in accordance with the directions accompanying the releases.

[Source: Amended at 30 Ok Reg 1631, eff 7-15-13]

#### **230:15-3-11. Additional State Election Board assistance [REVOKED]**

[Source: Revoked at 16 Ok Reg 2404, eff 7-1-99]

#### **230:15-3-12. Documentation [REVOKED]**

[Source: Revoked at 16 Ok Reg 2404, eff 7-1-99]

### **PART 3. DISTRIBUTION OF VOTER REGISTRATION APPLICATION FORMS**

#### **230:15-3-22. Responsibility for distribution of voter registration application forms**

The Secretary of the State Election Board shall be responsible for the distribution of voter registration applications in Oklahoma. The Secretary of the State Election Board shall designate locations where voter registration applications shall be available for distribution. When designating locations where voter registration applications shall be available, the Secretary shall give preference to public locations where large numbers of potential voters may be located. The Secretary shall place particular emphasis on making voter registration application forms available for organized voter registration programs.

[Source: Added at 12 Ok Reg 2193, eff 7-1-95]

**230:15-3-23. Voter registration application forms available to individuals**

(a) The printed Oklahoma Voter Registration Application form generally shall be available to any individual applicant for voter registration or for change of voter registration in the following locations.

(1) **Motor license agencies.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application form at any motor license agency in Oklahoma. See 230:15-5-100 and 230:15-5-103.

(2) **Voter registration agencies.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application form at any voter registration agency identified in 230:15-5-122 and 230:15-5-123. See 230:15-5-124.

(3) **Public libraries.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application in any public library in Oklahoma. Public library personnel shall have no responsibility either to offer applications to library patrons or to collect completed applications. Applications obtained at a public library shall be mailed to the State Election Board by the applicant.

(4) **United States Post Offices.** Any individual applicant for voter registration or for change of voter registration may obtain an Oklahoma Voter Registration Application form at any United States Post Office in Oklahoma. United States Postal Service employees shall have no responsibility either to offer applications to post office patrons or to collect completed applications. Applications obtained in a United States Post Office shall be mailed to the State Election Board by the applicant.

(b) The federal voter registration application form is widely available online. State Election Board and County Election Board personnel shall refer persons who want a copy of the federal voter registration application form to the United States Election Assistance Commission's website, although they may print a copy upon request. The federal voter registration application form is available online at [www.eac.gov](http://www.eac.gov). It may be filled out online, but it must be downloaded, printed, signed personally by the applicant as described in 230:15-5-84(c), and mailed or delivered to the State Election Board, to a County Election Board, or to a motor license agency or designated voter registration agency to be processed. A federal voter registration application form cannot be submitted online, by electronic mail, by fax, or by any other electronic means in Oklahoma.

(c) The Oklahoma Voter Registration Application form is available online at [www.elections.ok.gov](http://www.elections.ok.gov). The voter registration application form may be filled out online but must be downloaded, printed, signed personally by the applicant as described in 230:15-5-84(c), and mailed or delivered to the State Election Board or to a County Election Board office to be processed. The Oklahoma Voter Registration Application cannot be submitted online, by electronic mail, by fax, or by any other electronic means unless specifically authorized by federal or state law.

[Source: Added at 12 Ok Reg 2193, eff 7-1-95; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 32 Ok Reg 1733, eff 9-11-15]

**230:15-3-24. Voter registration application forms available in quantity for organized voter registration programs**

(a) The Oklahoma Voter Registration Application form shall be made available in quantity to any organization, entity or individual for use in organized voter

registration programs. Quantities of the form may be obtained from any County Election Board as outlined in (b) of this Section or from the State Election Board as outlined in (c) of this Section.

(b) Any organization, entity or individual may obtain quantities of the Oklahoma Voter Registration Application form from the Secretary of any County Election Board as outlined in this subsection. However, the Secretary may refuse a request for forms if, in the Secretary's judgment, filling it would reduce the County Election Board's supply of forms below the level needed to meet its own requirements. Serial requests from the same organization, entity or individual made within a thirty-day period shall be made in writing and shall state that all previously received forms have been distributed.

(1) A maximum of 250 Oklahoma Voter Registration Application forms may be obtained from the County Election Board in a county having up to 10,000 registered voters.

(2) A maximum of 500 Oklahoma Voter Registration Application forms may be obtained from the County Election Board in a county having 10,001 or more registered voters but fewer than 50,000 registered voters.

(3) A maximum of 1,000 Oklahoma Voter Registration Application forms may be obtained from the County Election Board in a county having 50,001 or more registered voters.

(c) Any organization, entity or individual may obtain up to 1,000 copies of the Oklahoma Voter Registration Application form from the Secretary of the State Election Board by making a written request. Serial requests from the same organization, entity or individual made within a thirty-day period shall be made in writing and shall state that all previously received forms have been distributed.

[Source: Added at 12 Ok Reg 2193, eff 7-1-95; Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 20 Ok Reg 1087, eff 7-1-03; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-3-25. Warning of criminal penalties**

Any organization, entity or individual who obtains 50 or more Oklahoma Voter Registration Application forms from the State Election Board or from any County Election Board as outlined in 230:15-3-24 also shall receive a copy of the text of 42 U.S.C. 1973gg-10, the criminal penalties section of the National Voter Registration Act of 1993.

[Source: Added at 12 Ok Reg 2193, eff 7-1-95]

### **230:15-3-26. Requests for more than 1,000 Oklahoma Voter Registration Application forms**

(a) Any organization, entity or individual anticipating the need for more than 1,000 Oklahoma Voter Registration Application forms shall request permission from the Secretary of the State Election Board to print the forms. Such requests shall be made in writing and shall include the following information: name, address and telephone number of the organization, entity or individual requesting permission to print the Oklahoma Voter Registration Application form; the quantity of forms to be printed; a brief description of plans for use or distribution of the forms; date of request; signature.

(b) When a request for permission to print the Oklahoma Voter Registration Application form is approved by the Secretary of the State Election Board, the State Election Board staff shall provide a PDF or other electronic file of the Oklahoma Voter Registration Application form to the organization, entity or individual who made the request.

(c) The Secretary of the State Election Board may revoke permission to print the Oklahoma Voter Registration Application form from any organization, entity or individual at any time.

(d) Any individual or organization may download and print the Oklahoma Voter Registration Application form from the State Election Board's website and may duplicate the form and may distribute the duplicate copies.

[Source: Added at 12 Ok Reg 2193, eff 7-1-95; Amended at 20 Ok Reg 470, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1087, eff 7-1-03; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-3-27. Specifications for Oklahoma Voter Registration Application form [REVOKED]**

[Source: Added at 12 Ok Reg 2193, eff 7-1-95; Amended at 25 Ok Reg 1913, eff 7-1-08; Revoked at 28 Ok Reg 1132, eff 7-1-11]

## **SUBCHAPTER 5. APPLICATION FOR VOTER REGISTRATION**

### **PART 1. QUALIFICATIONS FOR REGISTRATION**

#### **230:15-5-1. Persons eligible to register to vote**

(a) Persons who are citizens of the United States and residents of the State of Oklahoma who are eighteen years of age or older may register to vote at their address of residence. [Okla. Const. Art. 3, Sect. 1; 26:4-101] Persons living on federal property, such as a military base, who are residents of Oklahoma and otherwise qualified, are eligible to register at an address located on such property.

(b) Persons eligible to register to vote may apply for voter registration by mail, in person at any voter registration agency identified in 230:15-5-122 and 230:15-5-123 or at a motor license agency. See 230:15-5-83, 230:15-5-100, and 230:15-5-125.

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95]

#### **230:15-5-2. Persons who shall become eligible to register to vote**

(a) Any person who becomes qualified to register to vote during a period that begins 60 days before an election and ends on election day is entitled to apply for voter registration at any time beginning 60 days before the election. Such applications must be valid and must be postmarked or received by an authorized voter registration agency or by the State Election Board more than 24 days before the election. The election must be one in which the person, once registered, is entitled to vote.

(b) The provision described in (a) most often applies to a person whose eighteenth birthday falls within a period that begins 60 days before an election and ends on election day. However, this provision also may apply to persons who become United States citizens during the same period.

(c) Voter registration applications from persons described in this Section shall be entered into MESA immediately upon receipt as outlined in 230:15-9-18. Such voter registration applications shall be approved and activated and voter identification cards shall format and print only after one of the following events occurs.

- (1) The date (for example, the applicant's eighteenth birthday) on which the applicant becomes eligible to vote passes.
- (2) The voter registration application deadline for the election passes.

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 26 Ok Reg 2525, eff 7-15-09; Amended at 30 Ok Reg 1631, eff 7-15-13]

### **230:15-5-3. Felons ineligible to register to vote**

(a) Persons who have been convicted of a felony may not become registered voters for a period of time equal to the time prescribed in the judgment and sentence.

[26:4-101]

(b) To aid in determining eligibility, the following example is offered. A person convicted of a felony and sentenced to five years, with the sentence suspended, may not register for five years. A person convicted of a felony and sentenced to ten years and who is paroled after serving only three years may not become a registered voter for ten years.

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-4. Exceptions for felony convictions**

Persons who have been convicted of a felony, but who have received a deferred sentence, may become registered voters. Such persons may apply to register at any time, provided they are otherwise qualified. Persons who have been convicted of a felony, but who have received a full pardon and thus have been restored to full citizenship, may become registered voters provided they are otherwise qualified.

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-5. Persons adjudged incapacitated ineligible to register to vote**

[REVOKED]

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95; Revoked at 30 Ok Reg 1631, eff 7-15-13]

## **PART 3. AUTHORIZED REGISTRARS [REVOKED]**

### **230:15-5-10. Secretary, Assistant Secretary, Chief Clerk may register voters**

[REVOKED]

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-11. Other clerical personnel [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-12. Voter Registrars [REVOKED]**

[Source: Amended at 10 Ok Reg 2719, eff 7-1-93; Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-13. Locating appointed Voter Registrars in adjacent counties**

[REVOKED]

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

## **PART 5. APPOINTMENT OF REGISTRARS [REVOKED]**

### **230:15-5-18. Procedure for appointment [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-19. Voter Registrar information [REVOKED]**

[Source: Amended at 11 Ok Reg 1573, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-19.1. Registrar identification numbers for designated Voter Registrars [REVOKED]**

[Source: Added at 11 Ok Reg 1573, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-20. Voter Registrar zones [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-21. Continuing evaluation system [REVOKED]**

[Source: Amended at 11 Ok Reg 1573, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-22. Forms for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-23. Signs for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-24. Supplies for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

## **PART 7. TIME FOR REGISTRATION**

### **230:15-5-28. Registration closed ten days before, three days after election [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-28.1. Exception to close of registration [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-29. Sundays and legal holidays [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-30. Change of political affiliation**

A registered voter may apply to change his or her political affiliation at any time during an odd-numbered year. A registered voter may apply to change his or her political affiliation at any time during an even-numbered year, except during the period from April 1 through August 31, inclusive. Applications to change political affiliation received during this period shall be held by the County Election Board and activated on September 1 as outlined in 230:15-9-22.1. However, if such an application for political affiliation change also includes change of address or of name, the change of address or of name shall be approved and activated if the



application is otherwise valid.

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95; Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 21 Ok Reg 547, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 30 Ok Reg 1631, eff 7-15-13]

### **230:15-5-31. Hours for registration [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

## **PART 9. ACCESSIBILITY OF VOTER REGISTRATION APPLICATION SERVICES**

### **230:15-5-36. Accessibility of voter registration application services for elderly and handicapped voters**

(a) Voter registration application services in motor license agencies and in voter registration agencies listed in 230:15-5-122 and 230:15-5-123 shall be made accessible to elderly and handicapped voters.

(b) If an applicant for voter registration in a motor license agency or in a voter registration agency identified in 230:15-5-122 or 230:15-5-123 requests assistance to complete the Oklahoma Voter Registration Application form, personnel of the motor license agency or of the voter registration agency shall be required to provide the same degree of assistance to complete the voter registration application as they provide to complete the motor license agency's own forms. [26:4-109.2(B)(2)]

(c) In the event that an applicant for voter registration is incapable of personally signing or making his or her mark on the voter registration application form, the applicant shall select an assistant to help him or her complete the voter registration application form. [26:4-112] The assistant may be any person the applicant chooses. Personnel of motor license agencies and of voter registration agencies identified in 230:15-5-122 and 230:15-5-123 shall be required to assist such applicants if requested by the applicants to do so. [26:4-112] The assistant shall be required to complete the voter registration application form exactly as instructed by the applicant. The following procedure shall be observed.

- (1) The assistant shall read the Oath to the applicant so that the applicant may determine whether he or she is eligible to register to vote in Oklahoma.
- (2) The assistant shall read the Important Information printed on the back of the Oklahoma Voter Registration Application form to the applicant.
- (3) The assistant shall print the applicant's name on the application form in the spaces provided.
- (4) The assistant shall check the appropriate box to indicate the applicant's political affiliation. The assistant shall read the instructions for Section 2 - Political Affiliation to the applicant if necessary.
- (5) The assistant shall print the applicant's date of birth, Oklahoma driver's license number, the last four digits of the Social Security number, if necessary, the applicant's address of residence, mailing address, and county of residence in the appropriate spaces on the application form. The assistant shall read the instructions for Section 6 - Street Address or Directions to Your Home to the applicant if necessary.
- (6) The assistant shall ask the applicant if he or she has ever been registered to vote before and shall indicate the applicant's answer by checking the appropriate box in Section 9. The assistant shall read the instructions for Section 9 - Have You Been Registered Before? to the applicant if necessary.

If the applicant has been registered to vote before, the assistant shall record as much information about the former registration as possible in the spaces provided.

(7) If the applicant is incapable of signing the application or of making his or her mark on the application, the assistant shall print the applicant's name in the space provided for Signature or Mark of Applicant. The assistant shall write his or her own initials beside the applicant's printed name. The assistant shall enter the date in the space provided.

(8) The assistant shall print his or her own name and address in the space provided at the bottom of the form.

(d) If an applicant for voter registration in a motor license agency or in a voter registration agency identified in 230:15-5-122 or 230:15-5-123 requests assistance to complete the Oklahoma Voter Registration Application form from agency personnel, the procedure outlined in (c)(1) through (7) of this Section shall be observed. The assistant then shall print his or her own name and the agency's address in the shaded area marked "Office Use Only" on the instructions portion of the application form.

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Amended at 12 Ok Reg 2197, eff 7-1-95; Amended at 23 Ok Reg 1279, eff 7-1-06]

## **PART 11. COMPENSATION FOR REGISTRATION [REVOKED]**

### **230:15-5-41. Compensation of appointed Voter Registrars [REVOKED]**

[Source: Amended at 9 Ok Reg 2377, eff 7-1-92; Amended at 11 Ok Reg 1573, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

#### **230:15-5-41.1. Compensation of designated Voter Registrars [REVOKED]**

[Source: Added at 11 Ok Reg 1573, eff 6-1-94; Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-42. Time for payment [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-43. No registration fee for Secretary, paid employees [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-44. Waiver of compensation of Voter Registrars [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

## **PART 13. PROCEDURE FOR REGISTRATION [REVOKED]**

### **230:15-5-49. Procedure for registration [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-50. Processing registration transactions for new voters [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-51. Processing name change transactions [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-52. Processing change of address transactions [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-53. Processing change of political affiliation transactions [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-54. Processing transfers of address on election day [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

**PART 15. CANCELLATION FOR FAILURE TO VOTE [REVOKED]**

**230:15-5-60. Reasons for cancellation of registration [AMENDED AND RENUMBERED TO 230:15-11-1]**

[Source: Amended and renumbered to 230:15-11-1 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-61. Positive identification required [RENUMBERED]**

[Source: Renumbered to 230:15-11-2 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-62. Written notice by voter [AMENDED AND RENUMBERED TO 230:15-11-3]**

[Source: Amended and renumbered to 230:15-11-3 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-63. Processing cancellations of registration [AMENDED AND RENUMBERED TO 230:15-11-4]**

[Source: Amended and renumbered to 230:15-11-4 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-64. Potential Deletion Report [AMENDED AND RENUMBERED TO 230:15-11-5]**

[Source: Amended and renumbered to 230:15-11-5 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-65. Cancellation of registration of deceased voter by next of kin [RENUMBERED]**

[Source: Renumbered to 230:15-11-6 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-66. Cancellation of registration of person adjudged incapacitated [AMENDED AND RENUMBERED TO 230:15-11-7]**

[Source: Amended and renumbered to 230:15-11-7 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-67. Potential Duplicate Registration Report [RENUMBERED]**

[Source: Renumbered to 230:15-11-9 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-68. Cancellation for failure to vote [REVOKED]**

[Source: Revoked at 12 Ok Reg 2197, eff 7-1-95]

**PART 17. PUBLIC RECORDS**

**230:15-5-73. All registration records public**

All voter registration records, except as specifically designated otherwise in federal or state law, must be available for public inspection and copying or mechanical reproduction during regular office hours. The Secretary shall cooperate with any individual or group wishing to inspect and copy the registration records, and a uniform policy shall be established so that such inspection and copying will not interfere with normal operations of the office. However, a voter's full or partial Oklahoma driver license number or Social Security number provided on a voter registration application form shall not be considered a public record and shall be kept confidential by the Secretary of the County Election Board. When a copy of an original voter registration application is made, the full or partial driver license number or Social Security number shall be redacted on the copy. [26:4-112; 51:24A.5] See 230:10-7-59.

[Source: Amended at 12 Ok Reg 2197, eff 7-1-95; Amended at 20 Ok Reg 470, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1087, eff 7-1-03; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 36 Ok Reg 1539, eff 9-16-19]

**PART 19. RECOGNIZED POLITICAL PARTIES AND POLITICAL ORGANIZATIONS****230:15-5-77. Recognized political parties [REVOKED]**

[Source: Added at 16 Ok Reg 522, eff 1-1-99 (emergency); Added at 16 Ok Reg 2404, eff 7-1-99; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 30 Ok Reg 1631, eff 7-15-13]

**230:15-5-78. Party ceases to exist**

The State Election Board shall notify the Secretary of the County Election Board when a political party loses recognition and when the process to change the political affiliations of the party's voters is completed. Upon receipt of the report listing affected voters in the county, the Secretary shall cause the following procedure to be observed.

- (1) Print new voter identification cards for the affected voters. Mail the cards to the voters along with a copy of a letter provided by the State Election Board that explains why their political affiliations have been changed.
- (2) Use the report provided by the State Election Board to locate the affected voters' original registration forms in the Central File.
- (3) Cross out the name of the unrecognized political party and write in the word "Independent." Make these changes in a way that clearly distinguishes them as administrative notations. Initial and date the changes.
- (4) Replace the voter's registration form in the Central File.
- (5) Retain the report received from the State Election Board for 24 months.

[Source: Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13]

**230:15-5-79. Political organizations**

(a) A political organization is an organization or political group that at one time has been a recognized political party under Oklahoma law but that subsequently failed to retain its recognized status as provided by law. Such a group's status as a political organization shall continue for four years from the date that the State Election Board revokes recognition of the political party as provided by law. A

political organization may regain its status as a recognized political party only by following the statutory procedure for forming a new party. A group may acquire the status of political organization only by first becoming a recognized political party and subsequently losing recognition as provided by law.

(b) Applicants for voter registration are entitled to select political organizations as their political affiliations. Voters whose political affiliations are changed from that of a decertified political party to Independent as outlined in 230:15-5-78(b) shall be entitled to apply to change their voter registrations to reflect their affiliation with the political organization. Voters who select a political organization as their political affiliation are not Independent voters and are subject to the conditions outlined in (c) of this Section. Voters indicate their affiliation with a political organization by writing in the name of the organization in the space for "Other" in Section 2 on the Oklahoma Voter Registration Application form or in Section 7 on the Federal Voter Registration Application form.

(c) Political organizations shall not have the right to conduct primary elections, to run candidates for office, or to have name recognition on any ballot. A voter affiliated with a political organization shall not be entitled to file as an Independent candidate for any federal, state, county, or partisan municipal office and shall not be entitled to vote for the candidates of any political party at primary or runoff primary elections. Voters affiliated with a political organization may vote only on nonpartisan races and questions at primary and runoff primary elections. Voters affiliated with political organizations shall receive the same ballot as all other voters at General Elections and may vote for any candidate or party on such General Election ballot.

(d) Within 60 days after a political organization ceases to exist, the Secretary of the State Election Board shall cause the political affiliation of all voters registered in that political organization to be changed to Independent in MESA. After completing the process to change the political affiliations of the political organization's voters, the State Election Board staff shall prepare and distribute to each County Election Board a report listing all affected voters in the county. After receiving the list of voters from the State Election Board, the Secretary of the County Election Board shall follow the same steps outlined in 230:15-5-78(c).

[Source: Added at 16 Ok Reg 522, eff 1-1-99 (emergency); Added at 16 Ok Reg 2404, eff 7-1-99; Amended at 28 Ok Reg 1132, eff 7-1-11]

## **PART 21. VOTER REGISTRATION APPLICATION BY MAIL**

### **230:15-5-83. Applying for voter registration by mail**

(a) A person eligible to become a registered voter in Oklahoma may apply by mail for voter registration. Application for voter registration may be made by completing one of the official voter registration application forms described in (c) of this Section and by mailing it to the State Election Board.

(b) A registered voter may apply by mail to change his or her name, political affiliation or residence address for voting purposes. Application for a change of address, political affiliation or name may be made by completing one of the official voter registration application forms described in (c) of this Section.

(c) Persons eligible to become registered voters may apply for new voter registration and registered voters may apply to change their voter registrations in Oklahoma by using either of the following official voter registration application forms.

(1) **Oklahoma Voter Registration Application.** The Oklahoma Voter Registration Application form may be used to apply for voter registration or for change of voter registration. The Oklahoma Voter Registration Application form shall be made available at the offices of the State Election Board and of each County Election Board, in all motor license agencies, and in the offices of all voter registration agencies identified in 230:15-5-122 and 230:15-5-123. The Oklahoma Voter Registration Application form also shall be made available in public libraries and in United States Post Offices throughout Oklahoma. The Oklahoma Voter Registration Application also may be downloaded and printed from the State Election Board's website: [www.elections.ok.gov](http://www.elections.ok.gov).

(2) **Federal Voter Registration Application.** The federal Voter Registration Application form may be used to apply for voter registration or for change of voter registration in Oklahoma. The federal Voter Registration Application shall be available from the State Election Board, from all County Election Boards, and in other locations designated by the Secretary of the State Election Board. The federal Voter Registration Application also may be downloaded and printed from the United States Election Assistance Commission website: [www.eac.gov](http://www.eac.gov).

(d) Only applications submitted on the voter registration application forms named in (c) of this Section shall be accepted in Oklahoma. A letter or other written application for voter registration shall not be accepted. Voter registration application forms prescribed for use in other states shall not be accepted in Oklahoma. Voter registration applications shall not be accepted by electronic facsimile transmission ("fax") or by electronic mail transmission ("e-mail").

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-5-83.1. Voter registration for Address Confidentiality Program participants**

(a) A person certified by the Attorney General as a participant in the Address Confidentiality Program (ACP) may request an ACP Voter Registration Packet from the State Election Board. A form to use for this request is provided by the State Election Board to the Attorney General for distribution with other ACP materials. An ACP participant who is a registered voter when entering the program must cancel the existing voter registration and apply for new registration as an ACP voter. An ACP voter will receive absentee ballots by mail for all local, state, and national elections in which she is eligible to vote for up to four years. Upon receipt of the ACP Voter Registration Packet, the participant follows these steps to become a registered voter.

(1) If the ACP participant is currently registered to vote in Oklahoma, fill out the Request to Cancel Voter Registration form in the presence of a Notary Public.

(2) Fill out the enclosed ACP Oklahoma Voter Registration Application form.

(A) Enter the actual residence address in Box 6 on this form. Election officials must know the actual residence address in order to assign the voter to the correct precinct and issue the correct ballots. Only one member of the State Election Board staff will have access to this form.

(B) Enter the ACP address as the mailing address in Box 7.

- (C) Be certain to sign the ACP Oklahoma Voter Registration Application form.
- (3) Read and sign the ACP Voter Registration Statement of Understanding form.
- (4) Provide proof of identity. A document used for proof of identity must include your name, which must substantially conform to your name on your voter registration, a photograph of you, and an expiration date; except, however, a state identification card issued to a person 65 years of age or older which is valid indefinitely shall be an acceptable proof of identity without an expiration date. You may use any of the following documents.
  - (A) an Oklahoma driver license
  - (B) a state identification card
  - (C) a passport
  - (D) a military identification
  - (E) any other such document issued by the state of Oklahoma, the United States government, or a federally recognized tribal government which includes your name, a photograph of you, and an expiration date; except, however, a state identification card issued to a person 65 years of age or older which is valid indefinitely shall be an acceptable proof of identity without an expiration date.
- (5) Use the self-addressed envelope included in the ACP Voter Registration Packet to mail the following items to the Oklahoma State Election Board.
  - (A) signed and notarized Request to Cancel Voter Registration form, if applicable.
  - (B) filled out and signed ACP Oklahoma Voter Registration Application form.
  - (C) signed ACP Voter Registration Statement of Understanding form.
  - (D) copy of identification.
- (b) In order to protect the confidentiality of the ACP voter's address, the following rules must be observed.
  - (1) An ACP voter may not vote in person at the polling place for the precinct in which the voter resides.
  - (2) An ACP voter may not vote by in-person absentee ballot at the County Election Board office.
  - (3) An ACP voter may not sign an initiative petition or any other petition that is verified against voter registration records.
  - (4) An ACP voter must not apply for voter registration when obtaining or changing address on an Oklahoma driver license or state identification card or when applying for certain forms of public assistance.

[Source: Added at 20 Ok Reg 1087, eff 7-1-03; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 26 Ok Reg 2525, eff 7-15-09; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-5-84. Information required on voter registration application**

(a) A person who is eligible to register to vote and who applies for voter registration shall be required to provide the information listed in (b) of this Section on a voter registration application form. Voter registration applications that contain all the required information shall be valid applications and shall be approved by the Secretary of the County Election Board and the applicant shall become a registered voter in the county. An application that does not contain the required information, except as provided in (c) and (d) of this Section, shall not be a valid application and

shall be rejected.

(b) A valid voter registration application shall contain the following information.

- (1) Applicant's full name.
- (2) Applicant's date of birth.
- (3) Applicant's county of residence. (See exception provided in (d) of this Section.)
- (4) Applicant's residence address. (See (e) of this Section.)
- (5) Applicant's mailing address. (See (f) of this Section.)
- (6) Applicant's political affiliation. (See exception provided in (c) of this Section.)
- (7) Applicant's Oklahoma driver license number, state identification card number, or the last four digits of applicant's Social Security number, or a check mark in the appropriate box to indicate that the applicant does not have an Oklahoma driver license, state identification card, or Social Security number. If the applicant submitted an older version of the Oklahoma Voter Registration Application form that does not include the check box to indicate that he or she does not have these identification numbers, the application shall not be considered valid if one of these numbers is not included. See 230:15-9-18.
- (8) Applicant's original signature or applicant's original mark, as defined in subsection (c) of this Section.
- (9) Name and address of person who helped applicant complete application if applicant is unable to complete it unassisted.
- (10) Check marks in the "yes" boxes that accompany questions concerning applicant's age and citizenship status as required by federal law. [42 USC 15483(b)(4)(A)] If an applicant has checked the "no" boxes that accompany these questions, the application shall not be considered valid. (On older versions of the Oklahoma Voter Registration Application form, these questions appeared in the information and instruction portion of the form.) If an applicant did not answer these two questions but did sign and date the oath, the application shall be accepted if it is otherwise valid.
- (11) An oath requiring the applicant to swear or affirm his or her eligibility for voter registration.

(c) *A voter registration application shall be signed by the applicant in writing.*

[26:4-112(A)] *The applicant shall personally subscribe his or her name to or make his or her mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. [26:4-112(A)] The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. [26:4-112(A)] No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. [26:4-112(A)] A signature created electronically and applied to a voter registration application by remote pen technology or by any other electronic means shall not be a valid signature on a voter registration application form unless otherwise provided by federal or state law. The signature requirements described in this subsection are applicable to both the Oklahoma Voter Registration Application form and to the federal voter registration application form.*

(d) An application for new voter registration that is valid in all other respects shall not be rejected because the applicant has made one of the errors listed below when indicating a political affiliation. County Election Board personnel shall be authorized to designate an applicant as an Independent if one of the errors listed below appears on an otherwise valid voter registration application form. A voter



designated Independent by County Election Board personnel for one of the following reasons shall be entitled to declare a political affiliation at any time, even during the period beginning April 1 and ending August 31, inclusive, in even-numbered years when changes of political affiliation otherwise are prohibited. Such declarations of political affiliation shall be subject to the voter registration application deadline preceding an election. See 230:15-5-86.

- (1) The applicant left the space on the application form for political affiliation blank.
- (2) The applicant indicated more than one political affiliation and the applicant's intention cannot be determined.
- (3) The applicant wrote the name of a political party or political organization not currently recognized in Oklahoma. See 230:15-5-77 and 230:15-5-79.

(e) An applicant for voter registration shall indicate the name of the county in which he or she resides on the application form. However, if an applicant fails to indicate his or her county of residence, the Secretary of the County Election Board shall not reject the application solely for this reason if the residence address provided by the applicant in fact is located within the county.

(f) An applicant for voter registration must provide his or her address of residence. If the applicant has a street address (a street name and number, an apartment or suite number, if applicable, and zip code), that is the applicant's address of residence. [26:4-112] If the applicant does not have a street address, a physical description of the location of the residence that can be used to pinpoint the residence on a map must be provided. The applicant may provide a 911 address or may provide the legal description (a Section-Township-Range description, including the appropriate quarter section or quarter-quarter section designation). Neither a rural route address nor a post office box address is acceptable as an address of residence for voter registration purposes. A voter registration application that does not include an address of residence sufficient to locate the residence on a map shall be rejected by the Secretary of the County Election Board.

(g) A mailing address must include the city and zip code. An emergency notification address, or 911 address, a rural route and box number, a post office box, or a street address all constitute valid mailing addresses for voter registration purposes. [26:4-112] If an applicant's mailing address is the same as the applicant's residence address, the space for mailing address may be left blank.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 17 Ok Reg 2340, eff 7-1-00; Amended at 20 Ok Reg 470, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1087, eff 7-1-03; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 25 Ok Reg 1913, eff 7-1-08; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 32 Ok Reg 1733, eff 9-11-15]

### **230:15-5-85. Other information requested on applications for voter registration**

In addition to the information required on an application for voter registration as outlined in 230:15-5-84, other information is requested. This other information is optional and a voter's failure to provide the additional information shall not result in the rejection of the application if the application is determined to be valid in all other respects. The other, optional information shall include the applicant's former voter registration information, including former residence address, former name, and/or former political affiliation.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 25 Ok Reg 1913, eff 7-1-08; Amended at 28 Ok Reg 1132, eff 7-1-11]

**230:15-5-86. Deadlines for submitting mail applications**

(a) **Submitting mail applications.** Applications for new voter registration or for change of voter registration may be submitted at any time.

(b) **Deadline for submitting applications for an election.** Valid applications received by mail and postmarked not later than the 25<sup>th</sup> day prior to an election will be activated for that election. Applications received by mail without a postmark through the 19<sup>th</sup> day prior to an election will be activated for that election if they are determined to be valid applications.

(c) **Applications received after deadline for an election.** Valid applications that are received by mail postmarked 24 days or less prior to an election or that are received by mail without postmarks fewer than 19 days prior to an election will be activated after the election.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 36 Ok Reg 1539, eff 9-16-19]

**230:15-5-87. Acknowledgment of voter registration application**

(a) The Secretary of the County Election Board shall acknowledge by mail each application for voter registration and shall notify each applicant of the disposition of his or her application. If an application is determined to be valid, the acknowledgment shall be a voter identification card. If an application is rejected, the acknowledgment shall be a rejection notice. A rejection notice shall describe the reason for which the application is rejected and shall inform the applicant of the steps, if any, that may be taken to provide additional information to complete or to correct the application. Voter identification cards created to acknowledge applications for new voter registration and for change of existing voter registrations shall be mailed to the voter. Rejection notices also shall be mailed.

(b) If an applicant for new voter registration or for change of voter registration does not receive an acknowledgment of his or her application, as described in (a) of this Section, within 30 days after submitting it, the applicant is responsible for contacting the County Election Board in his or her county of residence to determine the status of the application.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

**230:15-5-88. Activation of application for new voter registration or for change in voter registration**

(a) An applicant for voter registration shall become a registered voter eligible to vote when his or her valid voter registration application is approved by the Secretary of the County Election Board in the applicant's county of residence and a voter identification card is issued.

(b) A registered voter's application to change his or her name, political affiliation or residence address for voting purposes shall become effective when the application is approved by the Secretary of the County Election Board in the voter's county of residence and a voter identification card is issued.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95]

**230:15-5-89. Change of address on election day**

(a) A registered voter who has changed his or her residence within the county but who has not yet changed his or her voter registration shall be entitled to vote at the polling place in the precinct serving the former address. Such a voter also shall be

entitled to make application to change his or her voter registration while at the polling place by completing an Oklahoma Voter Registration Application form and submitting the completed form to the Precinct Inspector for return to the County Election Board. Oklahoma Voter Registration Applications used to execute a change of address on election day shall be processed according to the procedure outlined in 230:15-9-18 and 230:15-9-24.

(b) A registered voter who has changed his or her residence address within the county but who has not yet changed his or her voter registration shall be entitled to vote ballots for the precinct of his or her former residence on a day of in-person absentee voting. Such a voter also shall be entitled to execute a change of address at the in-person absentee polling place by completing an Oklahoma Voter Registration Application form and submitting the completed form to one of the in-person Absentee Voting Board members. The application shall be processed by the County Election Board according to the procedure outlined in 230:15-9-18 and 230:15-9-24.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 559, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 26 Ok Reg 2525, eff 7-15-09]

### **230:15-5-90. Address confirmation notice [REVOKED]**

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Revoked at 35 Ok Reg 1185, eff 9-14-18]

## **PART 23. VOTER REGISTRATION APPLICATION SERVICES AT DEPARTMENT OF PUBLIC SAFETY FACILITIES AND IN MOTOR LICENSE AGENCIES**

### **230:15-5-100. Voter registration application services provided with driver license services at Department of Public Safety facilities and at motor license agencies**

(a) **Voter registration application services required.** Both federal and state law require that an application for a new driver license in Oklahoma shall be a simultaneous application for voter registration unless the driver license applicant specifically opts out of voter registration. The choice to opt out of voter registration shall be indicated in writing.

(b) **New driver license.** Each person who applies for a new Oklahoma driver license or a new state identification card at a Department of Public Safety facility shall be provided with simultaneous voter registration services as mandated by the National Voter Registration Act [52 USC '20504] and by state law. [26:4-109.3] An application submitted for a new driver license or new state identification card shall serve as an application for voter registration unless the applicant fails to sign the voter registration application. A Department of Public Safety driver license examiner enters information provided by each driver license applicant into the Department of Public Safety system. Information that is common to both the driver license and voter registration applications then prints on a voter registration application form unless the applicant has opted not to apply for voter registration. The examiner gives the applicant the voter registration application form and instructs the applicant to verify that all information is correct and to select a political affiliation, to enter information about previous voter registration in the spaces provided, to read the oath, and to sign and date the form. The examiner takes the signed voter registration application from the applicant and sends it by mail to the State Election Board as described in 230:15-5-108. When a new driver license

recipient subsequently appears at a motor license agency to have his or her driver license made, motor license agency personnel are not required to repeat the offer of voter registration services.

(c) **Driver license renewal.** Each person who renews an Oklahoma driver license or a state identification card at a motor license agency shall be offered the opportunity by motor license agency personnel to register to vote by filling out and signing a paper copy of the Oklahoma Voter Registration Application form. Motor license agency personnel shall accept such completed and signed applications and shall send them by mail to the State Election Board as outlined in 230:15-5-108.

(d) **Driver license change of address or name.** A change of address or name for a driver license or state identification card submitted in person at a motor license agency or a change of address submitted online through the Department of Public Safety website also shall serve as a simultaneous change of address for voter registration purposes if the new address is located within the same county where the voter is currently registered to vote unless the applicant opts out of voter registration. However, the County Election Board shall not be authorized to change the name of a registered voter based only upon an electronic submission of data from the Department of Public Safety. See 230:15-5-102.1(c).

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-5-101. Training for motor license agency personnel**

All motor license agency personnel shall receive training prior to offering active voter registration application services. The training shall be prescribed by the Secretary of the State Election Board. It shall be the responsibility of each motor license agent to ensure that all employees are trained to provide voter registration application services as required by law.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

#### **230:15-5-101.1. Training for driver license examiners and other Department of Public Safety personnel**

All Department of Public Safety personnel shall receive training prior to providing voter registration services to persons applying for a new Oklahoma driver license or state identification card. The training shall be prescribed by the Secretary of the State Election Board and may be conducted by designated State Election Board agency personnel or by designated Department of Public Safety Driver License Services personnel. It shall be the responsibility of the Department of Public Safety Driver License Service personnel to ensure that all applicable employees are trained to provide voter registration services as required by federal and state law.

[Source: Added at 35 Ok Reg 559, eff 3-15-18 (emergency); Added at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-5-102. Motor license agency procedure for simultaneous voter registration application with a driver license renewal**

(a) Motor license agency personnel shall offer voter registration services to each person who appears in person to renew an Oklahoma driver license or state identification card, change the address on an Oklahoma driver license or state identification card, or change name on an Oklahoma driver license or state identification card.

- (1) Ask the applicant to read, fill out, and sign the Voter Registration Statement.
  - (2) If the applicant indicates on the Voter Registration Statement that the applicant wants to register to vote, provide a copy of the Oklahoma Voter Registration Application form. Retain the Voter Registration Statement.
  - (3) If the applicant indicates on the Voter Registration Statement that the applicant does not want to register to vote, retain the Voter Registration Statement and proceed with the motor license agency's business.
  - (4) Follow agency procedure to ensure that a completed voter registration application form is date-stamped on the day it is received in your office and that the motor license agency identification number is entered in the "MLA Use Only" box on the form. Place the completed form in the correct location to be mailed to the State Election Board and proceed with the motor license agency's business.
- (b) If the applicant either leaves the Voter Registration Statement blank or refuses to fill it out, give the applicant an Oklahoma Voter Registration Application to take home. If the applicant refuses the application form, note the refusal on the Voter Registration Statement. Print the applicant's name and the date on the Voter Registration Statement form and file it as directed. Proceed with the motor license agency's business.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

**230:15-5-102.1. Motor license agency procedure for simultaneous voter registration application with in-person driver license change of address or name**

- (a) A change of address for an Oklahoma driver license or state identification card submitted by a registered voter also shall serve as a change of address for voter registration purposes if the new address is located within the same county where the voter is registered. [26:4-109.3] However, a change of address for an Oklahoma driver license or state identification card shall not be used to update a voter registration address if the registrant states in writing that the change of address is not for voter registration purposes. [26:4-109.3]
- (b) Motor license agency personnel shall follow this procedure to provide voter registration services to customers who appear in person to change address on a driver license.
- (1) Ask the applicant to read, fill out, and sign the Voter Registration Statement.
  - (2) If the customer indicates on the Voter Registration Statement that the applicant wants to register to vote, keep the Voter Registration Statement and proceed to step (4) of this subsection.
  - (3) If the applicant indicates that the applicant does not want to register to vote, keep the Voter Registration Statement.
  - (4) Give each applicant for change of address or name a copy of the Notice of Change of Address or Name form provided by the Driver License Services Division of the Oklahoma Department of Public Safety.
  - (5) Instruct each applicant to provide both a residence address and a mailing address on the Department of Public Safety form.
  - (6) Motor license agency personnel shall receive the completed and signed Notice of Change of Address or Name form and shall follow instructions provided by the Department of Public Safety to enter all information

provided on the form, including both residence address and mailing address, into the Department of Public Safety system. If the applicant indicated on the Voter Registration Statement that the applicant does not want to register to vote, check to see that the applicant checked the box on the Department of Public Safety form to indicate that the change of address or name is not for voter registration.

(c) When a registered voter submits a driver license name change in person at a motor license agency, motor license agency personnel follow the procedure described in (b) of this Section to obtain and record the new name in the Department of Public Safety system. The information is provided electronically to the State Election Board by the Department of Public Safety, and if a match is found with an existing registered voter, the information is delivered electronically to the appropriate County Election Board for processing. However, the County Election Board shall not update a voter registration record with the new name based only on the electronic data submission from the Department of Public Safety. If County Election Board personnel determine that the match is valid, a letter to the voter is created instructing the voter to complete and submit a paper voter registration application form, a copy of which should be enclosed with the letter, to change the voter's name. An original signature of the voter's new name shall be required to complete a name change for voter registration purposes.

[Source: Added at 35 Ok Reg 559, eff 3-15-18 (emergency); Added at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-5-102.3. Confidential information regarding voter registration services**

Information related to an individual's decision not to register to vote or to the identity of the agency at which any person applied to register to vote shall not be made public and shall not be used for any purpose other than voter registration. The identity and location of a motor license agency or Department of Public Safety facility at which a person registers or declines to register to vote shall not be disclosed to the public. Department of Public Safety and motor license agency personnel shall not write or stamp any information that could identify the agency outside the shaded box labeled for such purpose and located at the top of the voter registration application form. Completed and signed voter registration applications shall be maintained in a secure and confidential manner until they are mailed to the State Election Board as provided in 230:15-5-108.

[Source: Added at 35 Ok Reg 559, eff 3-15-18 (emergency); Added at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-5-103. Passive voter registration application services in motor license agency**

(a) Motor license agency personnel shall provide a paper copy of the Oklahoma Voter Registration Application form to any person who requests one while conducting any business transaction in the agency other than those described in 230:15-5-100. Motor license agency personnel also shall provide a paper Oklahoma Voter Registration Application form to any person who requests one even if the person does not conduct a business transaction with the motor license agency.

(b) Motor license agency personnel shall accept paper voter registration application forms completed in the agency as a result of passive voter registration application services for transmittal to the State Election Board. The Voter Registration Statement form shall not be required in connection with passive voter registration application services.

(c) Motor license agency personnel shall not be authorized to provide any group or individual with paper voter registration application forms for voter registration

drives or other similar activities. Motor license agency personnel shall refer all persons who request forms for voter registration drives or other similar activities to the local County Election Board office or to the State Election Board. Motor license agency personnel shall be authorized but shall not be required to accept completed voter registration application forms that originated outside the motor license agency for transmittal to the State Election Board. If such forms are accepted, however, agency personnel shall ensure that the forms are stamped with a received date and sent to the State Election Board as outlined in 230:15-5-107 and 230:15-5-108. However, the agency ID number shall not be entered on such forms and the motor license agent shall not be eligible to receive compensation as outlined in 230:15-5-110. Motor license agency personnel may direct persons with quantities of completed voter registration application forms to the local County Election Board office or to the State Election Board for appropriate instructions. (d) Motor license agencies have no authority to accept absentee ballots from voters or to transmit absentee ballots to the State Election Board in a pre-addressed, postage-paid business reply envelope provided to the agency for voter registration applications.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 3171, eff 6-18-96 (emergency); Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

**230:15-5-104. Department of Public Safety and motor license agency personnel responding to questions and/or requests for information about voter registration or election conduct**

Department of Public Safety and motor license agency personnel shall not answer questions or provide information concerning voter registration or election conduct unless the answer or information is contained in the written materials supplied by the State Election Board. Applicants who have questions that cannot be answered by Department of Public Safety or motor license agency personnel shall be referred to the office of the local County Election Board, to the State Election Board office, or to the State Election Board's website: [www.elections.ok.gov](http://www.elections.ok.gov). Department of Public Safety and motor license agency personnel shall not attempt to explain or to amplify the information contained in the written materials supplied by the State Election Board.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

**230:15-5-105. Voter registration application services impartial and nonpartisan**

Voter registration application services shall be provided in an impartial and nonpartisan manner. Department of Public Safety and motor license agency personnel providing voter registration application services are advised not to do any of the following things.

- (1) Do not seek to influence an applicant's political affiliation or party registration.
- (2) Do not display any political preference or party allegiance.
- (3) Do not make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

**230:15-5-106. Responsibility for Voter Registration Statements received in motor license agency**

(a) **Retention of Voter Registration Statements.** Completed Voter Registration Statements shall be retained by the motor license agency for 24 months from the date of application. [26:4-109.3] Procedures for retention and disposal of Voter Registration Statements shall be established by each motor license agent. However, each motor license agent shall ensure that Voter Registration Statements are filed and retained so that an individual applicant's statement can be located and provided to state or county election officials in a timely manner if the statement is needed to determine an individual's eligibility to vote in an election.

(b) **Custody of Voter Registration Statements when motor license agent changes or agency ceases to exist.** In the event of a change in motor license agent or in the event that a motor license agency ceases to exist, completed Voter Registration Statements shall be transferred to the designated representative of the Oklahoma Department of Public Safety who shall be responsible for retaining the statements in accordance with state and federal law and for making such statements available to state or county election officials in a timely manner if they are needed to determine an individual's eligibility to vote in an election.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

**230:15-5-107. Source coding and dating completed applications received by motor license agency**

The motor license agent shall ensure that the date a voter registration application is received through either active voter registration application services described in 230:15-5-102 or through passive voter registration application services described in 230:15-5-103 is written or stamped in the shaded area labeled "VRA/MLA Office Use Only" at the top of the form. The identification number assigned to the motor license agency by the Oklahoma Tax Commission also shall be written or stamped on each form in the space provided. Agency personnel shall ensure that no information that could identify the agency is written or stamped outside the shaded area provided at the top of the form.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 3171, eff 6-18-96 (emergency); Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

**230:15-5-108. Transmitting completed Oklahoma Voter Registration Application forms to the State Election Board**

(a) **Transmittal deadline.** All completed Oklahoma Voter Registration Application forms received by Department of Public Safety personnel and at a motor license agency as a result of voter registration services provided simultaneously with driver license services shall be transmitted to the State Election Board at the close of business each week. In addition, all voter registration application forms received by motor license agency personnel from customers transacting other business with the agency also shall be transmitted to the State Election Board at the close of business each week.

(b) **Procedure for transmitting completed Oklahoma Voter Registration Applications.** The following procedure shall be observed by Department of Public Safety and motor license agency personnel to transmit all completed Oklahoma Voter Registration Application forms to the State Election Board.



- (1) Place all completed Oklahoma Voter Registration Application forms received during the week in a postage-paid, pre-addressed business reply envelope provided by the State Election Board.
- (2) Seal the envelope containing completed Oklahoma Voter Registration Application forms and mail it to the State Election Board at the close of business each week.

**(c) Transmitting applications received through passive voter registration application services.** All voter registration applications completed in a motor license agency from persons transacting business other than renewing or updating a driver license also shall be date-stamped and coded as outlined in 230:15-5-107 and shall be mailed to the State Election Board as outlined in (a) and (b) of this Section.

(d) The postage-paid, pre-addressed business reply envelope provided by the State Election Board to motor license agencies and to Department of Public Safety driver license examiners shall not be used for any purpose other than mailing completed voter registration application forms to the State Election Board on a weekly basis.

(e) Nothing in this Section shall prohibit an agreement between a motor license agent or Department of Public Safety driver license examiner and the Secretary of the County Election Board to allow County Election Board personnel to pick up completed voter registration applications from the motor license agency or driver license examiner on a regular basis.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 3171, eff 6-18-96 (emergency); Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-5-109. Materials for voter registration application services in motor license agency**

- (a) All forms and materials required to provide simultaneous voter registration services in a Department of Public Safety facility or a motor license agency shall be prescribed by the Secretary of the State Election Board.
- (b) The Secretary of the State Election Board shall prepare and provide to the Department of Public Safety Driver License Services and to each motor license agent the instructions, forms and supplies necessary to provide simultaneous voter registration services. Department of Public Safety Driver License Services and individual motor license agents shall be responsible for ordering additional materials from the State Election Board as needed. Motor license agency personnel shall not be authorized to obtain voter registration application forms and materials from the local County Election Board office.
- (c) The following materials shall be required to provide active voter registration application services in a motor license agency.
  - (1) Oklahoma Voter Registration Application forms, pre-coded to indicate the form originated with a motor license agency.
  - (2) Voter Registration Statement forms.
  - (3) Pre-addressed, postage-paid business reply envelopes for transmitting completed voter registration applications to the State Election Board.
  - (4) Procedure for Voter Registration cards.
  - (5) Voter Registration Application Checklist cards.
  - (6) Register While You Are Here Today signs.
- (d) On any occasion that persons conducting business with a motor license agency that does not include the renewal or update of a driver license requests voter registration, the use of the Voter Registration Statement form shall not be required. However, motor license agency personnel are advised and encouraged to follow the

Renew A Driver License steps described on the most recent Procedure for Voter Registration card provided by the State Election Board to review the content of any submitted voter registration application for completeness.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-5-110. Payment of motor license agents**

(a) **Payment for valid paper applications only.** Motor license agents shall be paid fifty cents by the State Election Board for each valid paper voter registration application form completed in the motor license agency. [26:4-109.3] A valid voter registration application shall be one that results either in a new voter registration or in a change to an existing voter registration. However, payment can be made only if the identification code assigned to the motor license agency by the Oklahoma Tax Commission is stamped or written in the shaded area provided for that purpose at the top of the form.

(b) **Schedule for payment.** Motor license agents shall be paid on a schedule to be determined by the Secretary of the State Election Board. However, motor license agents shall be paid at least four times each year. Motor license agent payroll records shall be cleared on March 31, June 30, September 30 and December 31 of each year.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 3171, eff 6-18-96 (emergency); Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

## **PART 25. VOTER REGISTRATION APPLICATION SERVICES IN VOTER REGISTRATION AGENCIES**

### **230:15-5-120. Types of voter registration agencies**

Voter registration agencies shall be categorized as either mandatory voter registration agencies or as discretionary voter registration agencies.

(1) **Mandatory voter registration agencies.** Mandatory voter registration agencies are those specified by federal or state law as agencies which must provide voter registration application services to persons who are applying for certain services or assistance from the agency, to persons who are renewing or recertifying certain services from the agency, and to persons who are changing address in connection with certain services or assistance received from the agency. See 230:15-5-122.

(2) **Discretionary voter registration agencies.** Discretionary voter registration agencies are agencies designated by the Secretary of the State Election Board to provide voter registration application services to persons who are applying for certain services or assistance from the agency, to persons who are renewing or recertifying certain services from the agency, and to persons who are changing address in connection with certain services or assistance received from the agency. See 230:15-5-123.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95]

### **230:15-5-121. Types of voter registration application services provided in voter registration agencies**

(a) **Active voter registration application services.** Active voter registration application services shall be provided by all mandatory and discretionary voter registration agencies. Active voter registration application services shall be

provided only in connection with the programs and services identified in 230:15-5-122.

(b) **Passive voter registration application services.** Passive voter registration application services shall be available in all mandatory and in all discretionary voter registration agencies. Passive voter registration application services shall be provided to any person who requests them as outlined in 230:15-5-124.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-122. Mandatory voter registration agencies identified**

(a) **Public assistance agencies.** Public assistance agencies shall include offices in the state that provide public assistance, and specifically those locations at which the application, renewal, re-certification and change of address processes for the following programs are administered.

- (1) The food stamp program, also known as the Supplemental Nutrition Assistance Program (SNAP).
- (2) The Medicaid program.
- (3) The Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
- (4) The Temporary Assistance to Needy Families (TANF) program.
- (5) The State Children's Health Insurance Program (SCHIP).

(b) **Agencies serving the disabled.** Agencies serving the disabled shall include those agencies offering state-funded programs primarily engaged in providing services to the disabled. Locations at which the application, renewal, re-certification and change of address processes for covered services offered by the Oklahoma Department of Rehabilitation Services, by the Oklahoma Department of Mental Health and Substance Abuse, and by disability services offices on the campuses of public colleges and universities shall be mandatory voter registration agencies. Covered services for agencies serving the disabled shall be determined by the administrator of each affected agency in consultation with the Secretary of the State Election Board. Agencies serving the disabled that offer covered services in the client's home also shall provide voter registration application services in the client's home. All administrative rules of the State Election Board shall apply and the procedure established in 230:15-5-125 shall be observed when offering voter registration application services in a client's home.

(c) **Armed Forces Recruitment Offices.** Recruitment offices of the Armed Forces of the United States shall offer voter registration application services to each prospective enlistee.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-123. Discretionary voter registration agencies identified**

Discretionary voter registration agencies shall include the County Election Board office in each county in Oklahoma and the Oklahoma Office of Disability Concerns.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 26 Ok Reg 2525, eff 7-15-09]

### **230:15-5-124. Passive voter registration application services in voter registration agency**

(a) Voter registration agency personnel shall provide an Oklahoma Voter Registration Application form to any person who requests one while conducting

business with the agency in connection with any program other than those listed in 230:15-5-122. Voter registration agency personnel shall provide an Oklahoma Voter Registration Application form to any person who requests one even if the person does not conduct any business with the agency.

(b) Voter registration agency personnel shall be authorized but shall not be required to accept application forms completed as a result of passive voter registration application services for transmittal to the State Election Board. If accepted, however, voter registration agency personnel shall ensure that such forms are stamped with a received date and sent to the State Election Board as outlined in 230:15-5-130 and 230:15-5-131. Voter registration agency personnel shall be authorized to instruct persons who receive voter registration applications as a result of passive voter registration application services to mail their own completed application to the State Election Board. The Voter Registration Statement is not required in connection with passive voter registration application services.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-125. Active voter registration application services in voter registration agency**

(a) **Procedure for active voter registration application services in voter registration agencies.** Voter registration agency personnel shall use the following procedure to offer the opportunity to apply for voter registration to each person who applies for or who renews or re-certifies for service or assistance from a covered program and to each person who changes address in connection with service or assistance from a covered program. However, when voter registration application services are offered in the office of a County Election Board, a Voter Registration Statement shall not be required and the procedure shall begin with (4) of this subsection.

- (1) Ask the client to read the Voter Registration Statement.
- (2) Ask the client to print his or her name at the top of the Voter Registration Statement.
- (3) Ask the client to check YES or NO and to sign and date the statement.
  - (A) If the client checks YES, keep the Voter Registration Statement and proceed to step 4.
  - (B) If the client checks NO, keep the Voter Registration Statement and proceed with the agency's business.
  - (C) If the client either leaves the Voter Registration Statement blank or refuses to fill it out, give the client an Oklahoma Voter Registration Application form to take home. If the client refuses the application form, note the refusal on the Voter Registration Statement. Print the client's name and the date on the form and file as directed. Proceed with the agency's business.
- (4) Give the client an Oklahoma Voter Registration Application form and tell the client to read the Oath to determine whether the client is eligible to register to vote.
- (5) Tell the client to read the Important Information and the Instructions pages of the form.
- (6) If the client asks for help to fill out the form, help the client in the same way you would help any client fill out the agency's forms.
- (7) Take the filled out and signed application form back from the client.

(8) Verify that the client signed the form and wrote today's date. Verify that the client provided either an Oklahoma driver license number or the last four digits of his/her Social Security number in the appropriate space on the form.

(9) If it appears that any information is omitted, show the omission to the client. Tell the client that omitting the information may cause the application to be rejected. Only the client may add to or change the form.

(10) File the completed and signed Voter Registration Statement as directed. Put the completed voter registration application in a secure place and proceed with the agency's business.

(b) **Assistance to clients.** If the client indicates that the client desires assistance to complete the Oklahoma Voter Registration Application form, agency personnel shall provide the same degree of assistance provided to complete the agency's own forms. Agencies providing state-funded programs and services to persons with disabilities, and that sometimes provide services at a person's home, also shall provide voter registration services at the person's home.

(c) **Confidential information.** Information related to a declination to register to vote shall not be used for any purpose other than voter registration. The identity of the voter registration agency through which any particular voter is registered shall not be disclosed to the public. Completed voter registration applications shall be kept confidential while in possession of voter registration agency personnel. Agency personnel shall not stamp or write any information that could identify the agency outside the shaded "VRA/MLA Office Use Only" box at the top of the form.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-126. Voter registration agency personnel responding to questions and/or requests for information about voter registration or election conduct**

(a) Mandatory and discretionary voter registration agency personnel, except County Election Board personnel, shall not answer questions or provide information concerning voter registration or election conduct unless the answer or information is contained in the written materials provided by the State Election Board. Clients who have questions about voter registration or elections that cannot be answered by voter registration agency personnel shall be referred to the office of the local County Election Board, to the State Election Board, or to the State Election Board's website: [www.elections.ok.gov](http://www.elections.ok.gov). Voter registration agency personnel shall not attempt to explain or amplify the written materials.

(b) County Election Board personnel shall be authorized to answer questions and provide information beyond the scope of the written materials provided to other voter registration agency personnel, especially concerning the activation of an application for voter registration, a client's eligibility to vote in particular elections or the location of an applicant's polling place.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-127. Hours for voter registration application services in voter registration agency**

Voter registration application services shall be offered during the regular business hours of each mandatory and discretionary voter registration agency unless otherwise provided by law or by the administrative rules of the Secretary of

the State Election Board.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-128. Prohibitions**

Voter registration agency personnel providing voter registration application services shall not:

- (1) Seek to influence a client's political affiliation or party registration.
- (2) Display any political preference or party allegiance.
- (3) Make any statement to a client or take any action the purpose or effect of which is to discourage the client from registering to vote.
- (4) Make any statement to a client or take any action the purpose or effect of which is to lead the client to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-129. Responsibility for Voter Registration Statements received by voter registration agency**

Completed Voter Registration Statements shall be retained by the voter registration agency for 24 months from the date of application. Procedures for retention and disposal of Voter Registration Statements shall be prescribed by the administrator of each affected agency. However, the Voter Registration Statements shall be filed and retained in a way that an individual client's Voter Registration Statement can be located and provided to election officials, upon request, to aid in determining an individual client's eligibility to vote in an election.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-130. Dating completed applications received by voter registration agency**

Mandatory and discretionary voter registration agency personnel shall stamp or write the date the application was received in the space marked "VRA/MLA Office Use Only" on each completed Oklahoma Voter Registration Application form received from a client as a result of either passive or active voter registration application services described in 230:15-5-125. Agency personnel shall not write or stamp any information that identifies the agency outside the shaded "VRA/MLA Office Use Only" box at the top of the application form.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-131. Transmitting completed Oklahoma Voter Registration Application forms from voter registration agency to the State Election Board**

(a) **Transmittal deadline.** Completed Oklahoma Voter Registration Application forms received by a voter registration agency as a result of either active or passive voter registration application services shall be transmitted to the State Election Board at the close of business each week.

(b) **Procedure for transmitting completed Oklahoma Voter Registration Applications.** The following procedure shall be observed by agency personnel to transmit to the State Election Board all completed Oklahoma Voter Registration Application forms received as a result of either active or passive voter registration

application services described in 230:15-5-125. The State Election Board shall provide pre-addressed, postage-paid business reply envelopes for the purpose of transmitting completed voter registration application forms.

- (1) Make certain that the date that the application was received at the agency appears in the space provided on each completed Oklahoma Voter Registration Application form. If the received date does not appear on a completed application, stamp or write the current date in the space provided.
- (2) Place all the completed Oklahoma Voter Registration Application forms in a postage-paid, pre-addressed business reply envelope provided by the State Election Board.
- (3) Mail the envelope containing completed Oklahoma Voter Registration Application forms to the State Election Board at the close of business each week.

**(c) Transmitting applications received through passive voter registration application services.** Voter registration agency personnel shall also receive for transmittal to the State Election Board applications completed as a result of passive voter registration application services described in 230:15-5-124. All voter registration applications received by the agency as a result of passive voter registration application services shall be stamped with the received date as outlined in (b) of this Section and shall be transmitted along with applications received through active voter registration application services as outlined in (a) and (b) of this Section.

**(d) Transmitting applications received at the County Election Board.** Voter registration applications may be received at the County Election Board as outlined in 230:15-9-11(b). Applications received at the County Election Board from persons who reside in the county shall not be transmitted to the State Election Board. Applications received at the County Election Board from persons who reside in another county shall be transmitted either to the appropriate County Election Board or to the State Election Board as outlined in (b) of this Section, except that the County Election Board shall provide its own envelope and shall pay the necessary postage.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-132. Forms and supplies for voter registration application services in voter registration agency**

- (a) All forms and supplies required to provide active and passive voter registration application services in a voter registration agency shall be prescribed by the Secretary of the State Election Board.
- (b) The Secretary of the State Election Board shall prepare and distribute the forms and supplies necessary to provide active and passive voter registration application services in both mandatory and discretionary voter registration agencies. The Secretary of the State Election Board shall work with designated personnel from each affected agency to ensure orderly and timely distribution of forms and supplies to a central location for each agency. Voter registration supplies shall subsequently be distributed from that central location by each voter registration agency to the appropriate sites and offices within the agency where either active or passive voter registration services are provided. Voter registration agency personnel shall not be authorized to obtain voter registration supplies from the office of a County Election Board. A voter registration agency may be authorized by the

Secretary of the State Election Board to print Oklahoma Voter Registration Application forms and Voter Registration Statements. A voter registration agency authorized to print Oklahoma Voter Registration Application forms and Voter Registration Statement forms shall ensure that these items are printed to the specifications established by the Secretary of the State Election Board.

(c) The following materials shall be required to provide active voter registration application services in both mandatory and discretionary voter registration agencies (except the County Election Board).

(1) Oklahoma Voter Registration Application forms, pre-coded for the agency.

(2) Voter Registration Statement forms.

(3) Pre-addressed, postage-paid envelopes for transmitting completed applications to the State Election Board.

(4) Procedure for Voter Registration cards.

(5) Voter Registration Application Checklist cards.

(6) Register While You Are Here Today signs.

(d) Only the Oklahoma Voter Registration Application form shall be required to provide passive voter registration application services. Only the Oklahoma Voter Registration Application form shall be required to provide active voter registration application services in the County Election Board office.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 33 Ok Reg 71, eff 8-24-15 (emergency); Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-5-133. Training of voter registration agency personnel**

Mandatory and discretionary voter registration agency personnel shall receive training prior to offering active voter registration application services. The training shall be prescribed by the Secretary of the State Election Board with input and assistance as appropriate from personnel of affected agencies.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95]

## **PART 27. ONLINE VOTER REGISTRATION APPLICATION SERVICES**

### **230:15-5-140. Online submission of applications for voter registration authorized**

(a) The Secretary of the State Election Board, in compliance with the intent of legislation passed and signed into law in 2015, 2016, and 2017, has authorized development of a system to allow the submission of applications for voter registration online. [26:4-109] The development and implementation of the online voter registration application system shall occur in two phases as outlined in this Section.

(1) **Phase 1.** Phase 1 of the system will allow currently registered voters to submit applications for change of voter registration through a secure portal accessible from the State Election Board's website. Currently registered voters will be able to change their residence address, mailing address, or political affiliation within the same county where they are registered by submitting an application online.

(2) **Phase 2.** Phase 2 of the system will include the services provided by Phase 1 and also will allow submission of applications for voter registration from currently registered voters who have moved to another county in Oklahoma and from voters who are not currently registered to vote in Oklahoma.



(b) No other method, source, or system for online voter registration is authorized. Voter registration application forms shall not be accepted through e-mail, fax, or any other means of electronic delivery.

(c) All voter registration applications submitted through the secure portal on the State Election Board website will be delivered to the appropriate County Election Board through the State Election Board's proprietary software system known as MESA (Modern Election Support Application). The County Election Board Secretary in each county shall cause all such electronically submitted applications to be reviewed, processed, and to be either approved or rejected according to procedures outlined in 230:15-9-18 through 230:15-9-36.

(d) Applications for voter registration submitted through the secure portal on the State Election Board's website shall be subject to the same deadlines preceding elections and the same restrictions concerning party affiliation change in even-numbered years as are all applications for voter registration submitted in person at a County Election Board office, by mail, through a public assistance agency, the Department of Public Safety, or a motor license agency. See 230:15-5-86(b) and 230:15-5-87.

[Source: Added at 35 Ok Reg 1185, eff 9-14-18]

## **SUBCHAPTER 7. INSTRUCTIONS FOR VOTER REGISTRARS [REVOKED]**

### **PART 1. VOTER REGISTRARS [REVOKED]**

#### **230:15-7-1. Purpose [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

#### **230:15-7-2. Publication of the Bluebook for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

##### **230:15-7-2.1. Publication of Instructions for Designated Voter Registrars [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

#### **230:15-7-3. Appointment of Voter Registrars [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

##### **230:15-7-3.1. Designation of motor license agents as Voter Registrars [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

#### **230:15-7-4. Qualifications for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

#### **230:15-7-5. Number of appointed Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-6. Removal of Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 3. TIME AND LOCATION FOR REGISTRATION [REVOKED]**

### **230:15-7-10. Time for registration [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-11. Registration on Sundays and legal holidays [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-12. Partial closing of registration [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

#### **230:15-7-12.1. Exception to close of registration [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-13. Hours for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-14. Locations for Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-15. Location in adjacent county for appointed Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-16. Accessibility for elderly and handicapped voters [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 5. RESPONSIBILITIES OF THE VOTER [REVOKED]**

### **230:15-7-21. Registration in person only [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-22. Initiation of transactions by voter [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-23. Transactions by voter only [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-24. Administrative function [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 7. QUALIFICATIONS FOR REGISTRATION [REVOKED]**

### **230:15-7-29. Persons eligible to register [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-30. Persons who shall become eligible [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-31. Felons ineligible [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-32. Exceptions for felony convictions [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-33. Persons adjudged incapacitated [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 9. COMPENSATION FOR VOTER REGISTRARS [REVOKED]**

### **230:15-7-38. Compensation for appointed Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

#### **230:15-7-38.1. Compensation for designated Voter Registrars [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-39. Waiver of compensation for appointed Voter Registrars [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-40. Schedule for compensation [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 11. REGISTRATION MATERIALS [REVOKED]**

### **230:15-7-45. Registration materials [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-46. Registration forms [REVOKED]**

[Source: Amended at 9 Ok Reg 2377, eff 7-1-92; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-47. Registration signs [REVOKED]**

[Source: Amended at 9 Ok Reg 2377, eff 7-1-92; Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-48. Display of signs [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-49. Registration supplies [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 13. REGISTRATION TRANSACTIONS [REVOKED]**

### **230:15-7-54. Kinds of voters [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-55. Change of political affiliation [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-56. Double registration [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-57. Determination of need [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 15. PROCEDURE FOR REGISTRATION [REVOKED]**

### **230:15-7-62. Procedure for registration transactions [REVOKED]**

[Source: Amended at 11 Ok Reg 297, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 17. RETURN OF COMPLETED REGISTRATION FORMS [REVOKED]**

### **230:15-7-67. Return of registration forms [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

### **230:15-7-68. Schedule for returning forms [REVOKED]**

[Source: Revoked at 12 Ok Reg 2217, eff 7-1-95]

## **PART 19. UNAUTHORIZED REGISTRATION [REVOKED]**

### **230:15-7-73. Invalid transactions [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2377, eff 7-1-92; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**230:15-7-74. Penalty for unauthorized registration [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2377, eff 7-1-92; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**230:15-7-75. Penalty for unauthorized possession of registration materials [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2377, eff 7-1-92; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**PART 21. PROCEDURES FOR DESIGNATED VOTER REGISTRARS [REVOKED]**

**230:15-7-80. Motor license agents required to provide registration services [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**230:15-7-81. Motor license agents shall ensure Voter Registrar training for employees [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**230:15-7-82. Designated Voter Registrars shall use Record of Registration form [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**230:15-7-83. Use of transmittal sheet required [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**230:15-7-84. Notice of closed registration [REVOKED]**

[Source: Added at 11 Ok Reg 297, eff 11-1-93 (emergency); Added at 11 Ok Reg 1567, eff 6-1-94; Revoked at 12 Ok Reg 2217, eff 7-1-95]

**SUBCHAPTER 9. RECEIVING AND PROCESSING VOTER REGISTRATION APPLICATIONS**

**PART 1. RESPONSIBILITIES OF THE STATE ELECTION BOARD FOR VOTER REGISTRATION**

**230:15-9-1. Secretary of State Election Board is chief state election official**

(a) The Secretary of the State Election Board shall be the chief state election official responsible for coordination of Oklahoma's responsibilities under the National Voter Registration Act of 1993. [26:2-107] The Secretary shall have the authority to implement programs for confirmation of voter registration and for removal of ineligible voters in compliance with the general election laws of Oklahoma and with the requirements of the National Voter Registration Act of 1993. [26:2-107]

(b) The Secretary of the State Election Board shall devise and distribute a voter registration application to be used to register voters by mail, at Department of Public Safety facilities, in motor license agencies that provide driver license services, and in voter registration agencies identified in 230:15-5-122 and 230:15-5-123. [26:4-112] The Secretary also shall devise a voter identification card which shall be issued to every person who becomes a registered voter. [26:4-113] The Secretary shall designate locations where voter registration applications will be available for distribution. [26:4-109]

(c) The Secretary of the State Election Board shall promote and encourage voter registration and voter participation in elections. [26:2-107]

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-2. Voter registration applications transmitted to the State Election Board**

(a) All paper voter registration applications received by driver license examiners at Department of Public Safety, at motor license agencies that provide driver license services, and at voter registration agencies as a result of voter registration services shall be transmitted by agency personnel to the State Election Board. The State Election Board shall provide pre-addressed, postage-paid business reply envelopes to Department of Public Safety driver license examiner facilities, to all motor license agencies that provide driver license services, and to voter registration agencies identified in 230: 15-5-122 and 230:15-5-123 to use to transmit completed paper voter registration application forms to the State Election Board.

(b) All paper voter registration application forms submitted by mail shall be received at the State Election Board.

(c) Instructions that accompany the national voter registration application form direct applicants using that form to mail the form to the State Election Board.

(d) Paper voter registration application forms may be submitted in person at the State Election Board by applicants and by third parties on behalf of applicants. Applications submitted in person at the State Election Board shall be processed in the same manner described in 230:15-9-3.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-3. Processing paper voter registration applications received at the State Election Board**

(a) State Election Board personnel shall apply a date stamp to each paper voter registration application form received at the State Election Board. The date stamp shall be applied on the side of the form bearing postage, the State Election Board's mailing address and the applicant's return address.

(b) When several paper voter registration application forms are received by mail at the State Election Board in a single envelope and the applications did not originate with a driver license examiner, in a motor license agency that provides driver license services, or in a voter registration agency identified in 230:15-5-122 and 230:15-5-123, State Election Board personnel shall indicate the postmark date from the envelope on each form. If the postmark on such an envelope is illegible, State Election Board personnel shall so indicate on each form received in that envelope.

(c) State Election Board personnel shall sort received paper voter registration applications by county and then shall transmit the voter registration applications to the appropriate County Election Board. Accumulated voter registration applications shall be transmitted to the appropriate County Election Boards on a regular basis and not less than once each week.

**230:15-9-3.1. Processing voter registration and absentee ballot requests from Address Confidentiality Program participants at the State Election Board**

(a) Persons who are certified participants in the Address Confidentiality Program administered by the office of the Oklahoma Attorney General and who are registered voters must cancel their existing voter registrations and apply to the State Election Board for new registration as ACP voters. The voter registration information of ACP voters shall be maintained in the office of the State Election Board by a designated employee of the State Election Board and shall not be released to any person for any purpose except by court order. The name, address, and precinct number of an ACP voter shall not be entered in MESA and shall not appear on any report or list produced by the State or the County Election Board.

(b) ACP participants who become registered as ACP voters may vote only by mail absentee ballot. The absentee ballots shall be mailed by the appropriate County Election Board Secretary to the ACP address. An ACP participant's voter registration application shall be considered to be an application for mail absentee ballots for all elections in which the voter is eligible to vote and shall be valid for up to four years from the date it is received by the State Election Board.

(c) The Secretary of the State Election Board shall provide a form to be used by ACP participants to request an ACP Voter Registration Packet. The ACP Voter Registration Packet shall include the following items.

- (1) ACP Voter Registration Instructions
- (2) Request to Cancel Voter Registration form
- (3) ACP Oklahoma Voter Registration Application form
- (4) ACP Voter Registration Statement of Understanding form
- (5) Self-addressed return envelope stamped "ACP"

(d) The Secretary of the State Election Board shall designate an employee of the State Election Board to be responsible for receiving and processing voter registration and absentee ballot requests from ACP participants. The designated employee shall prepare and mail an ACP Voter Registration Packet in response to requests received from certified ACP participants. Upon receipt of a completed ACP Voter Registration Packet at the State Election Board office, the following procedure shall be observed.

(1) All mail received at the State Election Board office with an ACP stamp shall be separated from other agency mail and delivered unopened to the designated employee.

(2) The employee shall open the ACP envelope and remove the contents. The items in the returned packet shall be processed as follows.

(A) Send the Request to Cancel Voter Registration form to the appropriate County Election Board to be processed.

(B) Access the Street Guide to determine the voter's correct precinct number and district information. Record precinct and districts on the ACP Oklahoma Voter Registration Application form.

(C) Verify that the voter enclosed proof of identity. See 230:15-5-83.1(a)(4)

(D) Fill out an ACP Absentee Ballot Application form. Enter the voter's name, ACP address, date of birth, precinct number, school district/board district, and municipality/ward, if applicable.

(E) Mail the ACP Absentee Ballot Application form, an ACP Voter History form, and a copy of the ACP Instructions for County Election Board to the Secretary of the appropriate County Election Board.

(3) The employee shall file the ACP Oklahoma Voter Registration Form, the Statement of Understanding, the copy of the voter's identification as described in (2)(C), and a copy of the ACP Absentee Ballot Application form. The file containing these materials shall be locked.

[Source: Added at 20 Ok Reg 1087, eff 7-1-03; Amended at 26 Ok Reg 2525, eff 7-15-09; Amended at 28 Ok Reg 1132, eff 7-1-11]

#### **230:15-9-4. Evidence of voter registration crimes obtained by State Election Board**

(a) In the event that the Secretary of the State Election Board obtains any evidence of voter registration crimes, the Secretary shall notify the District Attorney for the county or counties involved. [26:16-123] The Secretary shall forward the evidence to the District Attorney.

(b) The District Attorney shall investigate the allegations of voter registration crimes. [26:16-123(B)] Within 30 days following receipt of the documentation or other evidence of voter registration crimes and every 30 days thereafter, the District Attorney shall be required to report in writing to the Secretary on the status of the investigation. [26:16-123(B)] At the conclusion of the investigation, the District Attorney shall notify the Secretary that charges are filed or that charges are not to be filed. [26:16-123(B)]

(c) The Secretary of the State Election Board also shall provide copies of evidence of voter registration crimes submitted to a District Attorney to the Assistant Attorney General assigned to the State Election Board.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-9-5. Processing voter registration cancellation information at the State Election Board**

(a) Upon receipt from another state of information that a person registered to vote in Oklahoma has moved to another state and registered there, the State Election Board shall enter the information into MESA if the information received includes enough information to identify the correct registered voter. The information then shall appear on the Potential Deletion Report as outlined in 230:15-11-5 for the appropriate County Election Board. The State Election Board shall retain a notice received from another state for 24 months.

(b) If information received from another state includes sufficient data to identify a voter's record in MESA, State Election Board personnel shall enter a state transfer in the voter's record. "Sufficient data" shall include at least three of the following items of information:

- (1) Both first and last name.
- (2) Date of birth.
- (3) Oklahoma driver license number.
- (4) Last four digits of the voter's Social Security Number.
- (5) County of former residence in Oklahoma.

[Source: Added at 27 Ok Reg 1124, eff 6-1-10; Amended at 35 Ok Reg 1185, eff 9-14-18]



### **PART 3. COUNTY ELECTION BOARD RESPONSIBILITY FOR PROCESSING VOTER REGISTRATION APPLICATIONS**

#### **230:15-9-10. Responsibilities of the Secretary of the County Election Board**

The Secretary of the County Election Board shall be responsible for ensuring that all applications for voter registration received in the county are processed in a timely manner and also for providing timely notice to applicants of the disposition of all such applications for voter registration. The Secretary of the County Election Board shall be responsible for the dissemination of information about voter registration. The Secretary of the County Election Board may designate locations where voter registration application forms may be made available for distribution. Such locations shall be in addition to the locations designated by the Secretary of the State Election Board. The Secretary of the County Election Board shall obtain the approval of the Secretary of the State Election Board for all such additional locations for distribution of voter registration application forms.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-9-11. Receiving voter registration applications at the County Election Board**

(a) The County Election Board shall receive from the State Election Board on a regular basis a package containing paper voter registration applications that have been received previously by driver license examiners, motor license agency personnel, and voter registration agency personnel as a result of voter registration services, voter registration applications received by mail, and voter registration applications received in person at the State Election Board.

(b) The County Election Board shall receive paper voter registration applications in person from applicants and in person from third parties on behalf of applicants. The Secretary of the County Election Board shall cause the date that such registration applications are received to be stamped on the application form immediately upon receipt. If a voter registration application received in person from either an applicant or a third party is for another county, the Secretary of the County Election Board that received the application shall indicate the date it was received and immediately shall transmit it either to the State Election Board or, if it can be determined, to the correct County Election Board. See 230:15-5-131(d).

(c) Applications shall be placed in the Applications Received file until they are processed by County Election Board personnel as outlined in 230:15-9-12 and 230:15-9-18 through 230:15-9-23.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-9-12. Processing paper voter registration applications at the County Election Board**

(a) The Secretary of the County Election Board shall cause all paper voter registration applications to be processed as soon as possible after they are received from the State Election Board or received in person from an applicant or from a third party on behalf of an applicant. Voter registration application processing shall include entering the information from the paper application form into MESA as required by (b) of this Section and in 230:15-9-18 and subsequently placing the voter registration application form in the appropriate file.

(b) All paper voter registration applications shall be entered into MESA, including all those applications that are not signed or appear to omit one or more of the items

of required information listed in 230:15-5-84 and that must therefore be rejected. All information provided by the applicant on the voter registration application form shall be entered into MESA.

(c) The Secretary of the County Election Board shall ensure that the person processing voter registration applications and entering the information in MESA is familiar with all voter registration rules and procedures and with the appropriate functions of the MESA voter registration software and also that the person is able to make appropriate decisions concerning incomplete or duplicate applications. In the event that temporary employees are used to enter applications into MESA during peak periods of registration activity, the Secretary shall establish a system to ensure that fully trained and qualified County Election Board employees are available to make decisions concerning processing of incomplete or duplicate applications.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-13. Evidence of voter registration crimes obtained by County Election Board**

(a) In the event that the Secretary of the County Election Board obtains any evidence of voter registration crimes, the Secretary shall notify the District Attorney for the county. [26:16-123] The Secretary shall forward the evidence to the District Attorney.

(b) The Secretary of the County Election Board also shall provide copies of evidence of voter registration crimes to the State Election Board office at the same time it is submitted to the District Attorney.

(c) The District Attorney is required by state law to investigate the allegations of voter registration crimes. [26:16-123(B)] Within 30 days following receipt of the documentation or other evidence of voter registration crimes and every 30 days thereafter, the District Attorney is required by state law to report in writing to the Secretary on the status of the investigation. [26:16-123(B)] At the conclusion of the investigation, the District Attorney is required to notify the Secretary that charges are filed or that charges are not to be filed. [26:16-123(B)]

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 35 Ok Reg 1185, eff 9-14-18]

## **PART 5. PROCESSING VOTER REGISTRATION APPLICATIONS**

### **230:15-9-18. Entering paper applications for voter registration in MESA**

(a) **Entering voter registration application information in MESA.** All information provided by the applicant on a paper voter registration application form shall be entered into MESA. Follow the appropriate software instructions to enter the voter registration data. Refer to the following rules to resolve questions about individual applications.

(1) **Received date.** The received date is the date stamped or written on a voter registration application form by the agency that first receives it from the applicant.

(A) The received date for an application submitted by mail is the date the State Election Board received and stamped it. The State Election Board's blue received date stamp is applied to the back of the form.

(B) The received date for an application submitted at a motor license agency or at any voter registration agency identified in

230:15-5-122 and 230:15-5-123 is the date stamped or written by agency personnel in the space provided for this purpose on the face of the form.

(C) The received date for a paper voter registration application submitted at the County Election Board in person by an applicant or by a third party on the behalf of an applicant shall be the date stamped on the back of the form by the County Election Board.

(D) The received date for a voter registration application bearing no date stamped or written by a receiving agency is the date by the applicant beside his or her signature on the form.

(2) **Postmark.** The postmark date from a voter registration application submitted by mail shall be entered in the voter registration software. If there is no postmark or if the date is missing or illegible, leave the postmark field blank. If multiple paper voter registration applications are received by mail at the State Election Board in a single envelope with a postmark, the postmark date from that envelope is applied to each application with a red stamp.

(3) **Name.** Enter the voter's name exactly as provided on the application form.

(4) **Political affiliation.** Enter the voter's choice of political party as it appears on the application form. If the voter marked the "No Party" box, select "Independent" from the drop-down menu. (There is not an Independent Party in Oklahoma. Independent means "no party.") If the applicant neither chose nor wrote in a party in the Political Affiliation section on the application form, if the applicant marked more than one party, or wrote in a party that is not recognized in Oklahoma, the political affiliation field on the screen shall be left blank with the result that the software will automatically designate the applicant's affiliation as Independent. See also 230:15-5-84 and 230:15-9-22.

(5) **Date of birth.** An applicant for new voter registration must provide his or her date of birth (month, day, and year) on the application form. See 230:15-5-84. An application for new registration that does not include the date of birth shall be rejected. See 230:15-9-31. In the event that a registered voter submits an application for change of registration and does not provide his or her date of birth, the application shall be rejected unless both of the following circumstances exist.

(A) The application is valid in all other respects and County Election Board personnel are able to make positive identification of the voter from other information on the application form and from information already recorded in the voter registration database.

(B) The voter's date of birth already is recorded in the voter registration database.

(6) **Identification number.** Enter the Oklahoma driver license number and/or last four digits of the Social Security number. If the applicant does not provide either of these identification numbers, but checks the appropriate box on the application form to indicate that the applicant does not possess either of these numbers, check the corresponding box on the screen. If the applicant used an older version of the Oklahoma Voter Registration Application form that does not provide a check box for the applicant to indicate that he or she does not possess either of these identification numbers, the application shall be rejected.

(7) **Duplicates.** When voter registration application information is entered in MESA, the software automatically searches for and identifies duplicate or potential duplicate records in the state. The search criteria are first name, last name, and date of birth and/or an identification number such as the last four digits of the Social Security number or driver license number. If an application appears to duplicate an existing voter registration either in your county or in another county, follow the appropriate software instructions and the procedure described in 230:15-9-23 to investigate and resolve the potential duplication.

(8) **Residence address.** An applicant for voter registration is required to provide his or her residence address on the application form. Enter the applicant's residence address in the appropriate fields on the screen. If the address cannot be assigned in the Street Guide based on the information entered, see 230:15-9-18.1.

(9) **Mailing address.** If the applicant provided a mailing address different from his or her residence address, enter the mailing address. If the applicant's mailing address is the same as the residence address or if the space for mailing address is blank, leave the mailing address field on the screen blank.

(10) **County of Residence.** An applicant for voter registration is required to indicate the county of his or her residence. An application on which the county of residence is either not indicated or is indicated incorrectly shall be entered in the voter registration software with one of the following results.

(A) If the address is located within the county, the application shall be approved.

(B) If the address is not located within the county, but County Election Board personnel are able to determine the county in which the voter's residence is located, the application form shall be mailed directly to the correct county.

(C) If another county is indicated on the form, the application shall be mailed directly to the correct County Election Board.

(D) If the address is not located within the county and the correct county cannot be determined, the application shall be rejected with the "OT" ("Other") rejection code. When the blank rejection notice is printed, write or type Enter the following sentences in the space free-form text field provided on screen: "You did not indicate the county in which you reside on your application for voter registration. Your application cannot be processed without this information. You must submit a new application form that indicates your county of residence." This information will be added to the voter registration rejection notice addressed to this voter. It is recommended that a new Oklahoma Voter Registration Application form be enclosed with the rejection notice.

(11) **Rejection codes.** An application for new voter registration that does not contain all the required information listed in 230:15-5-84 shall be rejected. The software automatically applies a rejection code for insufficient name, insufficient address, insufficient identification number, insufficient date of birth, if the application duplicates an existing registration, and if the applicant is under 18 years of age. If the application is unsigned or if the application must be rejected for any other reason, County Election Board

personnel flag the appropriate rejection code on the screen. See 230:15-9-31. Some automatic rejection codes may be overridden in the following circumstances.

(A) The Under Age (UN) will become eligible on or before election day, as described in 230:15-5-2, follow the software instructions to override the automatic rejection code.

(B) The Duplicate (DU) rejection code may be overridden if the approval of the new application would prevent the removal of an inactive voter.

(12) **Form codes.** Oklahoma Voter Registration Application forms include a form code that must be recorded in MESA for statistical purposes. Form codes identify the agency from which the registration application originated. Form codes consist of ten alphanumeric characters. Once recorded in MESA, the part of the application form containing the form code shall be removed and shall not be retained.

(13) **Source codes.** A code to identify the source of an application for statistical purposes shall be entered in the voter registration software. If the source of an application is a motor license agency, a specific four-digit agency code also shall be entered. After the source code is entered, the instruction section of the application form bearing the source identification shall be removed and destroyed. It shall not be retained in the Central File.

(14) **Previous registration information.** If the applicant provided information about previous voter registration in another state or in another county in Oklahoma, enter the previous registration information in the appropriate fields on the screen. If the applicant was previously registered in another county in Oklahoma, some previous information may be filled in automatically by the software. Do not enter information about former registration in your own county in these fields.

(15) **Eligibility questions and oath.** The applicant shall answer the two eligibility questions and shall sign and date the oath. If an applicant fails to answer the two questions but signs and dates the oath, the application shall be rejected. If the applicant answers either question "No," the application shall be rejected. (On older versions of the Oklahoma Voter Registration Application form, these eligibility questions are located in the instructions area of the form.) If the applicant answers the eligibility questions "Yes," but fails to sign and date the oath, the application shall be rejected.

(b) **Filing voter registration applications.** If a voter registration application is determined to be valid and is approved, place the application form in the appropriate valid application file until voter identification cards are printed. After the voter identification card is mailed to the voter, file the application form in the Central File. If a voter registration application must be rejected, file the application in the appropriate rejected application file.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 17 Ok Reg 2340, eff 7-1-00; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 25 Ok Reg 1913, eff 7-1-08; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 35 Ok Reg 1185, eff 9-14-18; Amended at 36 Ok Reg 1539, eff 9-16-19]

### **230:15-9-18.1. Assigning voter registration addresses in the Street Guide**

(a) An applicant for voter registration is required to provide election officials with a residence address for voting purposes. In situations where there is no street address consisting of a street name and house number for the residence, the applicant is

required to provide a physical description of the residence address that is sufficient to locate said residence on a map for the purpose of determining the applicant's correct precinct, correct school district, and, where necessary, correct municipality. Applications for voter registration shall not be approved and activated unless the residence address can be assigned to a record in the Street Guide. This shall apply to applications for new registration and to applications for change of registration. For more information about residence addresses, see 230:15-5-84.

(b) When an applicant's residence address cannot be assigned to a record in the Street Guide, County Election Board personnel shall take the following actions before rejecting the voter registration application for insufficient residence address.

(1) If the street address provided by the applicant does not match a Street Guide record, County Election Board personnel shall take the following actions before rejecting the application.

(A) Determine whether the given street address may represent a new street or a new extension of an existing street. Create a new Street Guide entry if necessary.

(B) Determine whether the voter has used a variation of the correct street name. For example, if the voter has given the street name "Elm Street" but the correct name of the street is "Elm Tree Street," enter the applicant's residence address using the correct street name. Do not create a new Street Guide entry for the incorrect variation of the street name.

(2) If the applicant has provided a physical description of the location of the residence that is sufficiently detailed to locate the residence on a map, assign the address in the Street Guide.

(3) If the applicant has provided a physical description of the location of the residence that is not sufficient to assign the address in the Street Guide, County Election Board personnel are authorized to attempt to obtain information from the County Assessor's office to identify the correct section-township-range description of the voter's residence and to use that information to assign the voter to a section-township-range geographical location in the Street Guide as outlined below.

(A) An exact match between the applicant's full name and full route and box number, as provided on the voter registration application form, is found in the County Assessor's records. By comparing the physical description given by the applicant with the legal description obtained from the Assessor's records, the applicant's residence address can be assigned to a section-township-range geographical location in the Street Guide.

(B) An exact match between the applicant's name and route and box number and a record in the County Assessor's office is not found, but there is sufficient information to indicate that the voter registration applicant may be a family member of a property owner who has a route and box number. The applicant may be assigned in the Street Guide and the voter registration application may be approved and activated. Prepare an STR Confirmation Notice to inform the voter of the section-township-range geographical location to which he or she has been assigned. This notice offers the voter the opportunity to provide additional information if the assignment is not correct. Mail the STR Confirmation Notice to the voter with the voter identification card.

(c) If the residence address on a voter registration application cannot be assigned in the Street Guide exactly as it is provided by the voter, but the location of the address can be accurately determined, County Election Board personnel shall format the address in MESA to match the appropriate Street Guide record in order to assign the address or shall assign the address to a section-township-range location. If an address is either formatted to match an existing Street Guide record or assigned to a section-township-range location, a note shall be added to the voter registration application in MESA to identify the source used to identify the location of the residence. A notation concerning the source and the formatted address or section-township-range location may be made on the original voter registration application form concerning the source used to assign the address. The formatted address or section-township-range location may be written on the back of the form along with identification of the source used.

(d) If the residence address provided on a voter registration application cannot be assigned in the Street Guide even after taking the actions listed in (b) and (c) of this Section, the application shall be rejected. Enter a rejection code in the voter registration software to generate the appropriate rejection notice for the voter. Follow the software instructions to enter an explanation to the voter of the specific information needed in order to assign the residence address in the Street Guide and to approve the application.

[Source: Added at 18 Ok Reg 1862, eff 7-1-01; Amended at 20 Ok Reg 470, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1087, eff 7-1-03; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-19. Applications for change of voter registration**

(a) **Application for change of registration.** A registered voter may apply to change his or her voter registration by completing and submitting a voter registration application form. Changes of voter registration include but may not be limited to change of residence address, change of mailing address, change of political affiliation, and change of name.

(b) **Determining whether an application is for change of registration.** A registered voter who applies to change his or her registration is instructed on the application form to enter information about the former registration in Section 9 of the Oklahoma Voter Registration Application form or in Boxes A and B of the federal voter registration application form. When information from a voter registration application is entered in MESA, the software will locate any registration records found in the state that may match the information entered. County Election Board personnel shall follow the appropriate software instructions to determine whether the applicant is already registered, either in the county or in another county in Oklahoma, and is changing his or her registration. If voter registration information for the applicant is found in the voter registration database, the new application information shall be entered as a change to the existing registration even if the voter failed to indicate previous registration information on the application form.

(c) **Exceptions to required information for change of registration.** Some exceptions to the information required on a valid voter registration application, as outlined in 230:15-5-84, may be made in the case of an application for change of registration.

(1) **Political affiliation.** In the event that a registered voter who applies for change of address or change of name fails to indicate political affiliation on the application for the change, the voter's existing political affiliation, as

recorded in the voter registration database, shall remain unchanged. The procedure described in 230:15-5-84(c) shall apply only to applications for new registration in the county.

(2) **Date of birth.** In the event that a registered voter who applies for any change of voter registration fails to provide his or her date of birth on the application for the change, the application shall not be rejected if both of the following circumstances exist.

(A) The application is valid in all other respects and County Election Board personnel are able to make a positive identification of the voter from other information provided on the application form and from information already recorded in the voter registration database.

(B) The voter's date of birth is already recorded in the voter registration database.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-9-20. Processing applications for name change**

(a) A registered voter may apply to change his or her name by completing and submitting a paper voter registration application form. An applicant for name change is instructed to provide his or her former name in the appropriate space in Section 9 of the Oklahoma Voter Registration Application form or in Box A of the federal voter registration application. Process applications for name change according to the following procedure.

- (1) Enter the applicant's former last name, date of birth, and either the Oklahoma driver license number or the last four digits of the Social Security number to locate the current voter registration information.
- (2) Change the applicant's name on the screen. Carefully compare the information displayed on screen with the information provided on the application for any other information that may need to be changed. Enter all other changes indicated on the application form.
- (3) Follow the appropriate software instructions to complete the application.
- (4) After the voter identification card has been printed, remove the voter's old registration form from the Central File and retain as outlined in 230:10-7-43.
- (5) File the voter's new voter registration application form in alphabetical order in the Central File.

(b) A voter may submit a name change for a driver license at a motor license agency or on the Department of Public Safety website and, unless the voter opts not to provide the name change for voter registration purposes, the change will be submitted to the State Election Board electronically by DPS. However, the Secretary of the State Election Board does not authorize the acceptance of electronic name changes for voter registration purposes. A name change shall be made on a paper application form bearing the voter's original, handwritten signature or mark. When names changes are included in an electronic submission from DPS, the name change shall be flagged to ensure that a letter is created for the voter that provided name change instructions. The letter and a copy of the Oklahoma Voter Registration Application form shall be mailed to the voter. See 230:15-9-26. Submission of name changes also shall not be authorized through the



secure portal for voter registration changes on the State Election Board website until Phase 2 of online voter registration is implemented. See 230:15-5-140.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-21. Processing applications for change of residence address or mailing address**

(a) A registered voter in the county may apply to change his or her residence address within the county by completing and submitting a paper voter registration application form. An applicant for change of residence address is instructed to provide his or her former residence address in the appropriate space in Section 9 of the Oklahoma Voter Registration Application form or in Box B of the federal voter registration application form. Applications for change of residence address shall be processed according to the following procedure.

- (1) Enter the applicant's name, date of birth, and driver license number or the last four digits of the Social Security number to locate the current voter registration information.
- (2) Change the applicant's residence address as indicated on the application form. Carefully compare the information displayed on screen with the information provided on the application form for any other information that may have changed. Enter all other changes indicated on the application form.
- (3) Follow the appropriate software instructions to complete the application.
- (4) After the voter identification card has been printed, remove the voter's old registration form from the Central File and retain as outlined in 230:10-7-43.
- (5) File the voter's new voter registration application form in alphabetical order in the Central File.

(b) A registered voter in the county may apply to change his or her mailing address by completing and submitting a paper voter registration application form. An applicant for change of mailing address is instructed to provide his or her former address in the appropriate space in Section 9 of the Oklahoma Voter Registration Application form or in Box B of the federal voter registration application form. Applications for change of mailing address shall be processed according to the same procedure outlined in (a) of this Section.

(c) A registered voter who submits a change of residence address or mailing address for a driver license in person at a motor license agency or through the DPS website is simultaneously making a change for voter registration purposes unless the voter opts out of using the new address for voter registration. Such address changes received by DPS are subsequently submitted electronically to the State Election Board. Electronic address changes from DPS that can be matched to an existing registered voter in MESA are processed as outlined in 230:15-9-26. Electronic address changes from DPS that cannot be matched to an existing voter registration are not retained and are not processed in MESA.

(d) A registered voter who submits an online change of residence address within the same county or a change of mailing address through the secure portal on the State Election Board website is required by the system to match their address to an existing Street Guide address in order to submit said application. If no match is available, the online submission cannot be made. In such a circumstance, the voter

will be directed to a fillable PDF version of the Oklahoma Voter Registration Application form on the State Election Board website.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 17 Ok Reg 2340, eff 7-1-00; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-22. Processing applications for change of political affiliation**

(a) A registered voter in the county may apply to change his or her political affiliation by completing and submitting a paper voter registration application form. An applicant for change of political affiliation is instructed to indicate his or her former political affiliation in the appropriate space in Section 9 of the Oklahoma Voter Registration Application form. Applications for change of political affiliation shall be processed according to the following procedure.

- (1) Enter the applicant's name, date of birth, Oklahoma driver license number or the last four digits of the Social Security number to locate the applicant's current voter registration information.
- (2) Change the applicant's political affiliation as indicated on the application form. Carefully examine the information displayed on screen with the information provided on the application form for any other information that may be changed. Enter all other changes indicated on the application form.
- (3) Follow the appropriate software instructions to complete the application information in MESA.
- (4) After the voter identification card has been printed, remove the voter's old registration form from the Central File and retain as outlined in 230:10-7-43.
- (5) File the voter's new voter registration application form in alphabetical order in the Central File.

(b) Voters are prohibited by law from changing political affiliation during the period from April 1 through August 31, inclusive, in even-numbered years. See 230:15-5-30. Applications for change of political affiliation received during this period shall be held and activated on or after September 1. See 230:15-9-22.1.

(c) Voters who were designated Independent by County Election Board personnel as provided in 230:15-5-84 may declare a political affiliation at any time by submitting a new voter registration application form, which shall be subject to the same election-related deadlines and even-numbered year party changes as all other applications described in (b) of this Section.

(d) The political affiliations of voters who are registered as members of a political party that loses recognition under Oklahoma law and becomes a political organization as described in 230:15-5-79 shall be changed to Independent in the voter registration database by the State Election Board. [26:1-110] Such voters subsequently shall be entitled to apply to change their political affiliation to that of the political organization. Such applications shall be processed as outlined in (a) of this Section and shall be subject to the deadline for voter registration applications prior to an election and to the political affiliation change prohibition period in even-numbered years. See (b) of this Section and 230:15-5-86.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 21 Ok Reg 547, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

**230:15-9-22.1. Processing application for change of political affiliation during prohibited period**

(a) Registered voters are prohibited by law from changing political affiliations from April 1 through August 31, inclusive, in even-numbered years. The County Election Board Secretary is required by law to hold applications for change of political affiliation that are received during this period and to activate the changes on September 1.

(b) Voter registration applications for change of political affiliation received during the prohibited period that include no other voter registration changes shall be processed as follows.

(1) Follow steps 1 through 3 in 230:15-9-22(a). Enter in MESA all the information the voter provided on the application when the application is received. When the new political affiliation is entered, the voter registration software warns that the political affiliation change is invalid and flags the application to hold for activation on September 1.

(2) From April 1 through August 31, request and print Held Change of Affiliation Notices each time voter identification cards and rejection notices are requested and printed. Held Change of Affiliation Notices are letters to voters explaining that their change of political affiliation will be held and activated on September 1.

(3) From April 1 through August 31, request and print the Held Change of Affiliation List each time voter identification cards are requested. The Held Change of Affiliation List contains the names of all voters whose political affiliation changes have been held since the last time this report was requested. Retain the Pending Political Affiliation Change Lists in chronological order by print date for 24 months.

(4) Mail the Held Change of Affiliation Notice to the applicant.

(5) File the voter registration application in a special file for Pending Affiliation Changes.

(6) On September 1, follow these steps.

(A) Request and print voter identification cards.

(B) When voter identification cards are requested, an Affiliation Change Notice letter also is generated to each voter whose political affiliation change has been held. Use of these letters is optional.

(C) Mail voter identification cards and Affiliation Change Notice letter, if used, to voter.

(D) Request and print the Affiliation Change List and retain it for 24 months.

(E) Move the voter registration application form from the Pending Affiliation Change Applications file to the Central File.

(F) Remove the voter's old voter registration form from the Central File and retain it in the Cancellation File as outlined in 230:10-7-43.

(c) Voter registration applications for change of political affiliation received during the prohibited period that also include other valid voter registration changes shall be processed as follows.

(1) Follow steps 1 through 3 outlined in subsection (a) of 230:15-9-22.

Enter in MESA all the information the voter provided on the application.

When the new political affiliation is entered, the voter registration software warns that the political affiliation change is invalid and flags the application to hold this change until September 1. Other valid changes, such as changes

of name or address, are accepted.

(2) Request and print voter identification cards, rejection notices, and Held Change of Affiliation Notices.

(3) Match the voter's new voter identification card with the Held Change of Affiliation Notice and mail them together to the voter.

(4) Request and print the Held Change of Affiliation List and retain it for 24 months.

(5) Indicate on the new voter registration application form that the political affiliation becomes effective on September 1.

(6) Remove the voter's old voter registration form from the Central File and file it in the Cancellation File unless other information on the old form requires that it remain in the Additional Information Correspondence File.

(7) File the voter's new registration form in the Central File.

(8) On September 1, follow these steps.

(A) Request and print voter identification cards.

(B) When voter identification cards are requested, an Affiliation Change Notice letter also is generated for each voter whose political affiliation change has been held. Use of these letters is optional.

(C) Mail voter identification cards and Affiliation Change Notice letters, if used, to voters.

(D) Print Affiliation Change List and retain it for 24 months.

(d) Request and print a copy of the Pending Political Affiliation Changes List before the Primary Election and again before the Runoff Primary Election to use to help answer questions from voters about their political affiliation on election day. Print a final copy of this report on September 1 and retain it for 24 months.

[Source: Added at 16 Ok Reg 2404, eff 7-1-99; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 21 Ok Reg 547, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-23. Processing duplicate application for voter registration**

(a) When a voter registration application is entered into MESA, the system will search all existing voter registrations in the state for potential matches. The voter registration software will display on screen a list of all such potential matches. In the event that potential matches are detected, County Election Board personnel shall examine the information for each match and shall compare the existing information in the voter registration database with the information on the voter registration application form that is being processed. A registered voter's registration form from the Central File may be examined, if necessary, to determine whether the application is a duplicate in the county. If a positive identification of the voter or applicant can be made, the following procedure shall be observed:

(1) Examine the information provided on the voter registration application form and carefully compare it to the information on screen and in the Central File, if necessary. If the application being processed appears to be an exact duplicate of an existing registration in your county, the Secretary may choose one of the following actions.

(A) The application shall be rejected. See 230:15-9-31. The system automatically applies a rejection code for duplicate applications.

(B) The duplicate rejection code may be overridden and the application processed to replace the existing voter registration record. See 230:15-9-31.

- (2) If the application being processed indicates any change of name, address or political affiliation, the application shall be processed accordingly. See 230:15-9-19 through 230:15-9-21.
- (b) If a positive identification of the voter or applicant cannot be made, the application shall be processed as an application for new registration in the county. See 230:15-9-18.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11]

#### **230:15-9-24. Processing changes of address received on election day or during in-person absentee voting**

A registered voter who has changed residence within the county but who has not yet changed his or her address of residence for voter registration purposes is entitled to vote at the next ensuing election at the polling place serving the voter's former address and to execute a change of address. A registered voter also is entitled to execute a change of address during in-person absentee voting in the same manner as a voter at the polling place on election day. Voters shall use the Oklahoma Voter Registration Application form to execute a change of address. The received date for such applications for change of address shall be the date the applicant voted. Voter registration applications for change of address shall be processed by the procedure described in 230:15-9-18.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 13 Ok Reg 559, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 15 Ok Reg 2547, eff 7-1-98; Amended at 17 Ok Reg 2340, eff 7-1-00; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 26 Ok Reg 2525, eff 7-15-09; Amended at 28 Ok Reg 1132, eff 7-1-11]

#### **230:15-9-25. Processing applications for restricted records status**

(a) Members of the judiciary, district attorneys, assistant district attorneys, law enforcement personnel, the immediate family members of law enforcement personnel, corrections officers, and persons covered by victim's protection orders are entitled by law to apply to the Secretary of the County Election Board for restricted records status. [26:4-115.2] The law defines "immediate family of law enforcement personnel" as a spouse, child by birth or adoption, stepchild or parent living in the same residence as the law enforcement personnel. [26:4-115.2] The spouse and/or dependent of a voter entitled to apply for restricted records status also may apply for restricted records status. Restricted records status shall apply to the voter registration form in the Central File, to registration information in the voter registration database, to materials used to request and cast absentee ballots, and if specifically requested by the voter, any Declaration of Candidacy filed by the voter. Voter registration information for a restricted records voter shall be available only to authorized County Election Board personnel for administrative purposes, with the exception that it may be provided to a candidate or a candidate's representative or other lawful authority in connection with a contest of candidacy, contest of election, or a petition challenge as provided by law. [26:4-115.2]

(b) A voter who is eligible for restricted records status may apply for such status by writing a letter to the Secretary of the County Election Board setting forth the following information.

- (1) Voter's name as it appears on the voter registration form.
- (2) Voter's date of birth.
- (3) Last four digits of the voter's Social Security number.
- (4) Reason for application for restricted records status. (If voter is covered by victim's protection order, include case number, date of issue and the

expiration date of the order.)

(5) A request also to keep a Declaration of Candidacy confidential, if applicable.

(6) Voter's signature.

(7) Date.

(c) Upon receipt of an application for restricted records status, the Secretary of the County Election Board shall follow the appropriate MESA software instructions to enter the restricted records status voter's name, political affiliation, precinct number, school district, and municipality. This will cause the voter's name and district information to print in the appropriate Precinct Registry without the voter's residence address.

(1) Make a placeholder for the Central File. Write only the voter's name, date of birth, and political affiliation on a blank voter registration application form. Write the words "Restricted Records" in the space for item 6, "Street address or directions to your home."

(2) Remove the voter's original voter registration application form from the Central File and replace it with the placeholder form.

(3) Check the Additional Information file. Remove any documentation of the voter's registration and attach it to the original voter registration application form.

(4) Remove the voter's absentee ballot application from the appropriate file and attach it to the voter registration form.

(5) Locate the voter's registration information in MESA and follow the appropriate software instructions to delete the registration information.

(6) Attach the voter's application for restricted records status to the voter's original registration form and other materials and file in the restricted records status file.

(d) The Secretary of the County Election Board shall designate a file cabinet with a lock or any other appropriate container with a lock as the restricted records status file. Access to the restricted records status file shall be restricted to the Secretary, Assistant Secretary or Chief Clerk, and other County Election Board employees authorized by the Secretary.

(e) Restricted records status shall be effective immediately upon receipt of an application from a qualified voter, and it shall remain in effect until the voter chooses to end it. The voter's registration information may be removed from restricted records status only upon receipt of written instruction from the voter.

(f) Any subsequent application for change of voter registration initiated by a restricted records voter shall be processed routinely, with the exception that the voter registration application information shall not be entered in MESA and the form shall be filed in the restricted records status file instead of the Central File. If necessary, however, the voter's information shall be modified in the Restricted Records Maintenance area of MESA. Any application for absentee ballots from such a voter also shall be processed manually. The application for absentee ballots shall be filed in the restricted records status file.

(g) A restricted records status voter who votes in person at his or her precinct polling place shall sign the Precinct Registry beside his or her own name. The Secretary shall instruct Precinct Officials in precincts with restricted records status voters that no address confirmation is required for these voters.

(h) The Secretary shall print the Restricted Records List from MESA and provide it to the in-person Absentee Voting Board on each day of in-person absentee voting. A restricted records status voter who votes at the in-person absentee polling place

shall sign the Absentee Voting Board Record.

(i) An ACP Absentee Ballot Application form and ACP Voter History Record form received from the State Election Board shall be filed immediately in the restricted records status file. All existing information in MESA about an ACP voter already has been permanently deleted from the database. No entry shall be made in MESA concerning ACP voters and the name, address, and precinct number of an ACP voter shall not appear on any list or report.

[Source: Added at 20 Ok Reg 470, eff 1-2-03 (emergency); Added at 20 Ok Reg 1087, eff 7-1-03; Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 24 Ok Reg 1490, eff 7-1-07; Amended at 26 Ok Reg 2525, eff 7-15-09; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 36 Ok Reg 1539, eff 9-16-19]

### **230:15-9-26. Receiving, processing, and acknowledging electronic address changes from DPS**

(a) Following close of business each Friday, the Oklahoma Department of Public Safety (DPS) transmits a data file to the State Election Board containing information on all driver license address changes submitted in person at motor license agencies and online through the DPS website. The data file contains information only for those persons who did not opt out of simultaneously updating their addresses for voter registration purposes. Upon receipt, the data file shall be processed and, if the file contains matches to currently registered voters, the data shall be imported into MESA.

(b) County Election Board personnel shall process DPS address changes received electronically in MESA each week by following the appropriate MESA instructions to access the data, examine the potential matches with registered voters in the county, and to accept those that are valid matches.

(1) Changes that may be accepted include changes of a voter's residence address and mailing address in the county.

(2) Changes to a voter's name shall be flagged, but shall not be accepted in MESA based only on an electronic submission from DPS.

(c) The County Election Board shall acknowledge each electronic address update received from DPS by printing and mailing the appropriate notice. The available notices include the following:

(1) A voter identification card is mailed to each voter whose residence address or mailing address is updated by a valid electronic submission from DPS.

(2) An insufficient address rejection notice is mailed to each voter whose residence address or mailing address information included in an electronic submission from DPS is insufficient for voter registration purposes. Insufficient addresses may be incomplete or invalid for voter registration. For example, a post office box address submitted as a residence address is invalid as a residence address for voter registration purposes. See 230:15-5-84 (f).

(3) A letter is mailed to each voter whose residence address change indicates that the voter has moved to another county in Oklahoma. The letter includes instructions to register again in the voter's new county of residence.

(4) A letter is mailed to each voter who appears to have submitted a name change to DPS. The letter provides instructions to the voter to submit a new Oklahoma Voter Registration Application to make the name change for voter registration purposes. See 230:15-5-140 and 230:15-9-20.

## **PART 7. ACKNOWLEDGMENT OF VOTER REGISTRATION APPLICATIONS**

### **230:15-9-29. Preparation of voter identification cards**

(a) **Procedure for preparing voter identification cards.** The Secretary of the County Election Board shall cause voter identification cards to be prepared according to the following procedure.

- (1) Request the MESA process that both activates the voter registration and formats voter identification cards.
- (2) Print the voter identification cards and save the Voter ID Card Registry PDF in the MESA Reports Folder. Print the Voter ID Card Registry only as needed.
- (3) Separate the voter identification cards one from another at the perforations, apply postage to each card and mail.
- (4) Compare the names appearing on the Voter ID Card Registry with the approved voter registration application forms to be certain that a card has been created for each approved and activated application.
- (5) Write the voter identification number, precinct number and activation date on the application form in the shaded areas on the upper right corner.

(b) **Schedule for preparing voter identification cards.** The Secretary of the County Election Board shall cause voter identification cards to be prepared as often as is necessary to provide voters with prompt acknowledgment of the disposition of their applications for voter registration. Voter identification cards shall be prepared not less than once each week, unless no applications have been received during the week.

(c) **Method of preparing voter identification cards.** Voter identification cards prepared as acknowledgment of newly approved voter registration applications shall be generated and printed from MESA. All voter identification cards acknowledging applications for new voter registration and for change of voter registration shall be mailed to the applicant. Manual preparation of voter identification cards for the purpose of acknowledging the disposition of voter registration applications shall not be authorized. Duplicate voter identification cards requested by registered voters shall be generated and printed from MESA at the same time acknowledgment cards are generated and printed. However, in the event that a registered voter asks for a duplicate voter identification card in order to have acceptable proof of identity for voting purposes, a temporary voter identification document may be printed from MESA. When a temporary voter identification document is requested and printed, a new voter identification card is also automatically requested.

(d) **Printing a temporary voter identification document.** A temporary voter identification document may be requested and printed from MESA. The temporary voter identification document prints on an 82-by-11-inch page and includes a control number and an expiration date. The temporary voter identification document shall be accepted by in-person Absentee Voting Board members and by Precinct Officials as a valid proof of identity document for voting. A temporary voter identification document shall not be valid for any purpose other than voting. A temporary voter identification document cannot be obtained from MESA until a voter registration application has been activated and an official voter identification card has been formatted. A temporary voter identification document may be



provided immediately to a currently registered voter who appears in the County Election Board office and requests one or it may be mailed to the voter at the mailing address in the voter's MESA record. Temporary voter identification documents shall not be e-mailed or faxed. The authenticity of a temporary voter identification document may be confirmed by the control number printed on the upper left corner of the page. A temporary voter identification document is valid for only 30 days. When a temporary voter identification document is created, a voter identification card is scheduled to be printed. Follow the appropriate MESA instructions to create and to verify a temporary voter identification document.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 559, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-9-30. Processing voter identification cards returned undelivered by post office**

In the event that a voter identification card mailed to a voter is returned undelivered by the post office, the Secretary of the County Election Board shall cause the following procedure to be observed.

- (1) The date the voter identification card was returned to the County Election Board shall be indicated on the voter identification card and also shall be entered into MESA.
- (2) The returned voter identification card shall be filed in alphabetical order in the Returned Voter ID File. Such returned voter identification cards shall be retained for 24 months.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-9-31. Rejected applications**

(a) The Secretary of the County Election Board shall prepare and mail rejection notices to each applicant whose voter registration application is rejected. The rejection notice shall include the reason that the application was rejected and shall inform the applicant of steps, if any, that may be taken to provide additional information to complete or to correct the application. If necessary, a new voter registration application form shall be included with the rejection notice when it is mailed to the applicant.

(b) A voter registration application shall be rejected for any of the following reasons.

- (1) **Duplicate.** An application that exactly duplicates an existing voter registration or an application that exactly duplicates another pending application shall be rejected.
- (2) **Unsigned.** An application that is not signed by the applicant or that does not bear the applicant's mark, except as provided in 230:15-5-36, shall be rejected.
- (3) **Under 18 years of age.** An application from a person who has not yet reached the age of 18, except as outlined in 230:15-5-2, shall be rejected.
- (4) **Insufficient address.** An application with an incomplete or improper residence address shall be rejected. An application that lists either a post office box number or a rural route box number as a residence address shall be rejected. An application that lists a physical description or a legal description of the residence address that is incomplete or insufficient to locate the residence on a map shall be rejected.
- (5) **Insufficient name.** An application with no name or with a name that does not appear to be a sufficient name shall be rejected.

- (6) **Insufficient date of birth.** An application for new registration with no date of birth or an incomplete date of birth shall be rejected.
- (7) **Insufficient identification number.** An application that does not include either the applicant's Oklahoma driver license or state identification card number or the last four digits of the applicant's Social Security number shall be rejected if the applicant also failed to check the box on the Oklahoma Voter Registration Application form that indicates that the applicant does not have a driver license, state identification card, or a Social Security number.
- (8) **Other.** Other reasons for rejecting a voter registration application may include, but shall not necessarily be limited to, the following:
- (A) **Application is illegible.** An application that cannot be read due to illegible handwriting shall be rejected.
  - (B) **Residence address in another jurisdiction.** If the residence address indicated on an application is not located within the boundaries of the county indicated on the application, the County Election Board that received the application immediately shall forward it to the appropriate County Election Board. If the appropriate County Election Board cannot be determined from the information on the application form, the application shall be rejected.

(c) A voter registration application shall not be rejected for an insufficient political affiliation if the application is valid in all other respects. See 230:15-5-84, 230:15-9-18, and 230:15-9-22.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 17 Ok Reg 2340, eff 7-1-00; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 24 Ok Reg 1490, eff 7-1-07; Amended at 25 Ok Reg 1913, eff 7-1-08; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13]

### **230:15-9-32. Types of rejection notices**

Three types of rejection notices are created by MESA. When rejection notices are requested, MESA assigns the appropriate type of rejection notice to each rejected application based upon the reason for the rejection. The types of rejections and reasons for which they are used are described as follows.

- (1) **Insufficient Information Rejection Notice.** If a voter registration application is rejected because the applicant failed to provide sufficient information about his or her name, address, or date of birth, MESA will generate a rejection notice that includes spaces for the applicant to provide additional information. The applicant may complete the requested information on this rejection notice, sign and date it and return it to the County Election Board. Rejection notices of this type that are returned to the County Election Board by the applicant with the requested information shall be used by County Election Board personnel to change the application information previously entered into MESA. See 230:15-9-35.
- (2) **Rejection Notice.** If an applicant fails to sign his or her application, if an applicant is under 18 (except as provided in 230:15-5-2), if the applicant has failed to provide an identification number as outlined in 230:15-9-18(a) (6), or if the applicant is already registered to vote in the county or has another, identical application pending, MESA will generate a rejection notice that explains the reason that the application was rejected. This rejection notice is used when the existing application cannot be corrected by additional information. When this rejection notice is mailed to the

applicant, a new Oklahoma Voter Registration Application form shall be included.

(3) **Blank Rejection Notice.** If an application is rejected for any other reason, MESA generates a rejection notice that contains a statement to the applicant that his or her application has been rejected and that also contains space in which County Election Board personnel may write the specific reason for the rejection. Some other reasons for rejecting a voter registration application are described in 230:15-9-31(b)(7). When this rejection notice is mailed to the applicant, a new Oklahoma Voter Registration Application form shall be included.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 18 Ok Reg 1862, eff 7-1-01; Amended at 25 Ok Reg 1913, eff 7-1-08; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13]

### **230:15-9-33. Preparation of rejection notices**

Rejection notices shall be prepared to acknowledge the disposition of all voter registration applications that are rejected. The type of rejection notice prepared for each applicant is determined by the rejection code entered in MESA with the application information. (The reasons that a voter registration application may be rejected are listed in 230:15-9-31. Types of rejection notices generated by MESA are described in 230:15-9-32.) The Secretary of the County Election Board shall cause rejection notices to be prepared according to the following procedure.

- (1) Request the process in MESA that formats rejection notices.
- (2) Print the rejection notices, labels, and the Rejection Notice Registry, which are formatted along with the rejection notices.
- (3) Compare the rejected voter registration application forms with the Rejection Notice Registry to be certain that a rejection notice has been created for each rejected application.
- (4) Either fold and tape each rejection notice so that the applicant's mailing address and the County Election Board's return address are visible on the outside of the notice and the contents of the notice are concealed inside, or insert the notice into an envelope and apply the appropriate address label. Apply appropriate postage and mail the rejection notices.
- (5) Hold rejected applications for which additional information has been requested in the Additional Information Requested file for 60 days. If the applicant does not provide the additional information within 60 days, transfer the rejected application form from the Additional Information Requested file to the Rejected Application File and retain for 24 months.
- (6) Place all other rejected application forms directly into the Rejected Application File and retain for 24 months. Also retain the Rejection Notice Registry for 24 months.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-9-34. Processing rejection notices returned undelivered by post office**

In the event that a rejection notice mailed to an applicant is returned undelivered by the post office, the Secretary of the County Election Board shall cause the following procedure to be observed.

- (1) The date the returned rejection notice was received at the County Election Board shall be indicated on the notice. The date also shall be entered in MESA if the applicant is already a registered voter in the county.

- (2) The returned rejection notice shall be filed in the Returned Rejection Notice file, in alphabetical order by month, and shall be retained for 24 months.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-9-35. Processing additional information about rejected application**

(a) When an Insufficient Information Rejection Notice is returned by the applicant with the additional information needed to complete a rejected application, the Secretary of the County Election Board shall cause the following procedure to be observed.

- (1) The date that the returned rejection notice is received by the County Election Board shall be indicated on the notice.
- (2) The rejected application form shall be removed from the Additional Information Requested file. The date that the additional information was received shall be noted on the back of the application form.
- (3) Write the additional information in the appropriate spaces on the application form in such a way that it is clear that the information was not written by the applicant. Each addition to the application shall be initialed and dated by the County Election Board employee who adds it. Place the returned rejection notice in the Additional Information Correspondence File.
- (4) Locate the application information in MESA and enter the additional information.
- (5) If the additional information is sufficient to make the application valid, place the application form in the appropriate Approved Application file until voter identification cards are printed. See 230:15-9-29.
- (6) If the additional information is insufficient to make the application valid, the application shall be rejected. See 230:15-9-33. After the rejection notice has been printed, attach the returned Insufficient Information Rejection Notice to the rejected application form and file them in the Rejected Applications File.

(b) An Insufficient Information Rejection Notice with additional information received by the County Election Board 24 days or less before an election, as outlined in 230:15-5-86, shall be entered in MESA as soon as possible. However, the application shall not be activated until after the election.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 26 Ok Reg 2525, eff 7-15-09; Amended at 28 Ok Reg 1132, eff 7-1-11]

### **230:15-9-36. Disposition of rejected voter registration applications**

(a) **Rejected application information in MESA.** Information about voter registration applications that have been rejected for any reason shall remain as pending applications in MESA for 60 days from the date the rejection notice was formatted. If the applicant returns the requested additional information during this 60-day period, the additional information shall be added to the application in MESA. At the end of this 60-day period, information about rejected applications shall be purged from MESA automatically. If an applicant returns additional information about a rejected application after the application has been purged from MESA, the information cannot be processed and the application shall remain rejected. The letter shall be filed in alphabetical order by month in the Additional Information Correspondence File and shall be retained for 24 months.

(b) **Rejected application forms.** Voter registration application forms that have been rejected because they are incomplete shall be retained in the Additional Information Requested File for 60 days after the rejection notice is formatted. If the applicant returns the additional information requested within 60 days, the application form shall be removed from the Additional Information Requested File and shall be processed as outlined in 230:15-9-35. At the end of the 60-day period, all rejected applications that remain in the Additional Information Requested File shall be transferred to the Rejected Applications File and shall be retained for 24 months.

[Source: Added at 12 Ok Reg 2225, eff 7-1-95; Amended at 28 Ok Reg 1132, eff 7-1-11]

## **SUBCHAPTER 11. VOTER REGISTRATION LIST MAINTENANCE**

### **PART 1. CANCELLATION OF VOTER REGISTRATION**

#### **230:15-11-1. Reasons for cancellation of registration [REVOKED]**

[Source: Amended and renumbered from 230:15-5-60 at 12 Ok Reg 2197, eff 7-1-95; Revoked at 30 Ok Reg 1631, eff 7-15-13]

#### **230:15-11-2. Positive identification required**

A voter whose registration is to be cancelled for any reason first must be positively and accurately identified by clear and convincing evidence or the cancellation shall not be processed. "Clear and convincing evidence" shall include at least three of the following pieces of information:

- (1) Both first and last name.
- (2) Date of birth.
- (3) Oklahoma driver license number.
- (4) Last four digits of the voter's Social Security number.
- (5) County of residence in Oklahoma.

[Source: Renumbered from 230:15-5-61 at 12 Ok Reg 2197, eff 7-1-95; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-11-3. Written notice by voter [REVOKED]**

[Source: Amended and renumbered from 230:15-5-62 at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 559, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 28 Ok Reg 256, eff 1-11-11 (emergency); Amended at 28 Ok Reg 1132, eff 7-1-11; Revoked at 30 Ok Reg 1631, eff 7-15-13]

#### **230:15-11-4. Processing cancellations of registration**

(a) Upon receipt of proper notice, and upon positive identification of the voter, the Secretary of the County Election Board shall cancel a voter's registration.

Cancellations shall be processed immediately after the receipt of proper notice.

Proper notice shall include the following:

- (1) Potential Deletion Report. See 230:15-11-5.
- (2) Request to Cancel Registration of Deceased Voter form submitted by any person authorized by law to make such a request. See 230:15-11-6 and 230:15-11-6.1.
- (3) Judgment of Incapacitation Report form. See 230:15-11-7.
- (4) Potential Duplicate Registration Report. See 230:15-11-9.
- (5) Notice of registration in another state.
- (6) Notice of state or federal felony conviction. See 230:15-11-8.

(7) Written request from voter for cancellation of registration. Such a written request from a voter either shall be notarized or shall be witnessed by two persons who provide their names and addresses on the request. See 230:15-11-3.

(8) True Duplicates Deleted Report. See 230:15-11-10.

(9) Address confirmation return card returned by the voter indicating that the voter has moved out of the county. See 230:15-11-24.

(10) A certified copy of a death certificate.

(b) Cancellations of registration shall be processed according to the following procedure:

(1) Delete the voter's registration information from MESA.

(2) Remove the voter's registration form from the Central File, note the date and reason for cancelling the registration, and place the registration form in the Cancellation File. Also remove any documentation from the Additional Information File and attach it to the original registration form in the Cancellation File. Retain as outlined in 230:10-7-40.

(3) Retain the notice document used to cancel a registration for 24 months after the cancellation.

[Source: Amended and renumbered from 230:15-5-63 at 12 Ok Reg 2197, eff 7-1-95; Amended at 13 Ok Reg 559, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2475, eff 7-1-96; Amended at 14 Ok Reg 2624, eff 7-1-97; Amended at 15 Ok Reg 2547, eff 7-1-98; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 28 Ok Reg 256, eff 1-11-11 (emergency); Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 33 Ok Reg 1404, eff 9-11-16]

#### **230:15-11-5. Potential Deletion Report**

Information received by the State Election Board from the State Health Department, from the federal court system, the Social Security Administration, from other states, and from other counties in Oklahoma is entered manually or imported electronically into MESA. Information received from the County Court Clerk concerning felony convictions and judgments of incapacitation are entered in MESA by County Election Board personnel in each county. MESA processes all such information and when a match is made to an existing registered voter, the information is delivered to the appropriate County Election Board through the Potential Deletions Processing window. The Secretary of the County Election Board shall cause a report, called the Potential Deletions Report, to be printed from the Potential Deletions Processing window not less than once each month. This report lists persons who have died, persons who have been convicted of felonies in other counties in Oklahoma or in a federal court, and persons who have registered again in another state or in another county in Oklahoma. County Election Board personnel shall examine each potential deletion match for validity. If it is determined that the match is correct and valid, the registration of the matched voter in the county shall be deleted. The voter registrations of persons listed on the Potential Deletion Report shall be cancelled only upon positive identification of the voter's registration record. If there is any doubt that the match is not a correct and valid match, the registration of the matched voter in the county shall be retained.

[Source: Amended and renumbered from 230:15-5-64 at 12 Ok Reg 2197, eff 7-1-95; Amended at 23 Ok Reg 77, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1279, eff 7-1-06; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-11-6. Cancellation of registration of deceased voter by next of kin [REVOKED]**

[Source: Renumbered from 230:15-5-65 at 12 Ok Reg 2197, eff 7-1-95; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 20 Ok Reg 470, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1087, eff 7-1-03; Amended at 21 Ok Reg 3144, eff 7-22-04 through 7-14-05 (emergency)<sup>1</sup>; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), the text of 230:15-11-6 reverted back to the permanent text that became effective 7-1-03, as was last published in the 2004 OAC Supplement, and remained as such until amended by permanent action on 6-1-10.

### **230:15-11-6.1. Cancellation of registration of deceased voter upon notice of nursing home administrator, veteran center administrator, or licensed funeral director**

An administrator of a nursing home, an administrator of a veteran center, or a licensed funeral director may execute a Request to Cancel Registration of Deceased Voter form to notify the Secretary of the County Election Board of the death of a resident of the county who may have been a registered voter. [26:4-120.3] A nursing home or veteran center administrator's signature on the form either may be notarized or witnessed by two persons who provide their names and addresses on the form. The administrator's signature also may be witnessed by a member of the nursing home Absentee Voting Board when the Board delivers absentee ballots to residents of the nursing facility or veteran center prior to an election. A licensed funeral director's signature on the form either may be notarized or may be witnessed by two persons whose names and addresses are also provided on the form. Upon receipt of such a notification, and upon identification of the person named on the form as a registered voter in the county, the Secretary shall cancel the voter registration of the deceased voter. See 230:15-11-4 (b). The Secretary shall provide copies of the Request to Cancel Registration of Deceased Voter form to nursing facility and veteran center administrators and to licensed funeral directors in the county along with instructions for use of the form. [26:4-120.3]

[Source: Added at 22 Ok Reg 1859, eff 7-1-05; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 256, eff 1-11-11 (emergency); Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-11-7. Cancellation of registration of person adjudged incapacitated**

(a) Each month the County Court Clerk is required to prepare and hold for the County Election Board a list of all persons in the county who have been adjudged to be incapacitated or partially incapacitated and prohibited from voting. [26:4-120.5] The list may be compiled on the Judgment of Incapacitation Report form, which shall be supplied to the Court Clerk by the County Election Board. The Secretary shall go in person to the Court Clerk's office to receive the Judgment of Incapacitation Report. Upon review of the Judgment of Incapacitation Report, the Secretary of the County Election Board shall cancel the registration of any positively identified registered voter listed. [26:4-120.5]

(b) The Court Clerk shall notify the Secretary of the County Election Board of the name of each person whose right to vote has been reinstated or otherwise modified. [20:3003(B)] This notification shall not provide the Secretary of the County Election Board with the authority to reinstate the voter registration of such persons. A person who previously has been adjudged incapacitated and who has had his or her right to vote reinstated must apply again for voter registration.

[Source: Amended and renumbered from 230:15-5-66 at 12 Ok Reg 2197, eff 7-1-95]

**230:15-11-8. Cancellation for felony conviction**

(a) *The court clerk in each county shall prepare a list monthly of all persons convicted in the county of a felony and shall transmit the list to the secretary of the County Election Board. [26:4-120.4(B)] The list shall include information necessary to identify a person on the list as a registered voter prescribed by the Secretary of the State Election Board. [26:4-120.4(B)]* The list prepared by the Court Clerk shall include the person's name, full date of birth which shall include the month, day, and year, and, if known, the last four digits of the person's Social Security number, driver license number, and residence address of each person convicted of a felony in the county. The Secretary of the County Election Board shall cancel a voter's registration as outlined in (c) of this Section upon receipt of a list of felony convictions from the Court Clerk.

(b) The Secretary of the County Election Board shall be authorized to cancel a voter's registration as outlined in (c) of this Section upon receiving a notice of felony conviction from a federal court. [26:4-120.4(A)]

(c) Upon receipt of the monthly felony conviction list from the county Court Clerk, County Election Board personnel shall follow appropriate software instructions to enter information from the list into MESA. All information on the list shall be entered in MESA, even if it appears the convicted person may be a resident of another county. Immediately upon entering felony conviction information, MESA searches the county's voter registration information for potential matches. Any potential matches are brought to the screen and the information in the voter registration record of each potential match can be compared with other information provided on the list by the Court Clerk. If County Election Board personnel are able to make a positive match between a voter registration record and a name on the felony conviction list, the voter registration shall be cancelled. After all the information has been entered, the information is automatically transferred to the State Election Board. MESA then searches voter registration records statewide for potential matches, and if found, reports them to the appropriate County Election Board on the Potential Deletion Report. Potential felony conviction matches appear on the Potential Deletion Report in the county where the voter registration record is maintained. County Election Board personnel in that county must examine the information on the Potential Deletion Report and compare it to the identified voter registration record or records to make a positive match. See 230:15-11-2. If a positive match is found, the voter registration shall be cancelled. Following cancellation of a voter registration for felony conviction in MESA, County Election Board personnel shall remove the original voter registration form from the Central File and any documentation in the Additional Information file, note the date the registration was cancelled and the reason for the cancellation. The original registration form and any documentation of Additional Information shall be retained in the Cancellation File for 24 months.

(d) *The Secretary of the State Election Board, secretaries of county election boards, and their agents and employees shall not be held civilly liable for any action taken based upon information concerning felony convictions received from a United States Attorney or a county court clerk pursuant to subsections A and B of this section if a reasonable effort was made to make an accurate match of the information provided with voter registration records before cancelling any voter's registration. [26:4-120.4]*

(e) The Secretary of the County Election Board shall cause the Potential Deletions Report to be printed each month. A copy of the Potential Deletions Report shall be



retained for 24 months.

[Source: Reserved at 12 Ok Reg 2197, eff 7-1-95; Added at 13 Ok Reg 559, eff 11-22-95 (emergency); Added at 13 Ok Reg 2475, eff 7-1-96; Amended at 22 Ok Reg 1859, eff 7-1-05; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 36 Ok Reg 1539, eff 9-16-19]

### **230:15-11-9. Potential Duplicates Report**

The Potential Duplicates Report lists registered voters in the county with the same last name, first initial and date of birth. When a potential duplicate registration is found, the matching records are listed as a group on the Potential Duplicates Report. After printing the Potential Duplicates Report, the Secretary shall examine the voter registration records (both in the voter registration database and in the Central File) of each person listed on the report to determine whether a duplicate voter registration has in fact been found. If it is determined that a duplication exists, the Secretary shall further examine both records to determine which of the two records shall be cancelled. In most but not necessarily in all cases, the most recent voter registration record shall be retained. Any voter history included on the record to be deleted shall first be transferred manually to the voter registration being retained in the database. The Secretary shall delete the information for the cancelled registration from the voter registration database and remove the original application form from the Central File. The reason for removal shall be noted on the form removed from the Central File and the form shall be retained as outlined in 230:10-7-40 for 24 months.

[Source: Renumbered from 230:15-5-67 at 12 Ok Reg 2197, eff 7-1-95; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-11-10. Statewide cancellation of true duplicate registrations**

(a) No later than June 1 of each odd-numbered year, the Secretary of the State Election Board shall initiate a process to identify voters with duplicate voter registrations in one or more counties in Oklahoma. [26:4-120.2(c)] The process in MESA shall examine and compare all voter registration records in the state to identify the true duplicate registrations. The true duplicates shall be identified by one of the following criteria.

- (1) There is a match of first name, middle name or initial, last name, and date of birth.
- (2) There is a match of driver license number, first name, and date of birth.
- (3) There is a match of last name, date of birth, and the last four digits of the Social Security number.

(b) Following identification of true duplicates, the individual records in each set of duplicate records shall be examined to determine which of the duplicate registrations is the most recent. The date of original registration, voter history, and voter activity all shall be examined and considered. The most recent registration record in each set of duplicate registrations shall be retained and all other registration records shall be cancelled. [26:4-120.2(c)]

(c) MESA shall format for each county a report listing the names of voters in the county whose registration records have been cancelled. The Secretary of the County Election Board shall be required to print the True Duplicates Deleted Report immediately when it is formatted. County Election Board personnel shall use the True Duplicates Deleted Report to remove the registration forms for the cancelled true duplicate voters from the Central File. The date and reason for cancellation shall be noted on the voter registration form, and any documentation in the Additional Information file also shall be removed. The registration forms and

any additional information shall be filed in the Cancellation File and shall be retained there for 24 months. The True Duplicates Deleted Report shall be retained for 24 months. [26:4-120.2(c)]

(d) Questions concerning the cancellation of a true duplicate registration must be resolved by the State Election Board staff because, in most cases, the matching duplicate voter registration records are located in different counties. County Election Board personnel shall relay concerns that a registration may have been cancelled incorrectly by the true duplicates identification process to the State Election Board staff for investigation and resolution.

(e) The State Election Board staff shall have the authority to restore the voter registration record of an individual voter cancelled as a true duplicate if, in fact, the match is in error. The restored voter also may be excluded from cancellation in future true duplicate processing if the erroneous match cannot be prevented from recurring.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 27 Ok Reg 1124, eff 6-1-10; Amended at 28 Ok Reg 255, eff 1-1-11 (emergency); Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 33 Ok Reg 1404, eff 9-11-16]

### **PART 3. VOTER REGISTRATION ADDRESS CONFIRMATION**

#### **230:15-11-19. Voter registration address confirmation mailing**

(a) No later than June 1, 1997, and every two years thereafter, the Secretary of the State Election Board shall cause an address confirmation notice to be prepared and mailed to active registered voters who meet one or more of the following requirements:

- (1) Voters listed on the Statewide Potential Duplicates Report.
- (2) Voters for whom a first-class mailing from a County Election Board was returned undelivered by the post office during the previous 24 months. For the purpose of the address confirmation notice selection, a first-class mailing shall include only voter identification cards generated by MESA and rejection notices for applications for change of voter registration.
- (3) Voters who have neither voted in any election conducted by a County Election Board nor initiated any voter registration change since the second previous General Election.
- (4) Voters who have surrendered their Oklahoma driver licenses to the Department of Public Safety after receiving a driver license in another state during the preceding 24 months.
- (5) Voters identified by interstate voter registration data comparison as possibly being registered to vote both in Oklahoma and in one or more other states.
- (6) Voters identified by National Change of Address (NCOA) data, as authorized by 26 O.S., Section 4-118.1, who may have changed residence address but not updated voter registration.
- (7) Voters identified through official death records from the Social Security Administration whose registrations have not been cancelled.
- (8) Voters who have submitted a change of address for an Oklahoma driver license or a state identification through the Department of Public Safety website or at a motor license agency that indicates they have moved to another county in Oklahoma and who have not registered again in the new county.

(b) Address confirmation notices shall be sent by first-class, forwardable mail and shall include a pre-addressed, postage-paid return card. The address confirmation notice materials shall be prepared and mailed under the supervision of the Secretary of the State Election Board. All costs associated with preparing and mailing confirmation notices and with receiving return cards and distributing them to the various County Election Boards shall be paid by the State Election Board.

(c) Address confirmation return card shall be received by the State Election Board. Accumulated return cards shall be sorted and distributed to the County Election Boards on a regular basis. The County Election Board shall stamp on each return card the date it is received from the State Election Board.

(d) The Secretary of the State Election Board may authorize the mail service vendor selected to print, prepare, and mail the address confirmation notices to utilize National Change of Address (NCOA) data for mailing address correction and forwarding purposes. As a result of the address correction and forwarding services, the address to which an individual voter's confirmation notice is forwarded will be provided to the State Election Board by the mail service vendor or by the USPS by digital means. The forwarding address will be imported into MESA by the State Election Board. The County Election Board Secretary shall cause the Confirmation Notice Automated Forwards List report (vr2595) to be requested 60 days after address confirmation notices are mailed and to be retained for 24 months.

(e) The State Election Board may receive data from the USPS by electronic means for all address confirmation notice cards that are undeliverable as addressed. The cards themselves may be destroyed through postal service procedures. The returned data will be imported into MESA and into individual voter records by the State Election Board. The County Election Board Secretary shall cause the Confirmation Notice Automated Returns List report (vr2590) to be requested 60 days after address confirmation notices are mailed and to be retained for 24 months.

[Source: Added at 12 Ok Reg 2197, eff 7-1-95; Amended at 15 Ok Reg 2547, eff 7-1-98; Amended at 16 Ok Reg 522, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2404, eff 7-1-99; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-11-20. Processing address confirmation notice cards returned undelivered by Postal Service**

(a) Address confirmation notices that cannot be delivered as addressed may be returned to the State Election Board by the postal service. All returned, undelivered address confirmation notices received by the State Election Board shall be sorted by county and sent to the County Election Boards.

(b) When the County Election Boards receive from the State Election Board address confirmation notices that were returned undelivered by the postal service, County Election Board personnel shall process them according to the following procedure.

(1) Enter the receipt of each undelivered address confirmation notice in MESA.

(2) Follow the procedure outlined in 230:15-11-25 if the postal service has provided another address for the voter.

(3) File the undelivered notice in the Returned Confirmation Notice file and retain for 24 months.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-11-21. Processing address confirmation cards returned by voter with no change of address**

Address confirmation return cards that are returned by the voter and indicate no change of address shall be processed according to the following procedure.

- (1) Process receipt of the return card in MESA.
- (2) Compare the information provided by the voter on the return card with the voter's registration information in MESA to confirm that the residence address is the same. If there is a change of residence address, process according to the instructions in 230:15-11-22.
- (3) File the return card in the Returned Confirmation Notice File.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-11-22. Processing address confirmation return cards with change of residence address, mailing address, or name in the same county**

Address confirmation return cards that are returned by the voter and indicate a change of address in the county shall be processed according to the following procedure.

- (1) Process receipt of the return card by following the appropriate MESA instructions.
- (2) Enter all residence address, mailing address, or name changes indicated by the voter on the return card.
- (3) If the return card does not contain enough information to complete the address change, prepare and mail a request for additional information. See 230:15-9-32 and 230:15-9-33. In the event this step is necessary, wait for the voter's response before proceeding to step 4.
- (4) Locate the voter's voter registration form in the Central File. Write the voter's new address on the form from the Central File and make a note to refer to the Additional Information Correspondence File. (If file sleeves are used in the Central File, insert the address confirmation return card into a file sleeve with the voter's original registration form instead.)
- (5) File the address confirmation return card in the Additional Information Correspondence File, unless it is inserted into a file sleeve in the Central File as described in (4) of this Section.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 33 Ok Reg 1404, eff 9-11-16; Amended at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-11-23. Processing address confirmation return cards that indicate a name change [REVOKED]**

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 33 Ok Reg 1404, eff 9-11-16; Revoked at 35 Ok Reg 1185, eff 9-14-18]

### **230:15-11-24. Processing address confirmation return cards with change of address outside the county**

Address confirmation return cards that are returned by the voter and indicate a change of address outside the county shall be processed according to the following procedure.

- (1) Process receipt of the return card in MESA.

- (2) Select Out of County or Out of State, as appropriate. This selection will cancel the voter's registration in the county.
- (3) Remove the voter's registration form from the Central File and also any documentation in the Additional Information Correspondence file. Attach the address confirmation return card to the registration form and any other documentation and file in the Cancellation File.
- (4) Notify the voter that his or her voter registration in the county has been cancelled and advise the voter to register again in his or her current county or state of residence. If the voter indicated a new address in another county in Oklahoma, enclose a voter registration application form with the notice.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13; Amended at 35 Ok Reg 1185, eff 9-14-18]

#### **230:15-11-25. Processing address confirmation return cards returned by someone other than the voter**

- (a) If an address confirmation return card is received with indication that it was returned by someone other than the voter to whom it is addressed, no information about the return card shall be entered in MESA. The voter's registration shall be allowed to become inactive. The return card shall be filed in the Returned Confirmation Notice File and retained for 24 months. If the Secretary is unable to determine with certainty that a card was returned by the voter to whom it was addressed, no information about the return card shall be entered in MESA.
- (b) The Secretary of the County Election Board is authorized to take the following actions to follow up on a return card received from someone other than the voter to whom it is addressed.
  - (1) If information on the return card indicates a new address in Oklahoma for the voter, the Secretary shall mail to the address provided an Oklahoma Voter Registration Application form and a letter suggesting that the voter update his or her voter registration information.
  - (2) If information on the return card indicates a new address outside Oklahoma for the voter, the Secretary shall mail to the address provided a letter suggesting that the voter register again in the other state.
  - (3) If information on the return card indicates that the voter is deceased, the Secretary shall mail a letter to the same address with information about the procedure for next of kin to cancel a deceased voter's registration.
  - (4) If information on the return card indicates that the voter has moved but provides no new address, the Secretary shall take no further action.
  - (5) If information on the return card indicates that the voter is unknown, the Secretary shall take no further action.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13]

#### **230:15-11-26. Designation of inactive voters**

- (a) Sixty days after address confirmation notices are mailed by the State Election Board, the registrations of voters who do not respond to the address confirmation notice, of voters whose address confirmation notices were returned undelivered by the postal service, and voters whose return cards were returned by someone else all shall be designated inactive by a process in MESA. Inactive voters shall remain registered and entitled to vote through the second federal General Election following their designation as inactive voters. Following that second federal General Election, the registrations of all remaining inactive voters shall be

cancelled.

(b) Sixty days after address confirmation notices are mailed by the State Election Board, County Election Board personnel shall request the Confirmation Notice Tracking, the Confirmation Automated Returns List, and the Confirmation Automated Forwards List reports from MESA. These reports shall be retained for 24 months. The reports may be retained electronically and shall not necessarily be printed.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 33 Ok Reg 1404, eff 9-11-16]

### **230:15-11-27. Reinstatement of inactive voters**

Inactive voters shall be reinstated as active voters under the following conditions.

(1) **Address confirmation return card.** An inactive voter may be reinstated as an active voter by returning the address confirmation return card to confirm or change address within the county. Return cards received from the voter more than 60 days after address confirmation notices are mailed shall be processed according to the same procedures outlined in 230:15-11-22 and 230:15-11-23. Return cards received from the voter more than 60 days after the address confirmation notices are mailed that indicate a change of address outside the county shall be processed as outlined in 230:15-11-24.

(2) **Voter registration applications.** Inactive voters who submit a valid application for voter registration shall be reinstated as active voters.

(3) **Voting.** Inactive voters who vote in any election conducted by the County Election Board shall be reinstated as active voters.

(A) **Voting at polling place.** Inactive voters who vote at their polling places are reinstated as active voters. Precinct Registries shall include the words "Confirm Address" in the signature line beside the names of inactive voters. Inactive voters who appear at the precinct polling place to vote confirm their addresses by signing the Precinct Registry. See 230:35-5-113.1.

(B) **Voting at in-person absentee polling place.** Inactive voters who vote by in-person absentee ballot are reinstated as active voters. Inactive in-person absentee voters confirm their addresses by signing the Application for In-Person Absentee Ballots form. See 230:30-7-11.

(C) **Voting by mail absentee ballot.** Inactive voters who vote by mail absentee ballot are reinstated as active voters when their voted ballots are received by the County Election Board. Inactive mail absentee voters confirm their addresses by signing the Application for Absentee Ballots form. See 230:30-9-3.

(D) **Voting by nursing home or veteran center absentee ballot.** Inactive voters who vote by nursing home or veteran center absentee ballot are reinstated as active voters after their voted ballots are returned to the County Election Board by the nursing home Absentee Voting Board. Inactive nursing home or veteran center absentee voters confirm their addresses by signing the Application for Absentee Ballots form. See 230:30-7-9.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11]

**230:15-11-28. Cancellation of inactive voters**

The registrations of all voters who remain in inactive status after two federal General Elections shall be cancelled. The cancellation shall take place as soon as practicable following the second federal General Election after the inactive voters were designated. No additional notice to the voter shall be required prior to the cancellation. An automatic process shall remove the registration information from MESA. County Election Board personnel shall request and print the Deleted Voters by Reason report and shall use it to remove registration forms from the Central File and other registration correspondence from the Additional Information Requested file. The registration forms and correspondence shall be destroyed. The Deleted Voters by Reason report shall be retained for 24 months.

[Source: Added at 15 Ok Reg 2547, eff 7-1-98; Amended at 28 Ok Reg 1132, eff 7-1-11; Amended at 30 Ok Reg 1631, eff 7-15-13]

**230:15-11-29. Identification and notification of voters who may have changed addresses of residence**

(a) The Secretary of the State Election Board shall have the authority to compare the Oklahoma voter registration database with change of address records provided by the United States Postal Service through the National Change of Address system, the Oklahoma Department of Public Safety, the Oklahoma Department of Human Services, or other state or federal agencies to identify voters who may have changed their residence addresses.

(b) If the Secretary of the State Election Board determines that a voter's residence address may have changed, the Secretary shall have the authority to cause the voter to be notified in writing that voter registration information must be updated in the event of a change of residence. Such notification may include any forms prescribed by the Secretary of the State Election Board that are necessary for the voter to update his or her voter registration information.

[Source: Added at 30 Ok Reg 1631, eff 7-15-13]

**230:15-11-30. Voters may respond to address confirmation notice online**

(a) Voters who receive an address confirmation notice and who need to confirm their residence address without making any change to their residence or mailing address may respond online by logging into the Online Voter Tool on the State Election Board's public website. When a voter who receives an address confirmation notice logs into the Online Voter Tool, the first information block on the voter's page is "Voter Confirmation." By following the instructions provided on screen, the current residence and mailing address information is displayed. If the address information is correct, the voter confirms the information. If it is not correct, the voter may choose to be directed either to the online voter registration portal or to a fillable PDF version of the Oklahoma Voter Registration Application to update his or her voter registration information.

(b) Confirmation notice responses submitted online through the Online Voter Tool will be recorded automatically in the voter registration database. In the event that a voter responds online and also mails the Return Card, determine whether the voter has indicated a change of name or address on the Return Card. If the voter has made a change, follow the appropriate software instructions to make the change of name or address in the voter registration database and retain the Return Card as instructed for the type of change. See 230:15-11-21 through 230:15-11-25. If the voter has not indicated a change of address or name, file the Return Card in the

Returned Confirmation Notice File.

[Source: Added at 35 Ok Reg 1185, eff 9-14-18]

## **CHAPTER 20. CANDIDATE FILING**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **230:20-1-1. Purpose**

The rules in this Chapter prescribe the forms to be used by candidates for federal, state, county, Board of Education, and statutory municipal offices when making a Declaration of Candidacy. The rules in this Chapter establish procedures for State Election Board and County Election Board personnel to follow 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. These rules also establish procedures for the County Election Board Secretary to follow when accepting the various campaign finance and filings from candidates for county offices and financial disclosures from elected county officers as required by the County Campaign Finance and Financial Disclosure Act, Title 19 O.S., Sections 138.11 B 138.19.

[Source: Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **SUBCHAPTER 3. FILING CANDIDACY FOR FEDERAL, STATE, COUNTY, AND OTHER ELECTIVE OFFICE**

#### **PART 1. WHEN, WHERE, AND HOW TO FILE CANDIDACY FOR ELECTIVE OFFICE**

#### **230:20-3-1. Filing period [REVOKED]**

[Source: Amended at 21 Ok Reg 549, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1868, eff 7-1-05; Revoked at 30 Ok Reg 1642, eff 7-15-13]

#### **230:20-3-2. Candidates for federal and state offices file with Secretary of State Election Board**

Candidates for the following offices file with the Secretary of the State Election Board: United States Senator, United States Representative, Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Insurance Commissioner, Corporation Commissioner, State Senator, State Representative, District Judge, Associate District Judge, and District Attorney. [26:5-102] Candidates who choose to participate in the Presidential Preferential Primary Election also file with the Secretary of the State Election Board. [26:20-102]

[Source: Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

#### **230:20-3-3. Candidates for county, school district, municipal, and other elective offices file with Secretary of County Election Board**



Candidates for the following county offices file with the Secretary of the County Election Board: County Assessor, County Clerk, County Commissioner, County Court Clerk, County Sheriff, and County Treasurer. [26:5-103] Candidates for elective office in independent, elementary, and technology center school districts; in all statutory municipalities; in some home rule charter cities; and for fire protection districts file with the Secretary of the County Election Board. [26:5-102; 11:16-109; 11:16-110; 26:13-102; 26:13A-105; 19:901.5]

[Source: Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

**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**

(a) The Secretary of the State Election Board shall prescribe forms to be used by candidates for federal, state, legislative, district, and nonpartisan judicial offices to declare their candidacy in Oklahoma. The Secretary of the State Election Board shall prescribe forms to be used by candidates to declare their candidacy for county offices, for Board of Education offices, and for municipal offices in statutory municipalities. The Secretary of the State Election Board also shall prescribe forms to be used by candidates to declare their candidacy in the Oklahoma Presidential Preferential Primary Election. The forms prescribed by the Secretary for the purpose of declaring candidacy for office shall request all the information listed in Title 26, Section 5-111 and may request any additional information the Secretary deems necessary.

(b) A Declaration of Candidacy for any office listed in (a) of this Section may include the following individual forms.

(1) **Candidate Information and Oath.** The Candidate Information and Oath form shall include all information required by state law about a candidate and the candidate's eligibility for the office being sought.

(2) **Criminal History Disclosure.** A candidate who indicates a criminal history involving charges or conviction for misdemeanor involving embezzlement or a felony on the Candidate Information and Oath page is required to provide details on the Criminal History Disclosure form.

(3) **Candidate Qualifications.** A candidate is required to read, sign, and date a page listing all qualifications set forth in federal or state law as appropriate to the office sought.

(c) The forms required to be included in a Declaration of Candidacy are available on the State Election Board website

([https://www.ok.gov/elections/Candidate\\_Info/Candidate\\_Filing](https://www.ok.gov/elections/Candidate_Info/Candidate_Filing)). The forms may be filled out online, but they must be downloaded and printed and must be signed in writing, personally by the candidate in the presence of a Notary Public or other person authorized by law to administer oaths. [26:5-111-1] See 230:20-3-35.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

**230:20-3-5. Candidate swears oath to correctness of Declaration of Candidacy and to qualifications and eligibility for office sought**

When a candidate for federal, state, county office, school district, or municipal office signs the oath on the Candidate Information and Oath page of a Declaration of Candidacy before a Notary Public or other official authorized by law to administer oaths, the candidate is swearing that all information provided in the Declaration of Candidacy is true and correct; that the candidate has read, signed, dated, and submitted the appropriate Candidate Qualifications page and is eligible

for the office sought; and that, if required, has included a Criminal History Disclosure which also is true and correct.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-6. Candidate's signature on forms included in Declaration of Candidacy**

The signature on the various pages of a Declaration of Candidacy submitted to the Secretary of the State Election Board or to the Secretary of the County Election Board is required by state law to be the original, handwritten signature of the candidate. [26:5-111.1] No facsimile, reproduction, typewritten, electronic, or other substitute signature is valid on a Declaration of Candidacy. [26:5-111.1]

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

## **PART 3. QUALIFICATIONS FOR COUNTY OFFICE**

### **230:20-3-9. Candidate swears oath**

When the candidate signs the Declaration of Candidacy form, he is swearing an oath that he meets the qualifications for the office he seeks. [26:5-111]

### **230:20-3-10. Qualifications for all county offices [REVOKED]**

[Source: Amended at 12 Ok Reg 2233, eff 1-7-95; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-11. Persons not eligible to be candidates [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-12. Additional qualifications for party primaries [REVOKED]**

[Source: Amended at 12 Ok Reg 2233, eff 1-7-95; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-13. Additional qualifications for Independent candidates [REVOKED]**

[Source: Amended at 12 Ok Reg 2233, eff 1-7-95; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-14. Exception to qualifications for party primary [REVOKED]**

[Source: Amended at 12 Ok Reg 2233, eff 1-7-95; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-15. Additional qualifications for County Commissioner [REVOKED]**

[Source: Amended at 12 Ok Reg 2233, eff 1-7-95; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-16. Additional qualifications for County Superintendent [REVOKED]**

[Source: Revoked at 11 Ok Reg 305, eff 11-1-93 (emergency); Revoked at 11 Ok Reg 1577, eff 6-1-94]

### **230:20-3-17. Additional qualifications for County Sheriff [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-18. Resignation required [REVOKED]**

[Source: Revoked at 22 Ok Reg 1868, eff 7-1-05]

## **PART 5. TERMS OF COUNTY OFFICES**

### **230:20-3-23. Four-year terms [REVOKED]**

[Source: Amended at 11 Ok Reg 305, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1577, eff 6-1-94; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-24. County Commissioner terms to be staggered [REVOKED]**

[Source: Revoked at 16 Ok Reg 2416, eff 7-1-99]

### **230:20-3-25. Beginning dates of terms [REVOKED]**

[Source: Amended at 11 Ok Reg 1577, eff 6-1-94; Amended at 14 Ok Reg 2630, eff 7-1-97; Revoked at 30 Ok Reg 1642, eff 7-15-13]

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

### **230:20-3-30. Necessary form [REVOKED]**

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13; Revoked at 35 Ok Reg 565, eff 3-15-18 (emergency); Revoked at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-31. Service to potential candidates [REVOKED]**

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13; Revoked at 35 Ok Reg 565, eff 3-15-18 (emergency); Revoked at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-32. Declarations of Candidacy may be submitted in person or by mail**

(a) Candidates may file their Declarations of Candidacy with the Secretary of the State Election Board or the Secretary of a County Election Board only as provided in this Section unless another method of filing is authorized by state law.

(1) A candidate may appear in person to submit the Declaration of Candidacy to the Secretary of the appropriate Election Board.

(2) A candidate may send an agent to submit the Declaration of Candidacy to the Secretary of the appropriate Election Board.

(3) A candidate may send the Declaration of Candidacy to the Secretary of the appropriate Election Board by United States mail.

(4) A candidate may send the Declaration of Candidacy to the Secretary of the appropriate Election Board by private parcel delivery service.

(b) A Declaration of Candidacy shall not be accepted if delivered to the Secretary of the State Election Board or the Secretary of a County Election Board by electronic mail, by fax, or by any other electronic means.

[Source: Amended at 14 Ok Reg 2630, eff 7-1-97; Amended at 30 Ok Reg 1642, eff 7-15-13; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

#### **230:20-3-32.1. Declarations of Candidacy shall not be accepted outside the prescribed hours of the candidate filing period**

(a) Declarations of Candidacy shall not be accepted by the Secretary of the State Election Board or the Secretary of a County Election Board prior to 8 a.m. or after 5 p.m. on any day of a candidate filing period. A Declaration of Candidacy shall not be accepted unless it is in the hands of the Secretary of the appropriate Election Board by 5 p.m. on the last day of the candidate filing period. However, the

Secretary of the appropriate Election Board may accept a Declaration of Candidacy after 5 p.m. on the last day of filing from a candidate or an agent of a candidate who arrives at the appropriate Election Board prior to 5 p.m. with all required pages of a Declaration of Candidacy completed, signed, and notarized, as outlined in 230:20-3-4 through 230:20-3-6, and either a cashier's check or certified check in the correct amount for the office sought or a petition bearing the signatures of the required number of registered voters, as described in 230:20-3-33 and in 230:20-9-1 through 230:20-9-4. A Declaration of Candidacy received by the Secretary of the appropriate Election Board through the United States mail or from a private parcel delivery service after 5 p.m. on the last day of the filing period shall not be accepted.

(b) The Secretary of the State Election Board and the Secretary of the County Election Board are advised to refer to the official United States government time to establish the correct time and to announce the opening of the filing period at 8 a.m. and the closing of the filing period at exactly 5 p.m. each day. Official United States government time is kept by the United States Naval Observatory and by the National Institute of Standards and Technology. The official time may be viewed online at <https://time.gov>.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-33. Filing fees and petitions for federal, state, and county offices**

(a) A Declaration of Candidacy as defined in 230:20-3-4 shall be accompanied by one of the following:

(1) **Cashier's check or a certified check.** A cashier's check or certified check in the amount established by state law for the specific office sought may be submitted with a Declaration of Candidacy. [26:5-112] Said cashier's or certified check shall be made payable to "Secretary of State Election Board" for all offices for which candidates file at the State Election Board, or to "Secretary of County Election Board" for all offices for which candidates file with a County Election Board. Cashier's checks shall include money orders issued by banks or credit unions that have been signed by an officer of the institution.

(2) **Petition.** A petition supporting the candidate's Declaration of Candidacy signed by two percent (2%) of the registered voters in the district, county, or state, as appropriate for the specific office sought. [26:5-112] The number of signatures required on a petition supporting a candidate's Declaration of Candidacy shall be based upon the number of registered voters in the district, county, or state on November 1 in the year preceding the filing period. See Subchapter 9 of this Chapter for more information about petitions supporting candidacy.

(b) The filing fees for federal, state, nonpartisan judicial, and county elective offices are established in Title 26 O.S., Section 5-112.

(c) Neither filing fees nor petitions are required in support of Declarations of Candidacy filed by school district, technology center district, and statutory municipal candidates. Candidates for municipal offices in some home rule charter cities may be required to submit a filing fee or petition if required by said charter.

[Source: Amended at 28 Ok Reg 1152, eff 7-1-11; Amended at 30 Ok Reg 1642, eff 7-15-13; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-34. Personal checks, cash, money orders not acceptable**

Personal checks, campaign account checks, cash, and money orders other than money orders issued by banks or credit unions shall not be accepted as filing fees.

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-35. Declarations must be notarized**

(a) The Candidate Information and Oath page of a Declaration of Candidacy must be notarized by a Notary Public or other person authorized by law to perform notarial acts in the State of Oklahoma. [26:5-111] Neither State Election Board nor County Election Board personnel shall notarize a Candidate Information and Oath page. A Notary Public must include his or her official signature, an impression of the Notary's official seal, commission number, and commission expiration date.

Failure of a Notary Public to include either the commission number or commission expiration date shall not be grounds for rejecting a Declaration of Candidacy that is in all other respects valid on its face. However, a Declaration of Candidacy shall be deemed not to be notarized if a Notary Public fails to sign the notarial attestation or fails to apply the notarial seal on the Candidate Information and Oath page. [49:5]

(b) State law allows persons other than a Notary Public to administer oaths and to perform notarial acts. Those persons include any judge, the secretary-bailiff of any judge, and the clerk or deputy clerk of any court in this state; all judge advocates, staff judge advocates, assistant judge advocates, and all legal officers of the state military forces; and any other person authorized by state law to perform the specific act. [49:114(A)] Similarly, notarial acts performed in Oklahoma under federal authority have the same effect as if performed by a notarial officer of this state.

[49:114(B)]

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-36. Candidate's signature [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-37. Receiving, reviewing, and accepting Declarations of Candidacy**

(a) The Secretary of the Election Board or a designee of the Secretary shall scrutinize all information included on each page of the Declaration of Candidacy. Specifically, the Secretary or designee shall confirm the following facts regarding the Declaration:

(1) Determine whether the person who brings a Declaration of Candidacy to file is the candidate in person or an agent acting on behalf of the candidate. If the Declaration of Candidacy is brought in by an agent, check the NIP box ("not in person") at the bottom left of the Candidate Information and Oath page. Also check the NIP box if a Declaration of Candidacy is received by mail.

(2) Verify that all required pages of the Declaration of Candidacy are present. All candidates are required to file the Candidate Information and Oath page and the appropriate Candidate Qualifications page for the office sought. A candidate who checks YES to either question in the Criminal Disclosure section of the Candidate Information and Oath page is required to complete and file the Criminal History Disclosure form.

(3) Verify that the candidate's signature on the Candidate Information and Oath page is notarized or witnessed by an appropriate authority. Check to

see that both the Notary Public's signature and an impression of the Notary's seal are present on the Candidate Information and Oath page. See 230:20-3-35.

(4) If the candidate presents a petition in support of the Declaration of Candidacy, verify that it contains, at minimum, the number of signatures required for the office sought. See 230:20-3-33.

(A) Count the total number of signatures on the petition.

(B) Check the PET box at the bottom right of the Candidate Information and Oath page and record the total number of submitted signatures in the space provided.

(5) If the candidate presents a cashier's check or certified check, verify that the check is in the proper amount for the office sought and is in the proper form. See 230:20-3-33.

(6) After verifying that the Declaration of Candidacy presented includes all necessary pages and supporting items, the Secretary or Secretary's designee shall read aloud the information entered on each line of the Candidate Information and Oath page to the candidate to give the candidate opportunity to verify that it is correct.

(A) Read the candidate's name as it appears on the first line and verify that is the way the candidate intends his or her name to be printed on the ballot. Spell the candidate's name aloud.

(B) Read the candidate's full legal name.

(C) Read the title of the office for which the candidate is filing, including the district number, if applicable.

(D) Read the candidate's residence address, including the ZIP code.

(E) Read the candidate's mailing address, including the ZIP code.

(F) Read the candidate's precinct number and county name.

(G) Indicate aloud whether the candidate checked Yes or No in the Criminal Disclosure section. If the candidate checked Yes, verify that the Criminal History Disclosure form is included, completed and signed by the candidate.

(H) Verify that the appropriate Candidate Qualifications page for the office sought is included and signed.

(b) After conducting the review of the contents of a Declaration of Candidacy as described in (a) of this Section, the Secretary shall accept a Declaration of Candidacy unless the Declaration of Candidacy, as defined in 230:20-3-4, shows on its face that the candidate does not meet the qualifications to become a candidate for the office as such qualifications are set forth in the Oklahoma Constitution, statutes, or the resolution calling the election, or in the case of a home rule charter city, in the city charter. [26:5-117]

(1) If the candidate's date of birth shows that an age qualification for the office sought is not met, the Declaration of Candidacy shall be rejected.

(2) If the date of conviction and length of original sentence on a Criminal History Disclosure form shows the candidate to be ineligible to file for or hold the office being sought, the Secretary immediately shall attempt to contact the District Attorney or the Assistant District Attorney assigned to the county or to contact the State Election Board office for advice before accepting or rejecting the Declaration.

(3) If any other information provided in a Declaration of Candidacy appears to show the candidate is ineligible to file for or to hold the office being sought, the Secretary immediately shall attempt to contact the District

Attorney or Assistant District Attorney or the State Election Board office for advice before accepting or rejecting the Declaration.

(c) If there are errors on any part of a Declaration of Candidacy, the Secretary shall point out such errors to the candidate. The candidate then shall correct the errors and sign his or her initials beside the correction. Only the candidate may make corrections on any part of a Declaration of Candidacy.

[Source: Amended at 18 Ok Reg 1870, eff 7-1-01; Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Amended at 26 Ok Reg 2530, eff 7-15-09; Amended at 30 Ok Reg 1642, eff 7-15-13; Amended at 33 Ok Reg 1415, eff 9-11-16; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-38. Candidate's name**

(a) The candidate's name shall appear on the ballot exactly as it appears on the designated line of the Candidate Information and Oath. A candidate who is generally known by or who does business using a nickname, birth name, or any name other than his or her legal name may choose to appear on the ballot by providing that name on the designated line of the Candidate Information and Oath form.

(b) Quotation marks and parentheses are not permitted to appear in, before, or after a candidate's name. Prefixes, suffixes, and titles are not permitted. To determine the foregoing, the following examples are offered:

(1) Mr., Mrs., Miss, Ms., Dr., M.D., Rev., Prof., Father, Judge, Sen., Gen., Col., Major, Capt., Sgt., etc., are not permitted.

(2) Jr., Sr., II, III, etc., may be permitted if they are part of the candidate's name.

(c) A candidate is required to list his or her full legal name on the appropriate line of the Candidate Information and Oath form. Neither the candidate's ballot name or full legal name on the designated lines of the Candidate Information and Oath form is required to match exactly the name on his or her voter registration or to match exactly the candidate's signature on the Candidate Information and Oath form.

[Source: Amended at 26 Ok Reg 2530, eff 7-15-09; Amended at 33 Ok Reg 1415, eff 9-11-16; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-39. Fees, petitions attached [REVOKED]**

[Source: Revoked at 20 Ok Reg 474, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1093, eff 7-1-03]

#### **230:20-3-39.1. Filing fees deposited in Special Depository Account**

The Secretary shall issue a receipt from the Special Depository Account to each candidate who submits a filing fee. The Secretary shall endorse the filing fee check and deposit it immediately in the County Election Board's Special Depository Account.

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03]

### **230:20-3-40. Assistance to candidates [REVOKED]**

[Source: Revoked at 35 Ok Reg 565, eff 3-15-18 (emergency); Revoked at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-41. Oklahoma Ethics Commission [REVOKED]**

[Source: Amended at 11 Ok Reg 1577, eff 6-1-94; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-42. Retention of Declarations**

Declarations of Candidacy shall be retained permanently.

**230:20-3-43. Unopposed candidates [REVOKED]**

[Source: Added at 17 Ok Reg 2344, eff 7-1-00; Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-3-44. Candidates in restricted records status**

(a) A voter who has applied for restricted records status, as described in 230:15-9-25, and who files a Declaration of Candidacy with the Secretary of the State Election Board or the Secretary of the County Election Board may choose to keep his or her residence and mailing address information on the forms included in the Declaration of Candidacy form confidential. However, as provided by law, the information contained on the forms included in the Declaration of Candidacy, including address information, may be made available to another candidate in anticipation of or as part of a contest of candidacy or a contest of election. In order for residence and mailing address information included in a Declaration of Candidacy to be kept confidential, the candidate must have applied for restricted records status with the County Election Board Secretary in the candidate's county of residence. The candidate also must take the following steps when filing the Declaration of Candidacy.

- (1) Complete and sign a Confidential Declaration of Candidacy Request form.
- (2) Submit the Confidential Declaration of Candidacy Request form to the Secretary of the appropriate election board with the Declaration of Candidacy forms.

(b) Upon receipt of a Confidential Declaration of Candidacy Request form with a Declaration of Candidacy, the Secretary of the County Election Board shall take the following action.

- (1) Check the forms included in the Declaration of Candidacy as outlined in 230:20-3-37.
- (2) Make at least three copies of the Confidential Declaration of Candidacy Request form.
- (3) File the Candidate Information and Oath form in the candidate's existing restricted records file.
- (4) File the original Confidential Declaration of Candidacy Request form with the original copies of other Declarations of Candidacy.
- (5) File a copy of the Confidential Declaration of Candidacy Request form with the photocopies of other Declarations of Candidacy that are made available for public inspection.
- (6) Give one copy of the Confidential Declaration of Candidacy Request form to the candidate.

(c) Upon receipt of a Confidential Declaration of Candidacy Request form from a candidate, the Secretary of the State Election Board shall take appropriate steps to ensure that the candidate's Candidate Information and Oath form is withheld from public inspection and that the address information is withheld from publication. At least one copy of the Confidential Declaration of Candidacy Request form shall be made available for public inspection in place of the Candidate Information and Oath page.

[Source: Added at 24 Ok Reg 1492, eff 7-1-07; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

**PART 9. WITHDRAWALS OF CANDIDATES**



### **230:20-3-47. Withdrawal after filing period [REVOKED]**

[Source: Amended at 21 Ok Reg 549, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1868, eff 7-1-05; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-48. Filing fee forfeited upon withdrawal [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-49. Becoming a candidate again**

If a candidate withdraws his or her candidacy, in order to become a candidate again for the same office or for a different office in the same election, the candidate must file a new Declaration of Candidacy and another filing fee in the form and amount required by law for the office sought before the filing period ends.

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-3-50. Withdrawals from Runoff Primary [REVOKED]**

[Source: Amended at 15 Ok Reg 2554, eff 7-1-98; Amended at 21 Ok Reg 549, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1868, eff 7-1-05; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-3-51. Withdrawals from General Election [REVOKED]**

[Source: Amended at 15 Ok Reg 2554, eff 7-1-98; Revoked at 30 Ok Reg 1642, eff 7-15-13]

## **PART 11. FILING REPORTS TO STATE ELECTION BOARD**

### **230:20-3-56. Filing reports to State Election Board [REVOKED]**

[Source: Amended at 16 Ok Reg 2416, eff 7-1-99; Revoked at 30 Ok Reg 1642, eff 7-15-13]

## **PART 13. REFUND OF FILING FEES [REVOKED]**

### **230:20-3-61. Conditions for refund of filing fees [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 28 Ok Reg 1152, eff 7-1-11]

### **230:20-3-62. Refund of filing fees for Independent candidates [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 28 Ok Reg 1152, eff 7-1-11]

### **230:20-3-63. Procedure for refund of filing fees [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 28 Ok Reg 1152, eff 7-1-11]

### **230:20-3-64. Time for refund of filing fees [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 28 Ok Reg 1152, eff 7-1-11]

### **230:20-3-65. Forfeited filing fees [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 28 Ok Reg 1152, eff 7-1-11]

## **PART 15. RUNOFF PRIMARY ELECTION**

### **230:20-3-70. Determining candidates for a Runoff Primary Election [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

## **SUBCHAPTER 5. CONTESTS OF CANDIDACY**

### **230:20-5-1. Who may file contest; "petitioner" and "contestee" defined [REVOKED]**

[Source: Amended at 17 Ok Reg 2345, eff 7-1-00; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-5-2. Time for filing contest [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-5-3. Grounds for contest [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-5-4. Deposit required [REVOKED]**

[Source: Amended at 17 Ok Reg 2344, eff 7-1-00; Revoked at 30 Ok Reg 1642, eff 7-15-13]

### **230:20-5-5. Date for hearing contest**

When a contest of candidacy petition is filed, the Secretary of the Election Board who receives the contest petition shall set a date and hour for a hearing. The County Election Board Secretary shall direct the Assistant Secretary or Chief Clerk to notify the other County Election Board members and alternate members of the hearing. The Secretary shall make a written Notice of Hearing, setting out the date, hour and subject of the hearing. The contest shall be heard as quickly as possible. However, the hearing may not be held earlier than the fourth day after the petition is filed. In addition to issuing the written Notice of Hearing, the Secretary shall prepare and file with the County Clerk a Notice of Special Meeting for the purpose of the County Election Board conducting the contest of candidacy. See 230:10-7-1 through 230:10-7-7.

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13; Amended at 35 Ok Reg 565, eff 3-15-18 (emergency); Amended at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-5-6. Notice to contestee**

Once a contest of candidacy petition is filed and the hearing is scheduled, it is the duty of the petitioner to notify the contestee within 24 hours. The petitioner delivers to the County Sheriff a copy of the petition and a copy of the Notice of Hearing. If the contest involves a candidate for County Sheriff, the petitioner delivers to the County Clerk a copy of the petition and a copy of the Notice of Hearing. The Sheriff (or County Clerk) then serves the materials on the contestee. If the Sheriff cannot serve the contestee within the 24-hour period after the petition is filed with the Secretary, he must notify the petitioner in writing that he is unable to perform service. The petitioner then must serve the Secretary of the County

Election Board with evidence that the contestee could not be served. Such evidence shall be presented to the Secretary at the time the hearing begins.

**230:20-5-7. Contest of candidacy hearing**

(a) **Conducting the hearing.** When the time for the hearing described in 230:20-5-5 arrives, the County Election Board shall convene. The Secretary shall request the presence of the District Attorney or his representative. The Board shall follow the advice of the District Attorney in receiving evidence, hearing testimony and conducting the hearing. The Secretary can administer oaths to witnesses.

(b) **Decision of Board.** At the conclusion of the hearing, the Board must make its decision by means of a roll call vote taken in compliance with 230:10-7-9, 230:10-7-14 and 230:10-7-15. The Board then must issue a written decision which reflects the individual vote of each member. [26:5-126] A copy of the written decision shall be attached to the Board's minutes of the meeting.

**230:20-5-8. Striking a candidacy [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-9. Declaration may be amended [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-10. Contestee may answer**

(a) If the contestee desires to appear in opposition to the petition, he may file a written answer, or he may appear in person at the hearing. [26:5-129] In the event that occurs, the contestee must post a deposit of \$250 in cashier's or certified check at the time he either files the written answer or appears in person. [26:5-129]

(b) Neither the State Election Board nor any County Election Board shall hear any contestee's answer unless the appropriate deposit is provided prior to the hearing.

(c) In the event that a more than one contest of candidacy is filed against a contestee, said contestee shall be required to post only one deposit to answer any or all such petitions.

[Source: Amended at 16 Ok Reg 2416, eff 7-1-99; Amended at 30 Ok Reg 1642, eff 7-15-13]

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

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-12. Disposition of deposit**

(a) The County Election Board Secretary, upon receipt of the deposit or deposits for a contest of candidacy or for an answer to such a contest, shall place the check or checks in the County Election Board's Special Depository Account. After the contest is resolved, the Secretary shall write vouchers for expenses of the hearing from the Depository Account. The person charged with the expenses of the hearing shall receive an itemized statement of the costs.

(b) The Secretary of the State Election Board, upon receipt of the deposit or deposits for a contest of candidacy or for an answer to such a contest, shall place the check or checks in the State Election Board's Revolving Fund. After the contest is resolved, the Secretary shall authorize payment for all expenses of the hearing from the Revolving Fund. The person charged with the expenses of the hearing shall receive an itemized statement of the costs.

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-13. When contestee pays cost [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-14. When petitioner pays cost [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-15. Filing fee forfeited when candidacy is stricken [REVOKED]**

[Source: Amended at 20 Ok Reg 474, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1093, eff 7-1-03; Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-16. Appeals from decision of the Board [REVOKED]**

[Source: Revoked at 30 Ok Reg 1642, eff 7-15-13]

**230:20-5-17. Open Meeting Act applies**

A contest of candidacy hearing conducted by the State Election Board or by a County Election Board is an official meeting of that board. A meeting to conduct a contest of candidacy hearing shall be called and public notice shall be provided pursuant to the requirements of the Oklahoma Open Meeting Act, Title 25 O.S. 2011, Section 301 et seq.

[Source: Amended at 30 Ok Reg 1642, eff 7-15-13]

**SUBCHAPTER 7. OKLAHOMA ETHICS COMMISSION [REVOKED]**

**230:20-7-1. Oklahoma Ethics Commission [REVOKED]**

[Source: Revoked at 11 Ok Reg 1577, eff 6-1-94]

**230:20-7-2. Persons required to submit documents to the Ethics Commission [REVOKED]**

[Source: Revoked at 11 Ok Reg 1577, eff 6-1-94]

**230:20-7-3. Ethics Commission provides forms [REVOKED]**

[Source: Revoked at 11 Ok Reg 1577, eff 6-1-94]

**230:20-7-4. County Election Board to make forms available [REVOKED]**

[Source: Revoked at 11 Ok Reg 1577, eff 6-1-94]

**230:20-7-5. Questions referred to Oklahoma Ethics Commission [REVOKED]**

[Source: Revoked at 11 Ok Reg 1577, eff 6-1-94; Amended at 17 Ok Reg 2345, eff 7-1-00]

**SUBCHAPTER 9. PETITIONS SUPPORTING DECLARATIONS OF CANDIDACY**

**230:20-9-1. Petition form prescribed by the Secretary of the State Election Board**

(a) The Secretary of the State Election Board shall prescribe the form that shall be used by candidates for federal, state, or county offices to gather signatures from

eligible voters in support of their candidacy. Such petitions may be submitted to the Secretary of the State Election Board or to the Secretary of the County Election Board in lieu of a filing fee for federal, state, and county offices.

(b) The form for a petition supporting a Declaration of Candidacy for a federal, state, or county office shall include at the top of each page spaces for the candidate's political affiliation, candidate's name, the title and district, if applicable, of the office sought, and the county in which the petition was circulated. See 230:20-9-2. A single petition page shall provide space for up to fifteen (15) voters to provide their names, addresses, and signatures. Each petition page shall include the printed name and signature of the person who circulated the petition and who witnessed the signatures of each voter who signed the page.

(c) Pages of a petition supporting a Declaration of Candidacy shall be printed on white paper measuring 8.5 inches by 11 inches. Pages of a petition shall be printed on only one side of said paper. Each page of a petition shall include the candidate information described in (b) of this Section.

(d) The forms prescribed by the Secretary of the State Election Board for petitions supporting Declarations of Candidacy shall be available on the State Election Board website: [https://elections.ok.gov/Candidate\\_Info](https://elections.ok.gov/Candidate_Info). A petition form is available for candidates for all federal and state offices who file with the Secretary of the State Election Board and a petition form is available for all candidates for county offices that file with the Secretary of the County Election Board.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

#### **230:20-9-2. Petition pages shall only include signatures of registered voters from a single county**

Each individual page of a petition in support of a candidate seeking any office that includes territory in more than one county may only include the signatures of voters from a single county. If registered voters from more than one county sign the same page of a petition, signatures of voters registered in a county other than the one named at the top of the page shall be deemed invalid. It shall be the responsibility of the circulator to ensure that voters sign the petition page for the correct county.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

#### **230:20-9-3. Signatures on petitions in support of a Declaration of Candidacy for federal, state, or county office**

A signature on a petition in support of a Declaration of Candidacy filed by a candidate for a federal, state, or county office shall be the original, personally handwritten signature of a registered voter eligible to vote for the candidate and office. No one may sign a petition in support of a Declaration of Candidacy for another registered voter.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

#### **230:20-9-4. Processing a petition supporting a Declaration of Candidacy**

(a) When a candidate for a federal, state, or county office presents a petition in support of a Declaration of Candidacy, the Secretary of the Election Board receiving the Declaration of Candidacy shall observe the following procedure.

(1) The Secretary or the Secretary's designee shall ask the candidate to step aside, if other candidates are in line to file, while the petition is processed.

- (2) The Secretary or the Secretary's designee shall stamp the received date in the upper right corner of each page of the petition.
  - (3) The Secretary or the Secretary's designee immediately shall count and record the total number of pages included in the petition.
  - (4) The Secretary or the Secretary's designee shall count and record the total number of signatures on the petition.
  - (5) The count of both the number of pages and the number of signatures shall be repeated by another designee.
  - (6) If the page and signature counts made by the Secretary or designee match the counts made by the second designee, the Secretary shall refer to the official number of registered voters in the state, county, or district as of November 1 of the year preceding the candidate filing period to determine the minimum number of signatures required for the office sought. If the total number of signatures submitted equals or exceeds the number indicated on said report, the petition shall be deemed sufficient and the Declaration of Candidacy may be submitted.
- (b) The Secretary of an Election Board who accepts a Declaration of Candidacy supported by petition shall not be required to verify the signatures submitted on the petition. Any other candidate who files for the same office shall be entitled to request a copy of a petition submitted in support of a Declaration of Candidacy and may verify the registration information of each person who signed the petition. In the event that a candidate who submits a petition in support of a Declaration of Candidacy is unopposed, any registered voter eligible to vote for the candidate may request a copy of such petition and may verify the registration information of each person who signed the petition. In the event another candidate for the same office, or a registered voter in the case of an unopposed candidate, is able to determine that a sufficient number of invalid signatures exists to render the petition insufficient, the candidate or the voter may so state in a contest of candidacy petition which may be filed as provided by state law. Any such contest of candidacy shall be filed no later than 5 p.m. on the second business day following the close of the filing period. [26:5-119]

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

## **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**

- (a) The County Campaign Finance and Financial Disclosure Act requires candidates for county office and elected county officers to file certain reports with the Secretary of the County Election Board. The Secretary of the County Election Board shall accept the reports, retain the original reports for four years, and shall make the reports available for public inspection and provide copies of the reports upon request as required by the Oklahoma Open Records Act. See 230:10-7-58 and 230:10-7-59.
- (b) The Secretary of the County Election Board shall not be responsible for providing the necessary reporting forms to candidates or to county officers and also shall not be responsible for providing advice concerning the reporting requirements or the content of the reports. All necessary forms and all information about the requirements and responsibilities placed upon candidates for county office and

elected county officers by the County Campaign Finance and Financial Disclosure act are available on the Oklahoma Ethics Commission website (<https://www.ok.gov/ethics>).

(c) The Secretary of the County Election Board shall not be responsible for enforcement of the County Campaign Finance and Financial Disclosure Act. The Secretary of the County Election Board has no responsibility to remind any candidate or any elected county officer of report filing deadlines. Any person who wishes to make a complaint concerning any county candidate's or any elected county officer's failure to comply with the act shall be referred to the Oklahoma Ethics Commission.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

### **230:20-11-2. Reports required by the County Campaign Finance and Financial Disclosure Act**

The following reports are required to be filed with the Secretary of the County Election Board by candidates and candidates' campaign committees:

- (1) **Statement of Organization.** A candidate for county elective office is required to file a Statement of Organization of a campaign committee within ten days of receiving or expending \$1,000 or more for the candidate's campaign. A one-time, nonrefundable processing fee in the amount of \$50 is required to accompany the filing of an initial Statement of Organization. The processing fee shall be in the form of a check drawn on the campaign's bank account and shall be made payable to "Secretary of County Election Board." Additional processing fees are not required for amended Statements of Organization of the same campaign committee.
- (2) **Campaign Contributions and Expenditure Reports.** After filing an initial Statement of Organization, candidates are required to file periodic reports on contributions received and expenditures made. Campaign Contributions and Expenditures Reports are required to be filed by candidates for county offices according to the same schedule established by the Oklahoma Ethics Commission required of candidates for state offices and elected state officeholders. The schedule for filing campaign reports in an election year is available on the Oklahoma Ethics Commission website.
- (3) **Financial Disclosure Statement.** Elected county officers are required to file a Financial Disclosure Statement by May 15 each year.

[Source: Added at 35 Ok Reg 565, eff 3-15-18 (emergency); Added at 35 Ok Reg 1203, eff 9-14-18]

## **CHAPTER 25. BALLOT PRINTING**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **230:25-1-1. Purpose**

The rules in this Chapter provide procedures to the County Election Board for ballot printing. The rules describe the County Election Board's responsibilities for ballot printing and include instructions for determining necessary quantities of ballots for an election; for obtaining a printer through competitive bidding; printing regular ballots and absentee ballots; and placing candidates and parties on the ballot. These rules describe the State Election Board's ballot printing

responsibilities. These rules provide procedures by which a printer may demonstrate to the State Election Board the ability to produce ballots that can be accurately read by a voting device.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93]

### **SUBCHAPTER 3. RESPONSIBILITIES FOR BALLOT PRINTING**

#### **230:25-3-1. Ballots printed by State Election Board [REVOKED]**

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 15 Ok Reg 2554, eff 7-1-98; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-3-2. Ballots printed by the County Election Board [REVOKED]**

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 15 Ok Reg 2554, eff 7-1-98; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-3-3. County Election Board responsibilities for printing ballots**

(a) The County Election Board shall be responsible for printing ballots, at county expense, for Primary and Runoff Primary Elections for county officers if there is no federal or state office, state legislative office, district office, or nonpartisan judicial office on the ballot in the county on the same election date. The County Election Board shall be responsible for printing ballots, at county expense, for county questions. A county question may be printed on the state ballot for Primary and Runoff Primary Elections if there is a state ballot and if there is adequate space available on the state ballot for the county question. County questions shall not be printed on the state ballot for the biennial General Election.

(b) County Election Board responsibilities for printing ballots for municipal, school district or other local elections shall include, but shall not be limited to, the following items:

(1) Entering all office, candidate, and proposition or question text into MESA.

(2) Receiving, proofreading, and approving ballot proofs provided by the State Election Board before printing begins. See 230:25-17-2.

(c) In the case of municipal elections, school district elections and other local elections the County Election Board shall be responsible for paying the ballot printing bill from the proceeds of the reimbursement for post-election expenses from the entity for which the election was conducted.

(d) In the case of a multi-county election, ballots for each affected county in the election shall be printed by the printer holding the affected county's ballot printing contract. Ballots for the control (parent) county shall be printed by the printer holding its ballot printing contract. Each affected County Election Board shall receive the bill for ballot printing from its own ballot printer and shall include this expense in the Record of Expense submitted to the control (parent) County Election Board following the election.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 30 Ok Reg 1648, eff 7-15-13; Amended at 34 Ok Reg 1121, eff 9-11-17]

#### **230:25-3-4. County Election Board certifies names of candidates to State Election Board [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]



## **SUBCHAPTER 5. DETERMINING QUANTITIES AND METHODS OF PRINTING BALLOTS**

### **230:25-5-1. Ballot styles**

A ballot style is a unique combination of applicable districts or offices appearing on a single ballot. When candidate names are rotated in partisan primary elections as outlined in 230:25-13-2, each rotation is considered a separate ballot style.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 17 Ok Reg 2345, eff 7-1-00; Amended at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-5-2. Two methods for printing ballots [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

### **230:25-5-3. Quantity of regular ballots**

(a) The Secretary of the State Election Board shall determine the quantity of regular ballots to be printed for elections involving federal, state, and county races. [26:6-115]

(b) The Secretary of the County Election Board shall determine the quantity of regular ballots to be printed for school district, municipal, and other local entity elections. [26:6-115]

(c) When determining the quantity of regular ballots to print for an election, the Secretary of the appropriate election board shall consider the highest percentage of registered voters likely to vote in the election. [26:6-104] The Secretary also shall consider historical experience with similar elections and with previous elections held in the jurisdiction. The Secretary shall not necessarily be required to print a ballot for each registered voter, but shall ensure that a sufficient quantity of ballots is printed to provide a ballot to every registered voter who desires to vote in the election. [26:6-104]

(d) MESA automatically calculates the quantity of regular ballots for an election based on a percentage of registered voters. This calculation defaults to ninety percent of registered voters. The percentage used can be adjusted as needed by the Secretary of the State Election Board for elections involving federal, state, and county races. The percentage used can be adjusted by the County Election Board Secretary for school district, municipal, and other local entity elections. The Secretary of the County Election Board shall review the ballot quantities calculated automatically by MESA for all elections and shall verify that the quantities are correct and sufficient prior to the creation of ballot print files by the State Election Board staff.

Regular ballots shall be printed by precinct and shall be bound in books of 100 ballots each.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-5-3.1. Quantity of absentee ballots**

(a) The Secretary of the State Election Board shall determine the quantity of absentee ballots to be printed for elections involving federal, state, and county races. [26:6-115]

(b) The Secretary of the County Election Board shall determine the quantity of absentee ballots to be printed for school district, municipal, and other local entity

elections. [26:6-115]

(c) A sufficient quantity of absentee ballots shall be printed to provide a ballot to each voter who requests one. MESA automatically calculates absentee ballot quantities at ten percent of the total number of registered voters. The Secretary shall consider such factors as the type of election, the interest displayed by voters and previous experience with similar elections to determine the number of absentee ballots to be ordered.

(d) Unless otherwise authorized by the Secretary of the State Election Board, absentee ballots shall be printed by precinct and bound in books of 100 ballots each. However, if fewer than 25 absentee ballots are needed for a precinct, the ballots for that precinct shall be bound in a book of 50 ballots.

[Source: Amended and renumbered from 230:25-11-3 at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-5-4. Safety stock of ballots [REVOKED]**

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-5-5. Ballot stubs shall be numbered**

Ballot stubs shall be numbered consecutively from one through the highest number required for the precinct.

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Amended at 30 Ok Reg 1648, eff 7-15-13]

### **SUBCHAPTER 7. COMPETITIVE BIDDING PROCESS FOR BALLOT PRINTING**

#### **230:25-7-1. Competitive bidding required [REVOKED]**

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 20 Ok Reg 476, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1095, eff 7-1-03; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-7-2. Submitting requisitions for advertisement for bids**

(a) **Options for requisitions.** The Secretary of the County Election Board shall consult with the County Purchasing Agent to submit a requisition to request bids for ballot printing in the county. The Secretary may request that the County Purchasing Agent advertise for bids for all ballot printing required by the County Election Board in a specific six-month or twelve-month period.

(b) **Form of requisition.** The Secretary shall prepare and submit the requisition for advertisement for bids in the form required by the County Purchasing Agent. A copy of the ballot specifications shall be included as part of the requisition. [26:6-120]

(c) **Time for requisition.** If the Secretary and the County Purchasing Agent advertise for bids for a six-month period or for a twelve-month period, as outlined in (a) of this Section, the Secretary shall prepare and submit the requisition according to a schedule established by the County Purchasing Agent.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-7-3. Specifications for printing ballots**

The Secretary of the State Election Board shall develop specifications for digital ballot printing for all ballots used with the voting device system in place in Oklahoma. Said specifications shall identify appropriate paper and inks to be used

for ballot printing and also shall include pre-production, production, and post-production processes. The ballot printing specifications shall be available upon request from the State Election Board or from any County Election Board.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 24 Ok Reg 1493, eff 7-1-07; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-7-4. Contract requirements**

The Secretary shall consult the County Purchasing Agent regarding the county's requirements for drawing up a contract with the successful bidder. The contract shall include, but shall not be limited to, the printer's responsibilities insofar as the quantity, size and types of ballots to be printed, delivery dates and the conditions for making a claim against the printer's insurance. The State Election Board shall provide a model contract for use by County Election Board Secretaries.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 20 Ok Reg 476, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1095, eff 7-1-03; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-7-5. Printer's certificate of insurance**

(a) The successful bidder for a ballot printing contract is required to provide a copy of the bidder's certificate of insurance to the County Purchasing Agent at the time the contract is awarded to ensure proper and prompt completion of the work as required by the contract provisions and the bidding papers. [26:6-120] The certificate of insurance shall be in the amount specified by the county purchasing agent. *The successful bidder shall provide proof of insurance coverage for the duration of the contract.* [26:6-120]

(b) The Secretary shall request the District Attorney or County Purchasing Agent to assist in requiring the printer to provide an appropriate certificate of insurance.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 17 Ok Reg 2345, eff 7-1-00; Amended at 20 Ok Reg 476, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1095, eff 7-1-03]

#### **230:25-7-6. County Election Board entitled to use state ballot printing contract [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 16 Ok Reg 2417, eff 7-1-99]

#### **230:25-7-7. Notification of State Election Board**

The County Election Board Secretary shall notify the Ballot Generation Services division of the State Election Board when a new county ballot printing contract is awarded. The notification shall identify the commercial printer that received the contract and shall include contact information for the printer.

[Source: Added at 34 Ok Reg 1121, eff 9-11-17]

### **SUBCHAPTER 9. PROVIDING COPY TO THE PRINTER**

#### **230:25-9-1. Copy for ballots [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

#### **230:25-9-2. Time for providing copy [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

#### **230:25-9-3. Preparing materials for printer [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 24 Ok Reg 1493, eff 7-1-07; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-9-4. Creation of ballot print files**

The Secretary of the State Election Board shall cause ballot print files to be created from information that has been entered in MESA by each County Election Board and subsequently imported into ballot creation software by the State Election Board staff. The ballot print files shall be transmitted to the appropriate commercial printers holding ballot printing contracts for the State Election Board and for each County Election Board.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13]

### **SUBCHAPTER 11. ABSENTEE BALLOTS**

#### **230:25-11-1. Order of names for absentee ballots for Primary**

(a) Immediately following the close of the filing period, County Election Board shall determine the order in which the name of each candidate for each county office shall appear on the absentee ballots for the Primary Election. [26:6-107] The determination shall be made by drawing the names of all candidates for each office of each political party one at a time from a receptacle as described in (b) of this Section. [26:6-107] The Secretary of the County Election Board shall be authorized to conduct the drawing for the order of names, and an official meeting of the County Election Board shall not be required. However, the drawing shall be conducted publicly with witnesses, such as representatives of the local news media or representatives of the Democratic or Republican county central committees, in attendance.

(b) The drawing for the order of names for absentee ballots for the Primary Election shall be conducted according to the following procedure.

(1) The Secretary of the County Election Board shall type or write the name of each candidate of a particular party for a particular office on a slip of paper.

(2) All the names for that party and that office shall be placed in the receptacle and the receptacle shall be shaken to mix the slips of paper.

(3) The Secretary shall designate a person to draw out the slips of paper.

(4) The slips of paper shall be drawn out, one at a time, and the names shall not be visible to the person who draws them.

(5) The Secretary shall record the names of the candidates in the order they are drawn. The name of the candidate selected first shall appear first on the absentee ballots for the Primary Election; the name of the candidate selected second shall appear second and so on.

(6) This procedure shall be repeated for each office for each political party.

(c) The Secretary of the State Election Board shall be authorized to determine the order of names of candidates for absentee ballots to be printed by the State Election Board for the Primary Election at the same time and according to the same procedure outlined in Subsections (a) and (b) of this Section. [26:6-107]

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-11-2. Order of names for absentee ballots for Runoff Primary**

The name of the candidate who received the highest number of votes in the Primary Election shall appear first on the absentee ballots for the Runoff Primary

Election. [26:6-108]

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93]

### **230:25-11-3. Quantity of absentee ballots [AMENDED AND RENUMBERED TO 230:25-5-3.1]**

[Source: Amended and renumbered to 230:25-5-3.1 at 10 Ok Reg 2721, eff 7-1-93]

## **SUBCHAPTER 13. PLACING PARTIES, CANDIDATES, PROPOSITIONS ON BALLOT**

### **230:25-13-1. Separate ballots for parties in Primary and Runoff Primary**

Separate ballots shall be prepared and printed for each recognized political party fielding candidates in the Primary and Runoff Primary Elections. The ballots for each recognized political party in a Primary or Runoff Primary Election shall be designated by a different color as outlined in 230:25-13-1.3. [26:6-110]

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-13-1.1. Separate ballots for entities**

- (a) County offices at the Primary, Runoff Primary, and General Elections shall appear on the same ballot with federal and state offices and state questions. The ballot for county questions also shall appear on the state ballot if space allows. If there is not enough space on the state ballot to accommodate the county question or questions, such questions shall appear on a separate ballot. The cost to print the separate county question ballot, if needed, shall be paid by the county.
- (b) The ballots for school districts, municipalities, and other entities, with the exception of a county question as outlined in (a) of this Section, shall appear on separate ballots. The ballots for each entity involved in an election shall be designated by color as outlined in 230:25-13-1.3.

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 24 Ok Reg 1493, eff 7-1-07; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-13-1.2. Order of political party candidates and symbols and Independent candidates on General Election ballots**

- (a) The candidates and symbols of political parties shall be placed on the General Election ballot in the order determined by a drawing conducted by the Secretary of the State Election Board. The drawing shall be conducted at a public meeting held no later than July 31 in each even-numbered year. The Secretary of the State Election Board shall announce the date, time and location of the drawing not less than ten days preceding the public meeting.
- (b) The Secretary of the State Election Board shall provide written notice of the drawing to the state central committee of each recognized political party. Each recognized political party may designate one person to be its official representative at the drawing. The designation of the party's official representative shall be made in writing and shall be signed by two members of the party's state central committee.
- (c) Presidential electors shall be placed on the General Election ballot in the following order.

- (1) Presidential electors of each recognized political party shall be listed first on the ballot in the order determined by the drawing described in (d) of

this Section.

(2) Uncommitted presidential electors, if any, shall be listed immediately following the electors of the recognized political parties. If there are two or more slates of uncommitted presidential electors, they shall be placed on the ballot in the order they were received by the Secretary of the State Election Board.

(3) Presidential electors for unrecognized political parties shall be listed after the electors of the recognized parties or after the uncommitted electors, if any. If there are electors for more than one unrecognized political party, the electors shall be placed on the ballot in the order determined by the drawing described in (d) of this Section.

(4) Presidential electors for Independent candidates for President shall be placed on the ballot following the electors for the recognized parties, uncommitted electors, if any, and the unrecognized party electors, if any. If there are two or more Independent candidates for President, the electors shall be placed on the ballot in the order determined by the drawing described in (d) of this Section.

(d) A drawing to determine the order of political parties and Independent candidates on the General Election ballot shall be conducted according to the following procedure.

(1) The names of the recognized political parties shall be printed on separate pieces of paper of equal size, shape, color, and thickness. The pieces of paper shall be prepared by the State Election Board staff in advance of the public meeting and shall be available when the meeting begins for examination by the designated party representatives.

(2) The papers each shall be folded in half so that the party names are not visible and placed inside a container.

(3) The Secretary of the State Election Board shall select one person to draw the pieces of paper from the container. The person selected to draw the papers shall not be either the designated representative of any recognized political party or a candidate for any federal or state office during the current year.

(4) The person selected shall draw one piece of paper from the container and shall announce the party name on the paper. The paper shall be displayed to each recognized party representative. The drawing shall continue until all the papers have been drawn and a ballot position has been assigned to each recognized political party.

(5) Steps 1 through 4 shall be repeated to determine the order for the presidential electors of unrecognized political parties and for Independent candidates for any federal or state office.

(e) The candidates and symbols of recognized political parties shall appear on all General Election ballots for all offices in the order determined by the drawing described in (d). The order determined by the drawing shall apply to all special elections for Congress, State Senate, State Representative, for all county offices, and for both regular and special partisan municipal elections. The order determined by the drawing shall remain in effect for all elections until the drawing is repeated in July of the next succeeding even-numbered year.

(f) If there are two or more Independent candidates for the same county office, a drawing shall be conducted by the Secretary of the County Election Board. The county drawing shall be conducted at the same time as the drawing for absentee ballot order for the Primary Election. See 230:25-11-1.

[Source: Added at 15 Ok Reg 2554, eff 7-1-98; Amended at 24 Ok Reg 1493, eff 7-1-07]

### **230:25-13-1.3. Using color to designate ballots for parties or entities**

(a) Ballots for the various recognized political parties with candidates in Primary and Runoff Primary Elections are required by state law to be different colors. The Secretary of the State Election Board shall designate the colors to be used for ballots of each recognized political Primary or Runoff Primary Elections. The designation of color for party ballots shall be in effect until changed by the Secretary. These colors shall not be used for any other entity holding elections on the same date as a federal, state, or county Primary or Runoff Primary Election.

(b) The County Election Board Secretary may choose to use different colors for the various entities holding elections on the same date. There are two options for using color to designate ballots for political parties or for entities holding elections on the same date.

(1) Ballots may be printed on paper of different colors.

(2) Ballots may be printed with a colored bar imposed on the ballot stub.

(c) The decision to use paper of different colors or a colored bar shall be made by the Secretary of the County Election Board in consultation with the printer to whom the county's ballot printing contract is awarded. Only colored paper that has been tested and approved by the State Election Board for use in ballot printing may be used. Only ink colors that have been tested and approved by the State Election Board for use in ballot printing may be used. The list of approved colored papers and inks is included in the specifications for ballot printing.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-13-2. Candidate names rotated on regular ballots for Primary and Runoff Primary Elections only**

The names of candidates for all partisan offices on regular ballots for Primary and Runoff Primary Elections shall, to the extent practicable, be rotated so that each candidate's name in each partisan race shall appear in each position an equal number of times. [26:6-109] Rotation of candidate names shall be accomplished by the election programming software. If any adjustment to the rotation created by the software is needed, it shall be performed only by the State Election Board staff.

(b) The names of candidates for judicial, school, and nonpartisan municipal offices shall be placed on the ballot by lot and shall not be rotated. [26:6-109]

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 15 Ok Reg 2554, eff 7-1-98; Amended at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-13-3. Appearance of candidates' names [REVOKED]**

[Source: Revoked at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-13-4. Prefixes, suffixes, titles prohibited [REVOKED]**

[Source: Revoked at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-13-5. Independent candidates**

(a) The names of Independent candidates shall appear only on the General Election ballot.

(b) Independent candidates shall be listed after all recognized political party candidates, with no party emblem. If there are two or more Independent candidates

for an office, the order of the Independent candidates shall be determined by a drawing. See 230:25-13-1.2(f).

(c) The presidential electors for Independent candidates for President shall be listed on the ballot after the electors of all recognized political parties, all uncommitted electors, and all electors for unrecognized parties as outlined in 230:25-13-1.2(d)

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 15 Ok Reg 2554, eff 7-1-98]

#### **230:25-13-6. Unopposed candidates [REVOKED]**

[Source: Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-13-7. Offices need not appear**

If a candidate for an office is unopposed at any election, neither the name of the candidate nor the name of the office shall appear on the ballot.

#### **230:25-13-8. Ballots not necessary**

If there are no candidates who are opposed in the Primary, Runoff Primary or General Election, it shall not be necessary to print a ballot for the election.

#### **230:25-13-9. Insuring proper names [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

#### **230:25-13-10. Gummed labels for County Commissioners [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

#### **230:25-13-11. When contests cause delays [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

#### **230:25-13-12. Judicial candidates**

(a) *If two persons file for the same judicial office, their names shall appear on the ballot only at the time of the General Election. [26:11-110]* The order in which the candidates' names appear on the ballot at the General Election is determined by a drawing conducted as outlined in 230:25-11-1(b). *If, at the time of the Primary Election, more than two persons have filed for the same judicial office, their names shall appear on the ballot at the time of the Primary Election. [26:11-111]* The order in which the candidates' names appear on the Primary Election ballot is determined by the drawing described in 230:25-11-1(b).

(b) *If no candidate for the office of an associate district judge, or district judge, if the nominating district is coextensive with the entire judicial district, receives a majority of the votes cast for that office at the Primary Election, the two candidates who receive the highest number of votes will have their names placed on the ballot for the General Election. In the case of district judges, if the nominating district is not coextensive with the whole judicial district or electoral division of a judicial district, the two candidates who receive the highest number of votes at the Primary Election will have their names placed on the ballot for the General Election, whether or not one received a majority of votes cast for that office at the Primary Election. [26:11-112]*

(c) *If one candidate for the office of an associate district judge receives a majority of all votes cast for that office at the Primary Election and, in the case of district judges, if the nominating district is coextensive with the whole judicial district or*



*electoral division of a judicial district, the candidate who received the majority of all votes cast at the Primary Election shall be deemed to have been elected to that office, and that office shall not be listed on the ballot for the General Election.*

[26:11-113] The order in which the candidates' names will appear on the General Election ballot is determined by the drawing described in 230:25-13-1.2.

(d) Judicial retention candidates shall appear on the ballot at the General Election. Such candidates shall appear in order by district number and by office number.

[Source: Added at 24 Ok Reg 1493, eff 7-1-07; Revoked at 30 Ok Reg 1648, eff 7-15-13; Added at 36 Ok Reg 1543, eff 9-16-19]

### **230:25-13-13. Ballot titles for county, municipal, and school district propositions**

(a) The following requirements shall be observed by all entities when preparing the ballot title - the ballot text - for any question or proposition to be placed on the ballot at a regular or special election called by the entity and conducted by the County Election Board.

(1) Question or proposition text shall be submitted to the County Election Board in regular upper/lower case. Proposition text presented to the County Election Board in ALL CAPS will be returned to the entity for conversion to upper/lower case.

(2) Quotation marks and other typographic symbols, also known as "special characters," shall not be used in proposition text.

(3) Proposition text on the ballot shall not exceed 200 words in length.

(b) The County Election Board Secretary will provide entity officials with a proof copy of any ballot that includes a question or proposition. Entity officials are responsible for proofreading the ballot title for each question or proposition on the ballot against the ballot title as it appears in the resolution submitted to the County Election Board. Only typographical or scrivener's errors may be corrected in the ballot title at this point. No substantive additions or deletions to the ballot title may be made unless it can be shown that the ballot title on the ballot proof copy does not match the ballot title in the resolution adopted by the governing body of the entity and submitted to the County Election Board. Entity officials should complete the proofreading and notify the County Election Board Secretary in writing of the approval of the ballot proof or of any errors discovered within 48 hours of receiving the proof. The County Election Board Secretary will provide a form for approval and notation of errors with the ballot proof.

(c) The word limit for ballot titles established in (a) of this Section also shall apply to ballot titles concerning municipal charter amendments. However, the County Election Board may distribute copies of a document that includes either a detailed explanation of the content and effect of the charter amendment or amendments or copies of the actual amendments with absentee ballots and at all polling places within the entity's boundaries. Such document shall be prepared by entity officials or by the entity's legal counsel. The County Election Board shall be neither responsible nor liable for the content or accuracy of such document. The explanatory document shall be delivered to the County Election Board not more than 10 days following submission of the election resolution to the County Election Board Secretary. The entity shall choose one of the following options for duplication of the explanatory document.

(1) An appropriate appropriate number of copies of the explanatory document may be made at the entity's expense and delivered to the County Election Board Secretary for distribution with absentee ballots and at the

polling places on election day.

(2) The entity shall supply the document to the County Election Board and the County Election Board produce an appropriate number of copies for which the cost shall be included in the Record of Expense submitted to the entity for the election.

[Source: Added at 33 Ok Reg 1416, eff 9-11-16]

## **SUBCHAPTER 15. SAMPLE AND EDUCATIONAL BALLOTS**

### **230:25-15-1. Sample ballots**

Sample ballots shall be exact duplicates of the regular ballots for each precinct. [26:6-117] Sample ballots shall be printed in such a manner that they cannot be scanned and counted by a voting device. The words "SAMPLE BALLOT" shall be printed on the face of the ballot. [26:6-117]

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-15-2. Ballots for educational purposes**

It is unlawful to print or distribute ballots or duplicates of ballots except for use in voting at the election. [26:6-119] However, newspapers or organizations that wish to reproduce ballots for educational purposes may do so, provided that the reproductions are *at least 20 percent smaller or 20 percent larger than the official ballots and provided that such reproductions bear the words "FOR EDUCATIONAL PURPOSES ONLY,"* in capital letters. [26:6-119]

## **SUBCHAPTER 17. PROOFING OF BALLOTS**

### **230:25-17-1. Copy of ballots to State Election Board [REVOKED]**

[Source: Revoked at 10 Ok Reg 2721, eff 7-1-93]

#### **230:25-17-1.1. Printer shall provide proof sheets [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-17-2. Proofreading ballots**

It shall be the responsibility of the Secretary of the County Election Board to insure correctness of all ballots printed by the County Election Board. The Secretary shall verify a perfect proof from the State Election Board before the ballots are printed. The Secretary shall verify the accuracy of all information on the ballots as outlined below.

- (1) Use copies of the resolution and the Declarations of Candidacy to verify that the correct offices appear on the ballots, that each candidate's name is spelled correctly, and that questions appear on the ballot exactly as in the resolution.
- (2) Mark any errors on the proof and write the correct information on the proof if necessary.
- (3) Notify the State Election Board immediately of the corrections required.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 24 Ok Reg 1493, eff 7-1-07; Amended at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-17-3. Examining ballots received from the State Election Board**

Immediately upon receipt of ballots from the ballot printer, the Secretary shall be responsible for examining the ballots. If an error or a shortage of ballots is detected, the Secretary immediately shall notify both the State Election Board and the ballot printer.

[Source: Amended at 10 Ok Reg 2721, eff 7-1-93; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-17-4. Recording ballot numbers and storing ballots**

After ballots are received from the printer, they shall be examined for accuracy. The Secretary of the County Election Board shall record the ballot numbers to be issued to each precinct on the Precinct Checklist. After recording the numbers on the checklist, the Secretary shall place the ballots in numerical sequence inside a ballot transfer box labeled for the appropriate precinct and shall store the filled ballot transfer boxes in a secure place. Extra ballots also shall be stored securely, but shall not necessarily be placed in transfer boxes.

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Amended at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-17-5. Live ballot testing required prior to every election**

(a) Live ballot testing shall be conducted within 48 hours of receipt of the official election database from the State Election Board. Live ballot testing shall be conducted prior to every election. The State Election Board shall provide procedures for the conduct of such testing.

(b) Prior to every partisan election in the county the Secretary shall provide an opportunity for the chairpersons of each recognized political party in the county, to observe a live ballot testing procedure. The testing procedure conducted for the benefit of the political party chairpersons shall be separate from the required testing described in (a) of this Section. The Secretary shall provide written notice to said chairpersons of the date, time, and place of such testing procedure. Attendance of the chairpersons at such testing shall be voluntary.

[Source: Added at 35 Ok Reg 1211, eff 9-14-18]

### **SUBCHAPTER 19. DEMONSTRATION BALLOTS [REVOKED]**

#### **230:25-19-1. Purpose [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-19-2. Requests for ballot printing information [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Amended at 24 Ok Reg 1493, eff 7-1-07; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-19-3. Return of printer's questionnaire [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Amended at 16 Ok Reg 2417, eff 7-1-99; Amended at 24 Ok Reg 1493, eff 7-1-07; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-19-4. Printing demonstration ballots [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]

#### **230:25-19-5. Evaluation of demonstration ballots [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-19-6. Cost of printing demonstration ballots [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-19-7. List of printers [REVOKED]**

[Source: Added at 10 Ok Reg 2721, eff 7-1-93; Revoked at 30 Ok Reg 1648, eff 7-15-13]

## **SUBCHAPTER 21. PRINTER CERTIFICATION FOR DIGITAL BALLOT PRINTING**

### **230:25-21-1. Printer certification for digital ballot printing**

Printers that provide digital ballot printing services to the State Election Board or to a County Election Board must successfully complete a two-part certification process to demonstrate the ability to produce ballots that can be used with the State of Oklahoma's voting device system. Such ballots are printed digitally from print files created by the State Election Board staff. A commercial printer that wishes to bid on ballot printing contracts for the State Election Board or for any County Election Board shall contact the State Election Board to initiate the printer certification process.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13]

### **230:25-21-2. Printer certification process**

(a) A commercial printer participating in the printer certification process first shall be required to produce a quantity of ballots determined by the Secretary of the State Election Board from .pdf files supplied by the State Election Board. Production of these certification ballots shall be accomplished using the digital printing press on which ballots will be printed if a ballot printing contract is awarded to the printer. All ballots are 8 and one-half inches wide. Certification ballot print files shall include the following:

- (1) A specified quantity of 14-inch ballots (11-inch ballot with a 3-inch stub).
- (2) A specified quantity of 17-inch ballots (14-inch ballot with a 3-inch stub).
- (3) A specified quantity of 19-inch ballots (17-inch ballot with a 2-inch stub).

(b) All ballots produced during the certification process shall be printed only on paper that has been tested and approved by the State Election Board for use with the voting device system. A listing of all such tested and approved paper is included in the specifications for ballot printing.

(c) All certification ballots shall meet the post-production requirements included in the specifications for ballot printing, including, but not limited to, trim lines, stub, perforations, stitching, shrink-wrapping, and packaging.

(d) All certification ballots shall be submitted to the Secretary of the State Election Board and shall be delivered no later than the date established at the beginning of the certification process.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13; Amended at 36 Ok Reg 1543, eff 9-16-19]

### **230:25-21-3. Review and testing of certification ballots**

State Election Board personnel shall review and test the certification ballots submitted by the printer. The ballots shall be marked and processed through the

voting device. The ballots also shall be processed through a high-speed scanner controlled by the voting device system software. The results then shall be tabulated in the voting device system software, and all necessary reports shall be printed and examined.

(1) If the ballots cannot be read by the voting device or by the high-speed scanner or if the tabulated results are not as expected, the printer shall be determined to have failed the first part of the certification process. A printer who fails the first part of the certification process may repeat the process one time. If the printer also fails the second time, the printer shall be disqualified from continuing the certification process.

(2) If the ballots are read by the voting device and by the high-speed scanner and if the tabulated results are as expected, the printer shall be determined to have passed the first part of the certification process. The printer then shall proceed to the second part of the certification process, and the State Election Board staff will conduct an on-site review to observe the digital ballot printing process.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13; Amended at 36 Ok Reg 1543, eff 9-16-19]

#### **230:25-21-4. On-site certification review**

(a) Following a printer's successful completion of the first part of the certification process, the State Election Board ballot printing staff shall conduct a certification review on site at the printer's printing facility. The printer shall be required to produce an additional quantity of ballots from .pdf files provided by the State Election Board with the State Election Board ballot printing staff observing the process. The ballots shall be produced as follows:

(1) A specified quantity of 14-inch ballots (11-inch ballot with a 3-inch stub).

(2) A specified quantity of 17-inch ballots (14-inch ballot with a 3-inch stub).

(3) A specified quantity of 19-inch ballots (17-inch ballot with a 2-inch stub).

(b) The State Election Board staff will evaluate the ballots according to the following criteria.

(1) The ballots meet all requirements included in the ballot printing specifications.

(2) The ballots meet all component specifications, including but not limited to, ballot length, printing text area restrictions, and front-to-back registration.

(3) The ballots meet post-production specifications, including but not limited to, trim lines, stub, perforation, stitching, shrink-wrapping, packaging, and shipping of ballots.

(c) The ballots produced during the on-site certification review shall be marked and processed through a voting device and through a high-speed scanner controlled by the voting device system software. The results then shall be tabulated and all necessary reports shall be printed and examined.

(1) If the ballots cannot be read by the voting device or by the high-speed scanner or if the tabulated results are not as expected, the printer shall be determined to have failed the second part of the certification process. A printer who fails the second part of the certification process may repeat the process one time. If the printer also fails the second time, the printer shall be disqualified from bidding on ballot printing contracts for the State

Election Board or a County Election Board.

(2) If the ballots are read by the voting device and the high-speed scanner and if the tabulated results are as expected, the printer shall be determined to have passed the second part of the certification process. At this point, the printer shall be certified to print ballots for the eScan A/T in Oklahoma and to bid on ballot printing contracts for the State Election Board and for a County Election Board.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13; Amended at 36 Ok Reg 1543, eff 9-16-19]

### **230:25-21-5. List of certified printers**

The Secretary of the State Election Board shall maintain a list of commercial printers who have successfully completed the certification process described in 230:25-21-1 through 230:25-21-4. The list of certified printers shall be made available to each County Election Board Secretary and to County Clerks and/or County Purchasing Agents for use as needed in requesting and evaluating bids for ballot printing. The appearance of a commercial printer on the list of certified printers shall indicate only that the printer has successfully produced ballots that can be read by the voting device system and not be considered an endorsement or a recommendation of the printer.

[Source: Added at 30 Ok Reg 1648, eff 7-15-13]

## **CHAPTER 30. ABSENTEE VOTING**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **230:30-1-1. Purpose**

The rules in this Chapter provide information and procedures for the County Election Board to administer absentee voting. These rules include procedures for receiving and processing absentee ballot applications, issuing ballots, counting voted absentee ballots, and retaining absentee balloting materials.

#### **230:30-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Federal election"** means a regular or special election involving candidates for federal offices.

**"Member of the merchant marine"** means a person employed as an officer or crew member of a vessel as identified in 42 U.S.C. 1973ff-6.

**"MESA"** means the Modern Election Support Application software used by County Election Board personnel for voter registration, absentee voting, and election administration and maintenance.

**"Nursing home"** means a nursing facility as defined in Title 62 O.S. 2001, Section 1-1902.

**"PDF"** means portable document format, a type of computer file used for document exchange.

**"Proof of identity"** means a form of personal identification that meets the requirements listed in 26 O.S., Section 7-114, as amended by State Question 746.

**"Uniformed services"** means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard, the merchant marine, the commissioned corps of the Public Health Service, the commissioned corps of the National Oceanic and Atmospheric Administration, and the Oklahoma National Guard.

**"Veteran center"** means a facility established as outlined in Title 72 O.S., Section 221 et seq of the Oklahoma Statutes.

[Source: Added at 20 Ok Reg 477, eff 1-2-03 (emergency); Added at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13]

## **SUBCHAPTER 3. AUTHORIZATION FOR ABSENTEE VOTING**

### **230:30-3-1. Absentee voting authorized in all elections [REVOKED]**

[Source: Amended at 15 Ok Reg 2556, eff 7-1-98; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-3-2. Absentee voting required in home rule charter cities [REVOKED]**

[Source: Amended at 15 Ok Reg 2556, eff 7-1-98; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-3-3. Voters eligible for absentee ballots [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-3-4. Voters not eligible for services of nursing home Absentee Voting Board**

Registered voters who reside in an assisted living center as defined by law and registered voters who are in attendance at an adult day care center as defined by law may apply for and cast absentee ballots by mail or at the in-person absentee polling place. Registered voters in such facilities shall not be entitled to the services of a nursing home Absentee Voting Board. In the event a nursing home is housed in the same location as an assisted living center or an adult day care center, only residents of the nursing home portion of the facility are entitled to the services of a nursing home Absentee Voting Board.

[Source: Added at 20 Ok Reg 477, eff 1-2-03 (emergency); Added at 20 Ok Reg 1097, eff 7-1-03]

## **SUBCHAPTER 5. APPLICATIONS FOR ABSENTEE BALLOTS**

### **230:30-5-1. Applications from absent voters [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

#### **230:30-5-1.1. Applications for absentee ballots [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2379, eff 7-1-92; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-5-2. Applications from hardship voters [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-3. In-person application must be received from voter [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-4. Applications from nursing home voters, physically incapacitated voters and voters charged with the care of physically incapacitated persons [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-5. Applications from military and overseas voters [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-6. Letter or telegram will suffice [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-7. Wednesday is last day [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-8. Office to remain open until 5 p.m. [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-5-8.1. Time for absentee ballot applications [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-5-8.2. Validity of applications for absentee ballots for all elections**

(a) Absent voters, nursing home voters, physically incapacitated voters, voters charged with the care of physically incapacitated persons, and veteran center voters may apply for absentee ballots for all elections in which they are eligible to vote. Such applications for all elections shall be considered valid through December 31 of the calendar year in which they are received. Absentee voters who apply for all elections shall be required to submit a new application for absentee ballots for each calendar year.

(b) Applications for absentee ballots received from uniformed services voters and overseas voters shall be considered applications for all elections in which the voter is eligible to vote. Applications for absentee ballots received from uniformed services voters and overseas voters shall be considered valid through the next two regularly scheduled federal General Elections. For example, an application for absentee ballots from a uniformed services or overseas voter received in February, 2004, shall be considered valid through the federal General Election in November, 2006. An application received in December, 2004, shall be considered valid through the federal General Election in November, 2008.

(c) If absentee ballots mailed to the address provided by the voter on an application for absentee ballots that requests ballots for all elections are returned undelivered to the County Election Board by the postal service, the Secretary of the County



Election Board shall deactivate the application in MESA as instructed in 230:30-11-7. (See 230:30-11-7(a) for instructions to retain such undeliverable absentee ballots.)

[Source: Added at 13 Ok Reg 3175, eff 6-18-96 (emergency); Added at 14 Ok Reg 2635, eff 7-1-97; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-5-9. Rejected applications**

(a) **Reasons for rejection.** An application for absentee ballots shall be rejected if any one of the following conditions, or combination of the following conditions, occurs.

- (1) The applicant is not a registered voter in the county.
- (2) The application is not properly signed, except as provided in (d) of this Section.
- (3) The applicant is not eligible to vote in the election for which ballots are requested.
- (4) The application does not contain sufficient information to determine which ballots to send.
- (5) The application is received later than 5 p.m. on Wednesday preceding the election.
- (6) The application is illegible.

(b) **Processing rejected application.** In the event that a voter's application for absentee ballots must be rejected, the application shall be entered into MESA and the reason for the rejection shall be noted on the screen. MESA will create a Notice of Rejection of Absentee Ballot Application for the voter which will detail the reason the application was rejected. If an Application for In-Person Absentee Ballots has been rejected, the application shall not be entered into MESA and, therefore, no Notice of Rejection will be created.

(c) **Form of rejection.** In the event that a voter's application for regular mail absentee ballots must be rejected for any reason, the Secretary shall print the Notice of Rejection of Absentee Ballot Application created by MESA and mail it to the voter. [26:14-133] If there is sufficient time for the voter to return a corrected application, a new application form shall be enclosed with the notice. In the event that an emergency incapacitated voter's application for absentee ballots must be rejected, the Secretary shall so advise the voter's agent and shall provide the agent with a Notice of Rejection of Absentee Ballot Application form, which shall be completed by the Secretary.

(d) **Exception to signature requirements for some absentee ballot applications.** Generally, absentee ballot applications must be signed by the applicant. However, some exceptions to this requirement shall be granted to some applicants who submit their applications through certain electronic methods.

- (1) Applications submitted by uniformed services and overseas voters on the Federal Post Card Application that are received by electronic mail may be accepted and processed without a physical, hand-written signature.
- (2) Applications submitted with the online absentee ballot application on the State Election Board website may be signed digitally and a physical, handwritten signature is not required.

[Source: Amended at 34 Ok Reg 1122, eff 9-11-17]

**230:30-5-10. Emergency incapacitated voters must apply through agent  
[REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

**230:30-5-11. Last time to receive emergency incapacitated request  
[REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

**230:30-5-12. Rejected emergency incapacitated applications [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2379, eff 7-1-92]

**230:30-5-13. Application for absentee ballots may be submitted electronically**

(a) Any registered voter may apply for absentee ballots for any election for which he or she is eligible and may submit the application to the County Election Board in the county of his or her residence by United States mail, by electronic mail, by fax, or by other means of electronic communication designated by the Secretary of the State Election Board as provided by Title 26 O.S. 2014 Supp., Section 14-105.

(b) The Secretary of the State Election Board may establish an online absentee ballot application tool for the purpose of applying for and submitting applications for absentee ballots. Such an online application tool shall meet the following criteria.

(1) The online absentee ballot application tool shall require the applicant to provide the following information, which is necessary to confirm an applicant's status as a registered voter and to determine that the voter is eligible to receive ballots for an election, and to determine where the absentee ballots should be sent.

- (A) Voter's name
- (B) Date of birth
- (C) Address of voter registration
- (D) Address ballots should be sent
- (E) Other information deemed necessary by the Secretary of the State Election Board

(2) The application tool shall allow the voter to designate whether the application is for a single election or for all elections in which the voter may be eligible in a calendar year or for any other term permitted by law.

(3) The application tool shall allow an applicant to specify, if applicable, that he or she is physically incapacitated or confined to a nursing home.

(4) The application tool should direct an applicant who is a member of one of the uniformed services of the United States or an overseas citizen and therefore covered by the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to the Federal Voting Assistance Program website to complete a federal post-card application (FPCA) form.

(5) The online absentee ballot application tool should prepare a form containing all the required information and specifications named in (1) through (3) of this subsection.

(6) The online absentee ballot application tool may allow the applicant to sign the application digitally and submit it directly to the appropriate County Election Board through the online absentee ballot application tool.

- (7) The website landing page for the online absentee ballot application tool shall display information about the statutory deadline for absentee applications preceding an election.
- (8) The online application tool also shall meet any other criteria deemed necessary by the Secretary to ensure security and privacy of voter information and to prevent fraudulent use.
- (c) Any organization, entity, or individual interested in promoting voter participation through absentee voting may link to the online absentee ballot application tool on the State Election Board's website.
- (d) No online ballot application shall be accepted by the State Election Board or any County Election Board from any organization, entity or individual that creates its own absentee ballot application tool unless:
- (1) The information described in (a) of this Section is required by its application tool;
  - (2) It provides to applicants the ability to sign the application digitally;
  - (3) It produces a written ballot request; and
  - (4) The written request is transmitted by facsimile or electronic email by the applicant to the State Election Board or the appropriate County Election Board.

[Source: Added at 32 Ok Reg 1735, eff 9-11-15; Amended at 34 Ok Reg 1122, eff 9-11-17]

## **SUBCHAPTER 7. ABSENTEE VOTING BOARDS**

### **230:30-7-1. Secretary appoints Absentee Voting Boards**

The Secretary of the County Election Board has the sole authority to appoint members of an Absentee Voting Board.

### **230:30-7-2. Parties submit lists of names by July 1 [REVOKED]**

[Source: Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 22 Ok Reg 1869, eff 7-1-05; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-7-3. Secretary confined to lists of names [REVOKED]**

[Source: Amended at 16 Ok Reg 2421, eff 7-1-99; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-7-3.1. Disqualification of Absentee Voting Board member [REVOKED]**

[Source: Added at 11 Ok Reg 307, eff 11-1-93 (emergency); Added at 11 Ok Reg 1579, eff 6-1-94; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-7-4. Appointments shall be made promptly**

- (a) As soon after June 1 as possible, the Secretary of the County Election Board shall appoint an Absentee Voting Board and shall consult with the two members to make certain that both are willing and able to serve. The Chairman and Vice Chairman of the County Election Board may be appointed, if necessary, to an Absentee Voting Board if their names appear on the lists described in 230:30-7-2. It may be necessary to appoint more than one Absentee Voting Board.
- (b) In the event it is necessary to appoint a County Election Board member or alternate member to an Absentee Voting Board, the Secretary shall follow the rules outlined in 230:10-7-11(b) to ensure that no violation of the Open Meeting Act occurs.

[Source: Amended at 24 Ok Reg 1497, eff 7-1-07; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 35 Ok Reg 1212, eff 9-14-18]

### **230:30-7-5. Compensation for Absentee Voting Board members [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 16 Ok Reg 531, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 18 Ok Reg 1871, eff 7-1-01; Amended at 21 Ok Reg 3145, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-7-6. Scheduling Absentee Voting Boards for an election**

(a) Notification of Absentee Voting Board members. At least ten days before the election, the Secretary of the County Election Board shall notify the members of one or more Absentee Voting Boards of the day or days the services of the Absentee Voting Board will be required. The Secretary also shall request the members of the Absentee Voting Board to meet on Tuesday before the election to make plans for their work.

(b) Scheduling the nursing home Absentee Voting Board. On Tuesday before the election, the Secretary shall work with the Absentee Voting Board to schedule visits to each affected nursing home or veteran center. Visits must be scheduled on Thursday, Friday, Saturday or Monday immediately preceding the election. [26:14-115(1)] Visits shall be planned to all nursing homes or veteran centers in as few days as possible, preferably in a single day. The Secretary shall consult the administrator of each affected nursing home or veteran center to schedule a time that will be convenient for the Absentee Voting Board to visit.

(c) Scheduling the in-person Absentee Voting Board. An Absentee Voting Board is required to be on duty at the in-person absentee polling place from 8 a.m. to 6 p.m. on Thursday and Friday immediately preceding all elections and also from 9 a.m. to 2 p.m. on Saturday immediately preceding state and federal elections. [26:14-115.4]

(d) Scheduling an in-person Absentee Voting Board for a second in-person absentee polling place. If the county meets the statutory requirements for a remote in-person absentee polling place, in addition to the in-person absentee polling place located at the County Election Board office, a second in-person Absentee Voting Board shall be scheduled. The Absentee Voting Board assigned to the remote early in-person absentee polling place shall be on duty on the same days and hours outlined in (c) of this Section.

(e) Notifying Sheriff of in-person absentee voting. The Secretary shall notify the County Sheriff of the dates for in-person absentee voting for an election and shall arrange for the Sheriff to provide security for the memory pack and the voted ballots as outlined in 230:30-7-11.3. In the event a secondary in-person absentee polling place is designated in the County, the Secretary also shall notify the Sheriff of the location and arrange for the Sheriff to provide security for the election results storage device and voted ballots from that location. See 230:30-7-11.3.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 35 Ok Reg 1212, eff 9-14-18; Amended at 36 Ok Reg 1545, eff 9-16-19]

#### **230:30-7-6.1. Training for Absentee Voting Board members**

(a) The Secretary of the County Election Board shall train the Absentee Voting Board members in their duties before the Absentee Voting Board makes its first visit to a nursing home or veteran center or first provides service to in-person absentee voters. The State Election Board provides the County Election Board Secretary with instructions for conducting training for both nursing home and in-person Absentee Voting Board members.

**(1) Absentee Voting Board Procedures for Nursing Home Absentee Voting Board.** Training for members of a nursing home Absentee Voting Board shall include a review of this publication. The Secretary also shall review the specific types of ballots and the potential combinations of ballots, the contents of the pink absentee voter packet, and the use of the Absentee Voting Board Record, the Spoiled Ballot Affidavit, and the Election Day Reference and Problem Solver in the Precinct Official Notebook.

**(2) Absentee Voting Board Procedures for In-person Absentee Voting Board.** Training for members of an in-person Absentee Voting Board shall include a review of this publication. The Secretary shall provide instructions for using MESA to verify a voter's registration information and registration status and shall review the specific types of ballots and potential combinations of ballots. The Secretary also shall review the uses of the Spoiled Ballot Affidavit, the Voter Assistance Form, the Ballot Accounting Forms, and the Election Day Reference and Problem Solver in the Precinct Official Notebook.

(b) Following the initial training for nursing home and in-person Absentee Voting Board members, the Secretary shall provide a review of the Absentee Voting Board's duties and procedures, if necessary, before they serve in any election.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2379, eff 7-1-92; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 18 Ok Reg 1871, eff 7-1-01; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-7-6.2. Designation of in-person absentee polling place**

(a) The Secretary of the County Election Board shall designate the location of the in-person absentee polling place. The in-person absentee polling place shall not be required to be located within the physical confines of the County Election Board office. However, it shall be located as near the County Election Board office as is practicable. The in-person Absentee Voting Board members must have access either to the Central File or to a computer with access to the Internet and the MESA software to verify that applicants for in-person absentee ballots are registered voters. The in-person absentee polling place shall be subject to the same requirements for accessibility as a regular precinct polling place. Only one in-person absentee polling place shall be designated for an election, except that the Secretary of a County Election Board in a county with 25,000 or more registered voters or with an area in excess of 1,500 square miles may designate more than one in-person absentee polling place as outlined in (b) of this Section. More than one in-person Absentee Voting Board may be on duty at an in-person absentee polling place during the hours of voting.

(b) The Secretary of the County Election Board in any county with 25,000 or more registered voters or having a total area of 1,500 square miles or more may, with the approval of the Secretary of the State Election Board, designate additional in-person absentee polling places within the county. The Secretary of the County

Election Board in such county shall submit a written request for the approval of the State Election Board Secretary for one or more additional in-person absentee polling places for one or more specific election dates.

[Source: Added at 11 Ok Reg 307, eff 11-1-93 (emergency); Added at 11 Ok Reg 1579, eff 6-1-94; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 34 Ok Reg 1122, eff 9-11-17; Amended at 35 Ok Reg 1212, eff 9-14-18]

### **230:30-7-6.3. Designation of voting devices for in-person absentee voting**

The Secretary of the County Election Board shall determine the number of voting devices needed for in-person absentee voting for the election and shall prepare the devices for use.

[Source: Added at 11 Ok Reg 307, eff 11-1-93 (emergency); Added at 11 Ok Reg 1579, eff 6-1-94; Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-7-7. Supplies for Absentee Voting Board**

(a) **Supplies for nursing home Absentee Voting Board.** The Secretary shall assemble the necessary supplies for the nursing home Absentee Voting Board. Necessary supplies include, but are not limited to, a pink Incapacitated Voter Packet with ballots for each voter; a ballot box; black ballpoint pens; the Absentee Voting Board Additional Ballot Accounting Form; the Absentee Voting Board Record; Absentee Voting Board Procedures for Nursing Home Absentee Voting Board; a copy of the Precinct Official Notebook; Oklahoma Voter Registration Application forms; Address Information Requested handouts; Request to Cancel Registration of Deceased Voter forms; and an adequate number of extra ballots for each type of ballot to replace ballots that may be spoiled by the voter.

(b) **Supplies for in-person Absentee Voting Board.** The Secretary shall assemble the supplies necessary for the Absentee Voting Board to provide service to in-person absentee voters. These supplies include, but are not limited to, Application for In-Person Absentee Ballots forms; ballots; secrecy folders; a voting device; plastic seals for the election results storage medium compartment cover; one voting device key envelope; a padded bag or an envelope for the election results storage medium; an Envelope for Tally Report; ballot transfer boxes; a long white State Election Board seal for each ballot transfer box; black ballpoint pens; a quantity of Oklahoma Voter Registration Application forms; Address Information Requested handouts; a copy of Absentee Voting Board Procedures for In-Person Absentee Voting Board; and a copy of the Precinct Official Notebook.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 18 Ok Reg 1871, eff 7-1-01; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-7-8. Nursing home ballot box shall be locked**

(a) **Nursing home ballot box.** The ballot box to be used by the Absentee Voting Board at the nursing home or veteran center shall be locked before it is removed from the County Election Board office by the Absentee Voting Board. The keys to the locks shall be retained by the Secretary while the ballot box is in the custody of the Absentee Voting Board. After the Absentee Voting Board returns the ballot box to the County Election Board office, the Secretary shall give one key each to the Chairman and Vice Chairman of the County Election Board or shall seal each key in a Key Envelope signed by a member of the Absentee Voting Board.

(b) **Requirements for nursing home ballot box.** The ballot box provided for use by the nursing home Absentee Voting Board shall be constructed of substantial

material and must be equipped with three locks, so that the key of one lock will not unlock the others. Each box must be equipped with an opening in the top through which a ballot may be inserted, but must be constructed in such a manner that the box must be unlocked before the ballots can be removed.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10]

### **230:30-7-9. Procedure for the nursing home Absentee Voting Board**

(a) On the day scheduled for the Absentee Voting Board to visit nursing homes and veteran centers, the Board shall meet with the Secretary of the County Election Board at the County Election Board office. The members shall sign the Absentee Voting Board Record. The ballot box shall be prepared as outlined in 230:30-7-8 and issued to the nursing home Absentee Voting Board members. Adequate supplies and ballots shall be provided to anticipate voter assistance requirements and spoiled ballots. Precautions shall be taken to insure accounting for each ballot. The Secretary shall instruct the Absentee Voting Board as to the type of ballots each voter shall receive in case a voter spoils a ballot and a new ballot must be issued.

(b) The Absentee Voting Board shall observe the following procedure:

(1) The two members of the Absentee Voting Board shall travel together in one automobile, taking all necessary forms and supplies.

(2) Upon arrival at a nursing home or veteran center, the Absentee Voting Board shall make arrangements for those incapacitated voters listed on the Absentee Voting Board Record to vote. Only those persons whose names are on the Absentee Voting Board Record shall be permitted to vote. If the message "Confirm Address" or "Insufficient Address" appears on the Absentee Voting Board Record, the Absentee Voting Board members shall give the voter a copy of the Address Information Requested handout and shall ask the voter to complete an Oklahoma Voter Registration Application form.

(3) The voter must mark his ballots with a black or blue ballpoint pen in the presence of the Absentee Voting Board, but in such a manner as to make it impossible for anyone but the voter to tell how the ballots are marked.

[26:14-115(3)]

(4) As far as possible, the voting procedure shall be the same as if the voter were casting a ballot in person at a precinct polling place on election day.

[26:14-115(3)] This includes providing privacy and offering assistance, as provided by law, to persons who are unable to mark their own ballots due to physical or visual disabilities or illiteracy. The voter assistance procedures outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook shall be followed. However, the Voter Assistance Form shall not be used. The person who marks the voter's ballot shall complete and sign the "Assistant's Oath" on the absentee affidavit envelope. [26:14-113.2]

(5) While a voter may receive assistance, only the voter may determine how the ballots are to be marked. If the voter is unable to instruct the person providing assistance, the voter shall not be permitted to vote. If necessary, the voter also may receive assistance to complete the Oklahoma Voter Registration Application.

(6) The procedure outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook shall be followed if a voter

spoils a ballot. The Spoiled Ballot Affidavit shall be used as required.

(7) When the voter has marked the ballots, the voter shall fold and seal them in the white ballots envelope. [26:14-115(4)] The voter then shall seal the white ballots envelope inside the pink affidavit envelope. [26:14-115(4)]

(8) The voter then shall complete and sign the affidavit. [26:14-115(4)] The voter's signature must be witnessed by both members of the Absentee Voting Board. [26:14-115(4)] The Absentee Voting Board members shall sign the affidavit in the space for witnesses but shall not be required to provide their addresses.

(9) The affidavit envelope then shall be placed in the outer envelope and sealed. [26:14-115(5)]

(10) Each outer envelope containing absentee ballots immediately shall be placed in the absentee ballot box.

(11) If a voter listed on the Absentee Voting Board Record is present, a member of the Absentee Voting Board shall check either the "Voted" column or the "Did Not Vote" column, as appropriate. If the voter is not present at the time of the Absentee Voting Board visit or moved back home to another nursing home, check "Undeliverable." If the voter has died, check "Undeliverable" and follow the instructions in (c) of this section.

(12) All Oklahoma Voter Registration Application forms completed by voters to update their voter registration information shall be placed with other voting supplies for return to the County Election Board office.

(13) When the Absentee Voting Board has completed its visit to each nursing home or veteran center scheduled for that particular day, the members shall return to the County Election Board office and leave the ballot box in the custody of the Secretary. [26:14-115(5)] The Absentee Voting Board members shall account for all supplies and unused ballots. The ballot box shall be removed from the County Election Board office only when the Absentee Voting Board is performing its duties. The ballot box, once locked, shall not be unlocked again until it is time for the County Election Board members to remove the outer envelopes. See 230:30-11-2.

(c) In the event that members of the nursing home Absentee Voting Board learn that a nursing home voter listed on the Absentee Voting Board Record has died, the Absentee Voting Board members shall ask the nursing home administrator to fill out and sign a Request to Cancel Registration of Deceased Voter forms. One member of the Absentee Voting Board may witness the administrator's signature, or the administrator may sign the form in the presence of a Notary Public. The Absentee Voting Board shall return the signed form to the County Election Board Secretary along with the ballot box and supplies when their duties are concluded.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 18 Ok Reg 1871, eff 7-1-01; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-7-10. Secretary to indicate date of nursing home visit**

After all visits to nursing homes or veteran centers have been completed, the Secretary shall enter the month and day of the visit in the application information in MESA for each voter who voted. The Secretary also shall process any Oklahoma Voter Registration Application forms completed by nursing home or



veteran center voters to update their voter registration information.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11]

### **230:30-7-11. Procedure for in-person Absentee Voting Board to receive applications and issue ballots**

The Absentee Voting Board members shall observe the following procedure when a voter appears and requests an in-person absentee ballot.

- (1) Ask the voter to fill out and sign a green Application for In-Person Absentee Ballots form.
- (2) Take the completed application form and enter the voter's name and birth date in MESA to locate the voter's registration information.
  - (A) If the voter's information cannot be located in MESA, immediately ask a County Election Board staff member for assistance to verify the voter's registration using the Central File.
  - (B) If the voter's registration cannot be verified in MESA or in the Central File, offer the voter a provisional ballot.
- (3) Ask the voter for proof of identity and check to see that the voter's name on the proof of identity document substantially conforms to the voter's name in MESA. If the proof of identity has an expiration date, verify that the expiration date is later than election day. All documents used for proof of identity, except the voter identification card or temporary voter identification document issued by the County Election Board, must include a photograph of the voter.
  - (A) The voter may present any of the following documents as proof of identity.
    - (i) a valid Oklahoma driver license
    - (ii) a voter identification card issued by the County Election Board
    - (iii) a temporary voter identification document issued by the County Election Board
    - (iv) a state identification card
    - (v) a United States passport
    - (vi) a United States military identification, including an identification card issued by a branch of the armed services to a retired member or such armed service.
    - (vii) any other such document issued by the State of Oklahoma, the United States government, or a federally recognized tribal government which includes the person's name, a photograph of the person, and an expiration date that is later than election day.
  - (B) Indicate that the voter presented valid proof of identity by writing "YES" in the space provided in the "For Absentee Voting Board Use" section of the green Application for In-Person Absentee Ballot.
  - (C) If the voter's proof of identity is not valid, if the voter has no proof of identity, or if the voter refuses to provide proof of identity, offer the voter a provisional ballot. See 230:30-7-15 and 230:35-5-177. If the voter refuses the offer of a provisional ballot, record the incident on the Provisional Ballot Refusal form.

- (4) If the "Status" field in the Voter/District Information area on screen indicates the voter is inactive, if the "School" or "Municipality" fields on are blank, or if the voter tells you that his or her residence address has changed, give the voter a copy of the Address Information Requested handout and an Oklahoma Voter Registration Application form.
- (5) If the words "Absentee Ballot Requested" appear in red in the Voter/District Information area on the screen, print the voter's name and enter the voter's precinct number on the pink Absentee Voter Affidavit. Tell the voter to read the oath and to sign the Affidavit.
- (6) If information appears in red at the bottom of the window indicating that the voter has returned an absentee ballot for this election by mail or has voted on an earlier day of in-person absentee voting, do not issue a regular absentee ballot. Follow the instructions in 230:30-7-15 to offer and issue a provisional ballot.
- (7) Print a label and apply it to the application form in the space provided "For Office Use Only."
- (8) Issue the ballots indicated by the voter's registration information in MESA and give the voter a black ballpoint pen. [26:14-115.4]
- (9) Offer the voter a secrecy folder. Use a sample ballot to demonstrate use of the secrecy folder, if necessary.
- (10) Direct the voter to a voting booth to mark the ballots.
- (11) Provide assistance as outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook to voters who need help reading and/or marking their ballots. Disregard references to the Precinct Registry. Use the Voter Assistance Form.
- (12) Follow the procedure outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook if a voter spoils a ballot. Use the Spoiled Ballot Affidavit.
- (13) Tell the voter to insert the voted ballot in the voting device. [26:14-115.4(4)]
- (14) Take the ballpoint pen and the secrecy folder, if used, back from the voter.
- (15) If the voting device returns the voter's ballot, ask the voter read the message and instructions on the voting device console screen. Do not look at the voter's ballot unless the voter asks you to do so. Follow the appropriate instructions in the Election Day Reference and Problem Solver in the Precinct Official Notebook as necessary to help the voter. Ask County Election Board personnel for assistance if necessary.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 16 Ok Reg 531, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 17 Ok Reg 2346, eff 7-1-00; Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-7-11.1. Preparation of polling place and voting device for in-person absentee voting**

(a) **Receiving supplies and setting up polling place on first day.** On each in-person absentee voting day, the Absentee Voting Board members meet in the County Election Board office at the time set by the County Election Board Secretary to receive their supplies for the day. The Absentee Voting Board members then go together to the in-person absentee polling place. A table and chairs, one or

more voting devices, voting booths, and a computer with access to the Internet and the MESA software or the Central File should already be in place at the in-person absentee polling place when the Absentee Voting Board members arrive. The Absentee Voting Board members unpack the supplies and prepare each voting device as outlined in (b) of this Section. The Absentee Voting Board members must be ready to receive applications from in-person absentee voters at 8 a.m.

**(b) Preparing voting device on first day.** The Absentee Voting Board shall turn on the voting device and prepare it to accept ballots as outlined in the voting device instructions section of the Precinct Official Notebook.

**(c) Receiving supplies and setting up polling place on second and third days.**

On the second and third days of in-person absentee voting, the members of the Absentee Voting Board meet at the County Election Board office at the time specified by the Secretary to receive their supplies for the day. The Absentee Voting Board members also must receive the election results storage device for each voting device from the Sheriff no later than 7:45 a.m. [25:14-115.4] The Absentee Voting Board members then follow the instructions in the voting device instruction section of the Precinct Official Notebook and in (d) of this Section to prepare each voting device.

**(d) Preparing voting device on second and third days.** On the second and/or third days of in-person absentee voting, the Absentee Voting Board receives the election results storage device from the Sheriff and prepares the voting device as follows. Follow the procedure provided by the Secretary of the County Election Board to open the polls on each voting device designated for in-person absentee voting.

**(e) Supplies and voting devices for additional in-person absentee polling places.** In the event that in-person absentee polling places have been designated in the county in addition to the polling place located at the County Election Board office, all necessary supplies and materials may be delivered to the additional locations by County Election Board personnel and the in-person Absentee Voting Board members shall meet at the polling place location no later than thirty minutes prior to the start of voting to prepare the polling location and be ready to receive applications from voters at the appropriate time.

[Source: Added at 11 Ok Reg 307, eff 11-1-93 (emergency); Added at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 17 Ok Reg 2346, eff 7-1-00; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 35 Ok Reg 1212, eff 9-14-18]

### **230:30-7-11.2. Assistance for the in-person Absentee Voting Board**

The County Election Board Secretary may assign employees of the County Election Board to assist the in-person Absentee Voting Board at the in-person polling place. Assistance may include distributing Application for In-Person Absentee Ballots forms; verifying voter registration in MESA, in the Central File, or in the restricted records status file; locating appropriate ballots; directing voters to the correct voting device if more than one is used; and helping to maintain order in the in-person absentee polling place. In the event that the County Election Board Secretary designates a secondary in-person absentee polling place within the county, as authorized by 230:30-7-6.2, the Secretary shall assign the Assistant Secretary or Chief Clerk, or another County Election Board employee to be present at the second polling location to manage operations during the hours of voting on each day of early in-person absentee voting.

[Source: Added at 11 Ok Reg 307, eff 11-1-93 (emergency); Added at 11 Ok Reg 1579, eff 6-1-94; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 28 Ok Reg 1154, eff 7-1-11;

**230:30-7-11.3. Sheriff provides security for election results storage media and voted ballots**

(a) The Sheriff is required to provide security for the election results storage device from each in-person absentee voting device and for the voted ballots in the same manner as for mail and nursing home absentee ballots and regular ballots on election night. [26:14-115.4] See 230:35-3-86. The Sheriff shall receive the election results storage device, sealed inside the appropriate envelope, and the voted ballots, sealed inside a ballot transfer box, at the end of each day of in-person absentee voting. The Sheriff shall return the election results storage device to the in-person Absentee Voting Board members no later than 7:45 a.m. on each following day of in-person absentee voting. On election day, the Sheriff shall return the election results storage device to the Secretary in the presence of the members of the County Election Board when it is time to begin counting absentee ballots received through the mail or from the nursing home Absentee Voting Board. The Sheriff retains custody of the voted in-person absentee ballots unless an election night recount is required. [26:14-115.4] See 230:30-19-4(8) and 230:35-3-85.1.

(b) In the event that the County Election Board Secretary establishes a second in-person absentee polling place for an election, the Sheriff shall have the same responsibility for providing security for the electronic results storage device and for voted ballots at the second polling location as described in (a) of this Section.

[Source: Added at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 17 Ok Reg 2346, eff 7-1-00; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 35 Ok Reg 1212, eff 9-14-18]

**230:30-7-12. Processing applications for in-person absentee ballots in MESA**

(a) The Secretary shall be responsible for entering the application and credit for voting for in-person absentee voters in MESA. The Secretary may choose any one of the following options for processing applications from in-person absentee voters and giving credit for voting during in-person absentee voting.

(1) A County Election Board employee may use the employee's own MESA account to verify voter registration, determine the ballots the voter is eligible to receive, and to give credit for voting.

(2) The Secretary of the County Election Board may allow an in-person Absentee Voting Board member to give credit for voting to each in-person absentee voter in MESA. A feature in MESA must be enabled by the State Election Board for the county in order for this option to be used. See (b) of this section for more information.

(3) An Absentee Voting Board member may use the MESA Absentee Voting Board account to verify voter registration and determine the ballots the voter is eligible to receive. The member prints an application label and affixes it to the voter's green Application for In-Person Absentee Ballot form. A barcode on the application label will be scanned by a County Election Board employee at a later time to give credit for voting. (A single-label printer loaded with 1½-inch by 3 ½-inch labels must be attached to the computer used by the Absentee Voting Board to print the application label.

(4) An Absentee Voting Board member may use the MESA Absentee Voting Board account to verify voter registration and to determine the ballots the voter is eligible to receive. The member does not print an application label. One of the Absentee Voting Board members writes the appropriate ballot

information one each voter's green Application for In-Person Absentee Ballot form. County Election Board personnel gives credit for voting manually at a later time. The option is not recommended for routine use, but only when MESA is unavailable to the Absentee Voting Board members due to lack of power or secure internet connectivity.

(b) The Secretary of the County Election Board may make a written request to the State Election Board Help Desk to activate a feature that enables an Absentee Voting Board member to give credit for voting during in-person absentee voting at the same time a voter's registration is verified.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2379, eff 7-1-92; Amended at 17 Ok Reg 2346, eff 7-1-00; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-7-13. In-person absentee voting procedure for uniformed services or overseas voter**

If voter registration information for an in-person absentee ballot applicant cannot be found in the Central File or in MESA and that applicant informs the Absentee Voting Board members that he or she is on leave or has recently been honorably discharged from the uniformed services of the United States or has recently been terminated in civilian service or employment overseas, the applicant may be entitled to vote without being registered. [26:14-121] The spouse or dependent of such a person also is entitled to vote a provisional ballot without being registered. [26:14-121] Refer to 230:35-5-114 and follow those instructions to assist this applicant to cast a provisional ballot. Ask a County Election Board employee for help to determine the correct ballots to issue to the voter, if necessary.

[Source: Added at 16 Ok Reg 531, eff 1-1-99 (emergency); Added at 16 Ok Reg 2421, eff 7-1-99; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 23 Ok Reg 78, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-7-14. Verifying voter registration information and status of in-person absentee voters**

(a) The Absentee Voting Board members are required to verify the registration information of each voter who applies for an in-person absentee ballot. The County Election Board Secretary shall instruct the Absentee Voting Board members to use a computer with access to the Internet and the MESA software to verify voter registration information and status.

(b) County Election Board personnel shall place a computer with access to the Internet and MESA the software at the in-person absentee polling place location and shall prepare the terminal for use. County Election Board personnel shall teach the Absentee Voting Board members to use MESA to find voter registration information about each applicant for in-person absentee ballots. In the event that a voter's registration information cannot be found in MESA, the Absentee Voting Board members may refer to the Central File to verify voter registration. The Absentee Voting Board member shall locate the voter's original registration form in the Central File. If an applicant's eligibility is confirmed in the Central File, ask a County Election Board staff member for assistance to determine the correct ballot style to issue. If the applicant's voter registration cannot be verified either in MESA or the Central File, issue a provisional ballot as outlined in 230:30-7-15 and 230:35-5-177.

[Source: Added at 17 Ok Reg 2346, eff 7-1-00; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 28

**230:30-7-14.1. Closing the in-person absentee polling place**

At the end of each day of in-person absentee voting, the Absentee Voting Board members observe the following procedure.

- (1) Fill out the In-Person Absentee Ballot Accounting Form.
- (2) Sign the Absentee Voting Board Record for In-Person Absentee Ballots.
- (3) Suspend the polls on the voting device and print three copies of the Detail Report.
- (4) Turn off the voting device and unplug it. Break the seal on the election results storage device compartment cover and remove the storage device. Place the election results storage device inside an envelope.
- (5) Place the broken seal from the election results storage device compartment cover inside the envelope. Seal the envelope. Both members of the Absentee Voting Board sign the sealed envelope flap.
- (6) Unlock and open the emergency compartment door of the ballot box. Release the security latch on the underside of the voting device. Close and lock the voting device case. Lift the voting device off the ballot box and set it aside.
- (7) Unlock and open the lower front door of the ballot box. Secure the door open with the bungee cord. Remove the counted ballots from the ballot box. Place them inside a ballot transfer box. Using a flashlight, carefully inspect the ballot box to verify that all ballots have been removed.
- (8) Seal the ballot transfer box with the long white State Election Board seal. Both members of the Absentee Voting Board shall sign and date the seal.
- (9) Give the sealed envelope containing the election results storage device and the sealed ballot transfer box to the County Sheriff.
- (10) Return the voting device and ballot box to the County Election Board office or other secure location as instructed by the Secretary.
- (11) Return the unused ballots, all filled out absentee ballot and voter registration application forms, and all other supplies to the County Election Board office as instructed by the Secretary.

[Source: Added at 17 Ok Reg 2346, eff 7-1-00; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

**230:30-7-14.2. Secretary's procedure at end of in-person absentee voting day**

At the end of each day of in-person absentee voting, the Secretary shall observe the following procedure.

- (1) Receive voting device, ballot box, unused ballots, all filled out absentee ballot and voter registration application forms, and all other supplies from the Absentee Voting Board members. Put the ballots and supplies in a secure place.
- (2) Make one copy of the day's Absentee Voting Board Record for In-Person Absentee Ballots available for public inspection in the County Election Board office.
- (3) Store the other copy of the Absentee Voting Board Record for In-Person Absentee Ballots with the filled out Applications for In-Person Absentee Ballots forms until the applications and voter credit information entered in MESA can be examined for errors.
- (4) Check to see that the voting device and ballot box are properly secured.

(5) Stamp the received date on all voter registration application forms received by the in-person Absentee Voting Board. As soon as possible, process the voter registration applications and enter in MESA. See 230:15-9-19 through 230:15-9-22 and 230:15-9-24.

[Source: Added at 17 Ok Reg 2346, eff 7-1-00; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-7-15. Procedure for provisional voting during in-person absentee voting**

(a) An in-person absentee voter may cast a provisional ballot under the same circumstances as a voter at a precinct polling place on election day. An in-person absentee voter also may cast a provisional ballot if MESA indicates that the voter has received credit for voting in the same election by absentee ballot, either by mail or on another day of in-person absentee voting, and the voter denies having already voted in the election. The Absentee Voting Board members shall follow the steps in (b) of this Section and the procedure outlined in 230:35-5-177 to issue a provisional ballot to an in-person absentee voter.

(b) When a provisional ballot must be issued to an in-person absentee voter, follow these steps in addition to the procedure in 230:35-5-177.

(1) Indicate on the Application for In-Person Absentee Ballots form that the voter will cast a provisional ballot. Do not allow the voter to sign the Absentee Voting Board Record.

(2) If necessary, ask a County Election Board staff member to help determine the correct ballot style for this voter. Prepare a Provisional Ballot Voucher listing the correct ballots for this voter.

(3) Follow the steps outlined in 230:35-5-177.

(c) At the end of each day of in-person absentee voting, the Absentee Voting Board members seal the orange bag with a blue plastic seal and give it to the Sheriff along with the election results storage medium from the voting device. On the morning of the next day of in-person absentee voting, the Sheriff returns the election results storage medium and the orange bag to the Absentee Voting Board members along with the memory pack. If another voter casts a provisional ballot, the Absentee Voting Board members cut the blue plastic seal on the bag in order to place the new provisional ballot affidavit envelope in the bag and reseal the bag at the end of the day. It is not necessary to remove the seal from the orange bag unless another provisional ballot must be placed inside it.

(d) As an alternative to this procedure, a separate orange provisional ballot bag may be used on each day of voting.

(e) On election day, the Sheriff returns the sealed orange bag or bags and the election results storage medium to the Secretary when it is time to begin counting absentee ballots. The Secretary secures the orange bag in the County Election Board office along with the orange bags from each precinct polling place until verification of provisional ballots begins the following day.

[Source: Added at 22 Ok Reg 1869, eff 7-1-05; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-7-16. In-person Absentee Voting Board members may cast ballots**

The members of the in-person Absentee Voting Board may cast in-person absentee ballots. The Secretary of the County Election Board and one member of the Absentee Voting Board shall witness the signature of the other member on the Absentee Voting Board Record for In-Person Absentee Ballots. The Secretary shall

sign the Absentee Voting Board Record form below the signatures of the two Board members.

[Source: Added at 23 Ok Reg 1285, eff 7-1-06]

## **SUBCHAPTER 9. PROCESSING APPLICATIONS**

### **230:30-9-1. Applications entered in MESA when received**

Absentee ballot applications shall be entered in MESA on the day received. In the event the volume of absentee applications being received makes it impossible or impractical to enter all such applications on the day received, applications shall be entered within 48 hours of receipt. In all cases except for nursing home and emergency incapacitated voters, ballots shall be mailed or provided electronically, as provided in 230:30-9-5.1 and 230:30-9-5.2, to the voter the same day the applications are entered in MESA if absentee ballots are available at the time the application is received. If absentee ballots have not yet been received when an application is received and entered, the ballots shall be mailed or provided electronically as soon as possible after the absentee ballots are received from the printer.

[Source: Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-9-2. Forms needed for processing**

The following materials are necessary for processing absentee ballot applications and shall be maintained in packets:

- (1) Absentee voter packet
  - (A) Mailing envelope
  - (B) Outer envelope
  - (C) Yellow affidavit envelope
  - (D) White ballots envelope
  - (E) Yellow Instructions for Voting by Absentee Ballot (Absentee Voter)
- (2) Incapacitated voter packet
  - (A) Mailing envelope
  - (B) Outer envelope
  - (C) Pink affidavit envelope
  - (D) White ballots envelope
  - (E) Pink Instructions for Voting by Absentee Ballot (Incapacitated Voter)
- (3) Uniformed services/overseas voter packet
  - (A) Red and white mailing envelope
  - (B) Red and white outer envelope
  - (C) Red and white affidavit envelope
  - (D) White ballots envelope
  - (E) Red and white Instructions for Voting by Absentee Ballot (Uniformed Services or Overseas)
- (4) Uniformed services/overseas voter packet for fax ballots
  - (A) Fax cover sheet and letter to voter
  - (B) Instructions for Voting by Write-In Absentee Ballot
  - (C) Instructions for Faxing Voted Ballot to State Election Board or County Election Board
  - (D) Return fax cover sheet



- (5) Uniformed services/overseas voter packet for electronic mail ballots
  - (A) PDF of appropriate state or federal absentee ballot style
  - (B) PDF of the affidavit
  - (C) PDF of Instructions for Voter
  - (D) PDF of return fax cover sheet

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10]

### **230:30-9-3. Processing applications for absentee ballots**

Applications from all absentee voters, except uniformed services voters and overseas voters, shall be processed according to the following procedures:

- (1) Indicate in the "For County Election Board Use" space the date on which the application is received at the County Election Board office.
- (2) Enter the application information into MESA. When applications from absentee voters, nursing home voters, physically incapacitated voters, voters charged with the care of physically incapacitated persons, emergency incapacitated voters, and veteran center voters are entered into MESA, the system automatically verifies the applicant's registration. If an applicant is not registered, see 230:30-9-4.
- (3) If a voter requests absentee ballots for a school district or municipality other than the one to which he or she is assigned, mark the appropriate field on the MESA screen. MESA will generate a notice that tells the voter that he or she is assigned to a different school district or municipality than the one for which ballots were requested and that ballots for the assigned district or municipality will be issued. If a voter is not assigned to a school district, the school district field will be empty. In this situation only, enter the appropriate code for the school district indicated by the voter on the absentee ballot application in the school district field. If a voter does not reside in a municipality, the municipality field will contain the word "None." If, however, a voter's municipal assignment cannot be determined, the municipal field will be blank. In this situation only, enter the code for the municipality indicated by the voter on the absentee ballot application.
- (4) If the application must be rejected for any reason, enter the reason for the rejection in the appropriate place on the screen. MESA will produce a Notice of Rejection of Absentee Ballot Application letter for the voter. However, in the event that an Application for In-Person Absentee Ballots has been rejected, it shall not be entered into MESA.
- (5) Designate the election or elections for which the voter is requesting ballots in the appropriate place on the screen.
- (6) Write the applicant's voter identification number and registration status (active or inactive) on the application form. File the application form in the appropriate absentee voting materials file. If the applicant is a restricted records status voter, file the application in the restricted records status file.
- (7) If the application is from an in-person absentee voter and ballots were issued by the Absentee Voting Board, enter the date the application was processed by the Absentee Voting Board in the appropriate space on the screen to give the voter credit for voting. See 230:30-7-12. If the application was rejected, no entry shall be made in MESA. A rejected Application for In-Person Absentee Ballots shall be retained with other rejected applications.

(8) If ballots are available, immediately prepare the appropriate absentee voter packet with the correct ballots for the voter and mail it. See 230:30-9-1 and 230:30-9-2. If the letter "I" appears in the upper-right corner of the absentee mailing label, the voter is either an inactive voter or a voter unassigned to a school district due to insufficient address information. Enclose an Oklahoma Voter Registration Application form and an Absentee Voter Address Information Requested sheet with the absentee voter packet and ballots.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 18 Ok Reg 1871, eff 7-1-01; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 25 Ok Reg 348, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1918, eff 7-1-08; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11]

#### **230:30-9-4. Applications from persons not registered to vote**

Yellow, pink or green Applications for Absentee Ballots received from persons who are not registered to vote in the county must be forwarded immediately to the appropriate County Election Board. If the appropriate County Election Board cannot be determined, or if there is no evidence that the voter is registered to vote in any county, the application shall be rejected. If such an application is received, some information must be entered into MESA to create a letter to the voter rejecting the application. [26:14-133] The information which must be entered includes the person's name, address and the election or elections for which ballots were requested. If the rejected application is from an in-person absentee voter, MESA will not create a letter.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 28 Ok Reg 1154, eff 7-1-11]

#### **230:30-9-5. Processing applications from uniformed services and overseas voters**

(a) **Applications from uniformed services and overseas voters.** Applications for absentee ballots received from uniformed services voters and overseas voters are processed differently than applications from other absentee voters. Uniformed services voters and overseas voters are not required to be registered to vote in the county in order to apply to vote by absentee ballot. However, when an application for absentee ballots is received from a person who is not a registered voter in the county, information from the Federal Post Card Application form will be used to register that person in the county provided that the applicant's residence address is located within the county. All applications received from uniformed services voters and overseas voters are considered to be applications for all elections in which the voter is eligible to vote, except as outlined in (c) of this Section. Applications from these voters shall be processed according to the procedures outlined in (b) of this Section.

(b) **Applications received by mail, by fax, or by electronic mail.** Uniformed services voters and overseas voters may submit applications for absentee ballots, usually the Federal Post Card Application (FPCA) form, to the County Election Board by mail, by fax, or by electronic mail. Upon receipt of an application for absentee ballots from a uniformed services or overseas voter, the Secretary of the County Election Board shall cause the application to be processed according to the following procedure.

- (1) If the application was received by electronic mail, take these steps.
  - (A) Print a copy of the electronic mail message and a copy of the attached FPCA form.
  - (B) Reply to the electronic mail message to notify the voter that the application was received.
- (2) Indicate on the application form the date on which it was received at the County Election Board office.
- (3) Indicate on the application form whether it was received by mail, by fax, or by electronic mail.
- (4) Enter the application information into MESA.
  - (A) If the voter's address is not located within the county, the application information shall not be entered. The printed application form shall be forwarded immediately to the correct County Election Board. The date the application was received in the first county shall be the received date for the application.
  - (B) If the voter's address is located within the county, but the voter is not currently registered in the county, follow the appropriate software instructions to enter the application information in MESA to create both a new voter registration record and an absentee ballot application record for this individual.
  - (C) If the voter's address is located within the county and the voter is a currently registered voter in the county, follow the appropriate software instructions to enter the application information in MESA to create an absentee ballot application record.
- (5) If the voter provided an expiration date or stated anywhere on the FPCA that ballots are requested for only a specific election, enter the expiration date or specific election date in MESA. If the voter did not provide an expiration date or a specific election date, the system will default to the appropriate date that includes the next two federal general elections.
- (6) Determine the voter's preferred method of receiving absentee ballots.
  - (A) If the voter ranks "Email/Online" or "Mail" as first choice, check the "Mail" or "Online" box in MESA.
  - (B) If a voter ranks "Fax" as first choice, look at the voter's second choice and check the appropriate box in MESA. (Oklahoma no longer delivers absentee ballots by fax to uniformed services and overseas voters.)
- (7) Write on the application form the voter identification number assigned by MESA.
- (8) If ballots are available, immediately follow the appropriate steps.
  - (A) If the voter prefers to receive absentee ballots by mail, prepare a uniformed services/overseas voter packet with the correct ballots for the voter and mail it.
  - (B) If the voter prefers to receive absentee ballots online, see 230:30-9-5.2.
- (9) If the absentee ballot application information was used to create a new voter registration record for the voter, print a file copy of the absentee ballot application information from MESA. File the copy in the appropriate absentee application file. File the voter's original FPCA in the Central File. See 230:15-9-18(b).

**(c) Validity of applications received from uniformed services and overseas voters.** Applications for absentee ballots from uniformed services voters and

overseas voters shall be considered valid through the next two federal General Elections as outlined in 230:30-5-8.2, unless the voter indicates that the request is for a specific election date or an earlier expiration date on the FPCA form. If ballots mailed to a uniformed services or overseas voter's address are returned undelivered to the County Election Board, the County Election Board Secretary shall be authorized to consider the application invalid and shall be authorized to delete the application from MESA. The Secretary shall indicate on the outside of the returned absentee ballot outer envelope that the voter's absentee ballot application has been cancelled as a result of the returned, undelivered ballots. The returned envelope shall be retained for 24 months.

**(d) Updating existing FPCA.** Upon receipt of an FPCA or other communication from a uniformed services voter or an overseas voter that includes an electronic mail address to be used for absentee voting purposes, the Secretary shall determine whether the voter has a currently valid application on file. If so, the Secretary shall update the voter's application information in MESA and shall remove the existing application form from the file and replace it with the newly received form. [26:14-118(B)] The Secretary shall note on the removed form the reason for the removal and shall retain it for 24 months.

[Source: Amended at 13 Ok Reg 3175, eff 6-18-96 (emergency); Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 34 Ok Reg 1122, eff 9-11-17]

#### **230:30-9-5.1. Transmitting absentee ballots to uniformed services and overseas voters by fax [REVOKED]**

[Source: Added at 21 Ok Reg 550, eff 2-3-04 (emergency); Added at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 34 Ok Reg 1122, eff 9-11-17]

#### **230:30-9-5.2. Online absentee ballot delivery to uniformed services and overseas voters**

(a) Uniformed services voters, overseas voters, and the eligible spouses and dependents of both groups, may request online delivery of their absentee ballots. The FPCA provides a place for the voter to indicate his or her preferred ballot delivery method. Voters who request online delivery are required to provide a valid email address and the last four digits of their Social Security numbers.

(1) Voters who prefer online ballot delivery but who do not include the last four digits of their Social Security numbers will receive a notice by email that their request for online delivery cannot be honored until they provide the last four digits of their Social Security numbers. Absentee ballots will be mailed to these voters instead.

(2) Voters who request online delivery but whose provided email address prove to be incomplete or invalid will receive absentee ballots by mail.

(b) When an application for absentee ballots from a uniformed services or overseas voter is entered in MESA with "Online" delivery selected, the voter will receive an e-mail from the County Election Board generated by the Oklahoma Military and Overseas Ballots Online system (OMOBO) confirming receipt of the application and providing information about accessing ballots online. If more than one e-mail address has been entered in MESA for a uniformed services or overseas voter, all system-generated e-mails are sent to all recorded e-mail addresses.

(1) Application received and ballots are immediately available. This e-mail notifies the voter that his or her new application for absentee ballots has

been received and processed and that ballots are available for a current election. This e-mail contains a hyperlink to the OMOBO system login page. The e-mail does not contain a ballot.

(2) Application received but ballots are not immediately available. This e-mail notifies the voter that the application for absentee ballots has been received and processed and that the voter will receive another e-mail when ballots are available for an election.

(3) Ballots are available. This e-mail notifies a voter with a current application on file ballots are available for an election. The e-mail contains a hyperlink to the OMOBO login page. The e-mail does not contain a ballot.

(c) In the event that an e-mail sent to a uniformed services or overseas voter cannot be delivered ("bounces"), the OMOBO system will mark the e-mail address "Undeliverable" in MESA. If more than one e-mail address has been entered in MESA, emails will continue to be sent to the other address. In the event that all e-mail addresses entered in MESA for a voter are marked "Undeliverable," the voter's ballot delivery method will be changed automatically to "Mail" and mailing labels will be created for the voter. The mailing labels will print the next time County Election Board personnel generate and print absentee mailing labels for uniformed services and overseas voters. County Election Board personnel shall monitor the E-mail Activity Log in MESA on a regular basis from the first time "ballots available" e-mails are sent for an election through the day of the election. Upon finding a bounced e-mail listed on the E-mail Activity Log, County Election Board personnel immediately shall verify that the e-mail address in MESA was entered correctly.

(1) If an error is found, correct the e-mail address, uncheck the "Undeliverable" box beside the address, and save the updated application. If the corrected address is the only e-mail address for that voter, a new "ballots available" e-mail will be generated and sent by OMOBO. (If another valid e-mail address is available in MESA, a new e-mail will not be sent at this time.)

(2) If the e-mail address in MESA appears to be correct, request and print absentee ballot mailing labels, prepare a ballot packet, and mail the absentee ballots.

(d) The e-mails sent to uniformed services and overseas voters are generated automatically by the OMOBO system. When the State Election Board staff finalizes the electronic versions of the ballots for an election, a process is initiated for each county that generates and sends the "ballots available" e-mails to the eligible voters. A message appears in the Election Control Panel window in MESA to notify the County Election Board that OMOBO ballots are available and e-mails have been sent. Absentee application information in MESA syncs with the OMOBO system every six hours and sends e-mails to new applicants through election day.

[Source: Added at 27 Ok Reg 598, eff 1-1-10 (emergency); Added at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-9-5.3. Compliance with federal MOVE Act deadline mandatory**

(a) Both Oklahoma law and the federal Military and Overseas Voter Empowerment Act (MOVE Act) require absentee ballots to be mailed or made available online not less than 45 days preceding an election involving federal offices. The law also requires that new absentee ballot applications received between 45 days preceding an election involving federal offices and the deadline for absentee ballot

applications (5 p.m. Wednesday preceding the election) shall be processed and ballots mailed or "ballots available" e-mails sent within 48 hours of the receipt of the application.

(b) The County Election Board Secretary shall be responsible for confirming that all uniformed services and overseas voters with an active absentee ballot application in MESA on the date of the MOVE Act deadline have either received an e-mail notification that ballots are available online or that ballots have been mailed. The Secretary shall, before close of business on the date of the MOVE Act deadline, take the following steps to confirm compliance with the 45-day deadline.

(1) Verify that all Federal Post Card Applications received by mail or by e-mail have been entered in MESA. Check the inbox for all County Election Board e-mail accounts that may be used by uniformed services or overseas voters. Check the fax machine.

(2) Request and print both the E-mail Activity Log and the Election Date Ballot List reports in MESA to verify that every voter who should have received an e-mail notice that ballots are available online is listed. If the E-mail Activity Log lists any bounced e-mails, determine whether an e-mail was successfully delivered to an alternate e-mail address or whether mailing labels already have been created and ballots mailed.

(3) Calculate ballots and ballot labels for uniformed services and overseas voters. If the calculation reports any unprocessed ballots or labels, immediately follow the appropriate MESA instructions to generate and print the labels. Prepare the ballot packets and deliver them to the local post office as soon as possible.

(c) On the next business day following the date of the MOVE Act deadline, request and print the MOVE Act Compliance Report and compare it to the Election Date Ballot List report. Confirm that all uniformed services and overseas voters with active applications in MESA received either e-mail notification or a ballot by mail. Request and print the MOVE Act Deadline Compliance Statistics report and enter by hand the first date absentee ballots were mailed to uniformed services and overseas voters. Sign and date the report and fax or e-mail it to the State Election Board no later than 12 p.m.

(d) State law requires adherence to the MOVE Act deadline for regular or special elections for state offices and state legislative offices.

[Source: Added at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-9-6. Processing requests from emergency incapacitated voters**

(a) **Requirements for requests.** The request for absentee ballots from an emergency incapacitated voter shall be in writing and shall be signed by the voter, *or signed by a witness at the voter's direction, if the voter is unable to sign.* [26:14-115.1] The request *must be accompanied by a sworn statement by a duly licensed physician.* [26:14-115.1] The statement must attest to the fact that the voter is unable to vote in person at his precinct on the day of the election because of a physical disability, which may include confinement for childbirth, and that the voter became incapacitated after 5 p.m. on Tuesday preceding the election. [26:14-115.1]

(b) **Form may be used.** The Request for Emergency Incapacitated Absentee Ballot and Sworn Statement by Physician form may be used to make the request for ballots. However, use of this form is not required.

(c) **Voter's agent.** An emergency incapacitated voter may designate an agent to represent him for purposes of absentee voting. The agent may be anyone of the

voter's choosing at least 16 years of age, provided that person is not employed by nor related within the third degree by consanguinity or affinity to any person whose name appears on the ballot. The voter's agent must transmit the request to the Secretary of the County Election Board.

(d) **Person may be agent for only one voter.** No person may be the agent for more than one voter at any election.

(e) **Processing the request.** Upon receipt of the voter's request and accompanying sworn statement, the application information shall be entered into MESA. See 230:30-9-3. If the voter is an inactive voter, give the voter's agent an Oklahoma Voter Registration Application form and an Absentee Voter Address Information Requested sheet.

(f) **Issuing ballots and materials.** The Secretary shall indicate on the application form the ballots that shall be issued to the voter. The Secretary then shall issue to the voter's agent the appropriate ballots and a pink incapacitated voter packet.

(g) **Returning ballots.** The voter's agent must return the ballots, sealed in the appropriate envelopes, to the Secretary of the County Election Board no later than 7 p.m. on the day of the election. Upon receipt of the ballots, the Secretary shall record the date in the voter's application information in MESA. If the voter is inactive, the voter's agent may return the completed Oklahoma Voter Registration Application form with the voted ballots or the voter may mail the form at a later time.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 28 Ok Reg 1154, eff 7-1-11]

### **230:30-9-7. Absentee ballot applications for Address Confidentiality Program participants**

(a) Certified participants in the Address Confidentiality Program (ACP) who apply to the Secretary of the State Election Board for registration as ACP voters shall receive absentee ballots by mail for all elections in which they are eligible to vote for a period of up to four years from the date the application for ACP voter registration is received by the State Election Board.

(b) An ACP Application for Absentee Ballots form shall be filed in the restricted records status file immediately upon receipt from the State Election Board. See 230:15-9-25. No information about an ACP voter shall be entered in MESA. When preparing absentee ballots to be mailed to voters for any election, the Secretary or a designated County Election Board employee shall check the ACP applications in the restricted records status file to determine whether any ACP voter is eligible to receive ballots for the election. The following procedure shall be observed to prepare absentee voter packets and absentee ballots for ACP voters.

(1) Assemble an absentee voter packet. See 230:30-9-2(1). Write or stamp "ACP" on the outer envelope. Write or type the election date on the outer envelope.

(2) Write or type the voter's name and ACP address and the County Election Board's mailing address as the return address on the yellow mailing envelope. Write or type the County Election Board's mailing address and the voter's ACP address as the return address on the outer envelope.

(3) Enclose the appropriate ballot cards and mail the packet to the voter.

(4) Record the election date, election description and the date mailed on the voter's ACP Voter History Record form.

- (5) When an absentee outer envelope marked "ACP" is received, indicate the date on the voter's ACP Voter History Record form. Place the outer envelope in the locked ballot box with other absentee ballots for the election.
- (6) If an ACP voter's absentee ballot must be rejected for one of the reasons listed in 230:30-11-2, write a letter to notify the voter of the reason the ballot could not be counted and mail it to the voter's ACP address.
- (c) When an ACP voter's absentee application expires, or if the State Election Board sends notification to the Secretary of the County Election Board that an ACP voter has left the Address Confidentiality Program, write "Cancelled" and the date on the voter's ACP Absentee Application form and retain it in a separate section of the restricted records status file for 24 months.

[Source: Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 28 Ok Reg 1154, eff 7-1-11]

#### **230:30-9-7.1. Uniformed services and overseas voters in restricted records status**

Uniformed services voters, their spouses, and their eligible dependents may apply to the Secretary of the County Election Board in the county of their voting residence for restricted records status. See 230:15-9-25. Uniformed services voters in restricted records status may vote only by mail absentee ballot. They are not eligible for online delivery of their absentee ballots through the Oklahoma Military and Overseas Ballots Online system. The elections in which these voters are eligible to vote and the absentee ballots they are eligible to receive shall be identified and mailing labels must be prepared manually. Voter history credit shall be maintained manually. When MOVE Act compliance, as outlined in 230:30-9-5.2, is required for an election, ballots must be mailed to these voters no later than 45 days preceding the election. All information about and all documentation of uniformed services voters in restricted records is removed from MESA and from all public files. All such documentation shall be retained in a locked file cabinet or other secure location in the County Election Board office. No information about uniformed services voters in restricted records status shall be released to any unauthorized person without a court order.

[Source: Added at 34 Ok Reg 1122, eff 9-11-17]

#### **230:30-9-8. Processing first responder/emergency worker emergency absentee applications, issuing ballots, and receiving voted ballots**

(a) **Who may apply.** First responders and emergency workers who are deployed to assist with rescue, recovery, and/or relief efforts in the wake of a declared natural disaster or a declared state of emergency within ten days of an election may apply for an emergency absentee ballot. Such requests from first responders and emergency workers may be received and processed up to and even on election day, as long as the voted ballot is received by the County Election Board no later than 7 p.m. on election day.

(b) **Processing emergency absentee ballot applications and issuing ballots.** When a first responder or emergency worker is deployed within ten days of an election to assist with rescue, recovery, and/or relief efforts in the wake of a declared natural disaster or a declared state of emergency and requests an emergency absentee ballot, the Secretary of the County Election Board shall ensure the following procedure is observed.

- (1) Give the voter a copy of the Application for Emergency Absentee Ballot - First Responders and Emergency Workers form. The form may be



emailed or faxed to the voter or a copy may be printed in your office and given to the voter.

(2) Tell the voter to fill out the form and to provide all the requested information. The form must be signed and dated by the voter. Ask to see the voter's proof of identity. See 230:35-3-140 and 230:35-3-141.

(3) Upon receipt of the voter's completed and signed application, enter the application in MESA.

(4) Issue the appropriate absentee ballot or ballots and a standard/yellow absentee ballot packet and instructions to the voter. Make a notation on the outer envelope that this is an emergency absentee ballot.

(5) Tell the voter to fill out the affidavit envelope and to have his/her signature on the affidavit notarized. County Election Board personnel may not notarize the affidavit.

(6) Tell the voter that his or her voted ballot must be received by the County Election Board by 7 p.m. on the day of the election in order to be counted.

**(c) Returning voted emergency absentee ballots to the County Election Board.**

First responders and emergency workers who apply for emergency absentee ballots as outlined in (a) and (b) of this Section have the options listed below for returning their voted absentee ballots to the County Election Board. The absentee ballot affidavit must be signed and notarized and must be sealed inside the appropriate absentee envelopes.

(1) The voter may return the voted ballot to the County Election Board office in person. If the voter returns his or her emergency absentee ballot in person, ask to see the voter's proof of identity.

(2) The voter may return the voted ballot by United States mail (including by USPS Express Mail™).

(3) The voter may return the voted ballot by a private delivery services (such as FedEx™) that provides delivery documentation.

**(d) Receiving voter emergency absentee ballots.** Upon receipt of an emergency absentee ballot in-person from the voter or by mail, follow the steps outlined below.

(1) Make the following notation on the outer envelope. "Emergency Absentee Ballot from First Responder/Emergency Worker received on (DATE) at (TIME)." Also note whether the ballot was received in person from the voter, by mail, or by private delivery service.

(2) Give the emergency voter credit for voting in MESA.

(3) Place the voted ballot, sealed inside the appropriate envelopes, in the absentee ballot box.

[Source: Added at 36 Ok Reg 1545, eff 9-16-19]

**230:30-9-9. Obtaining absentee ballot applications submitted online**

(a) The online absentee application tool on the State Election Board website delivers the submitted applications to the appropriate County Election Board through MESA. These applications submitted online must be printed and entered into MESA like any other absentee ballot application. Absentee ballot applications may be submitted online at any time. The Secretary of the County Election Board shall be responsible for printing online absentee ballot applications on a daily basis and entering them into MESA as required by 230:30-9-1.

(b) The online absentee application tool formats an Oklahoma Absentee Ballot Application form and populates it with the information entered by an applicant. Based upon the information entered by the applicant, the forms produced by the system may be printed by type:

- (1) CI B voter charged with the care of an incapacitated person;
  - (2) PI B physically incapacitated voter;
  - (3) NV B nursing home/veteran center voter; and
  - (4) ST B standard (all other voters).
- (c) Reports are available both at the County Election Board and the State Election Board to allow monitoring of applications submitted through the online absentee application tool. You must request and examine these reports daily to be sure that all applications received are being printed and processed in a timely manner.
- (1) The Online Absentee Application Statistics report lists by type the number of absentee ballot applications submitted to the county in a specified date range.
  - (2) The Online Absentee Application Statistics Log report lists information about each application submitted online to the county. It may be sorted and printed by voter's name or by application type.
- (d) The online absentee ballot application tool directs uniformed services and overseas voters to the Federal Voting Assistance Program website to complete and submit a Federal Post Card Application. However, a uniformed services or overseas voter is not prevented from using the application tool on the State Election Board website. In the event an applicant enters an APO or FPO address or an address located outside the United States as the "mail ballots to" address on an application, it should be entered as a uniformed services or overseas application.

[Source: Added at 34 Ok Reg 1122, eff 9-11-17]

## **SUBCHAPTER 11. RECEIVING AND PROCESSING ABSENTEE BALLOTS**

### **230:30-11-1. Preparing absentee ballot box and handling of outer envelopes**

- (a) Upon receipt of the first outer envelope containing regular mail absentee ballots, the Secretary of the County Election Board shall lock a ballot box of the type described in 230:30-7-8(b) and shall give one key each to the Chairman and Vice Chairman of the County Election Board. The keys may be mailed to the Chairman and Vice Chairman if necessary. The Secretary shall retain the third key.
- (b) The date on which the outer envelope is received shall be entered in the voter's application information in MESA. The outer envelope then shall be placed in the locked absentee ballot box, which shall be retained in the County Election Board office. All subsequently returned absentee ballots shall be handled in the same manner.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 28 Ok Reg 1154, eff 7-1-11]

#### **230:30-11-1.1. Receiving hand-delivered absentee ballots from voters**

- (a) Beginning January 1, 2017, voters who submit standard (no excuse) absentee ballot applications and receive standard (yellow) affidavits are entitled to return their own voted absentee ballots to the County Election Board office in person through the end of regular office hours on the day preceding the election.
  - (1) The absentee ballot and materials must be sealed inside the Return Envelope provided in the voter's absentee ballot packet. The printed return address label on the envelope must indicate "Type: S."
  - (2) The voter must provide proof of identity that meets the same requirements as the proof of identity required during in-person absentee

voting and at the precinct polling place on election day. See 230:35-5-55(a)(2)(A). A voter who does not have or who declines to provide appropriate proof of identity shall be instructed to mail the envelope to the County Election Board.

(b) County Election Board personnel shall follow these steps to receive a hand-delivered absentee ballot. Do not take the absentee envelope from the voter until you have seen proof of identity.

(1) Verify with the proof of identity document that the person is the voter whose name is on the printed return address label on the Return Envelope.

(2) Write or stamp the received date on the front of the Return Envelope. Note on the front of the envelope that the ballot was delivered in person by the voter.

(3) Record receipt of the absentee ballot in MESA by scanning the barcode on the return address label, by entering the ballot ID number printed on the return address label, or by manually locating the voter's absentee ballot information.

(4) Immediately place the sealed return envelope in the same locked ballot box used to secure absentee ballots returned by mail.

(c) Absentee ballots cannot be hand-delivered to the County Election Board office by a voter who applied as a physically incapacitated voter (PI) or as a caregiver for an incapacitated person (CI) voter. Absentee ballots cannot be hand-delivered to the County Election Board office by a voter who applied as a uniformed services (US) or overseas voter (OV). Absentee ballots cannot be hand-delivered to the County Election Board office when the office is not open. Any absentee ballot left at the County Election Board office when the office is not open shall be rejected and shall not be counted.

(d) In the event that a voter who submitted a standard application for absentee ballots appears at the County Election Board office to hand-deliver an absentee ballot that is not properly sealed inside the envelope set mailed to the voter with the absentee ballot, the Secretary may provide a new set of envelopes - a ballot secrecy envelope, a standard (yellow) affidavit envelope, and a Return Envelope - and a new return address label to the voter. If only the outer envelope is missing, provide an outer envelope and either print a new ballot return label or write the appropriate ballot identification number listed in MESA on the new outer envelope. If a new envelope set is provided, instruct the voter to have the voter's signature on the affidavit envelope notarized and to return the properly sealed envelope set in person or to mail it.

[Source: Added at 34 Ok Reg 1122, eff 9-11-17; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-11-2. Opening outer envelopes and examining affidavits [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 25 Ok Reg 348, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1918, eff 7-1-08; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-11-3. Opening and storing properly executed affidavits**

(a) If the County Election Board meets prior to election day to open outer envelopes as outlined in 230:30-11-2, it is permissible for the Board members also to open and remove affidavit envelopes that are determined to be executed

properly. Upon removing the affidavits, the Board members shall place the ballot envelopes in a ballot box of the type described in 230:30-7-8(b) and shall lock the box. If an inactive voter enclosed the Oklahoma Voter Registration Application form inside the affidavit envelope, set the application aside to be processed later. Additionally, the Board members shall affix a long white State Election Board seal across the opening on the top of the box so that the opening is entirely obstructed. The County Election Board members each shall sign and date the seal. Each member of the County Election Board shall retain the key to only one of the locks on the ballot box. The Secretary shall store the ballot box in a secure place until it is time to count the absentee ballots on election day. The affidavits shall be set aside in a secure place and shall be retained as outlined in 230:30-21-4.

(b) The procedure for opening and removing affidavit envelopes described in (a) of this Section shall be observed only in the event that an extraordinarily large number of absentee ballots has been received.

(c) In the event that one person witnesses signatures of more than five physically incapacitated voters on pink affidavits as outlined in 230:30-11-2(1), separate the affidavits signed by that witness from other properly executed affidavits, but place the ballot envelopes they contain with all other ballot envelopes to be opened and counted. See 230:30-23-1.

[Source: Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03]

#### **230:30-11-4. Storing improperly executed affidavits**

All affidavits that are determined to have been executed improperly shall be set aside and stored in a secure place. In the event a voter's affidavit is rejected for any reason, the rejection information shall be entered in the voter's application information in MESA. This will cause MESA to create a Notice of Rejection of Absentee Ballots letter for the voter. This letter shall be mailed to the voter as soon as it is printed.

[Source: Amended at 28 Ok Reg 1154, eff 7-1-11]

#### **230:30-11-5. Last time for receiving ballots**

(a) **Absentee ballots returned by regular mail.** Regular mail absentee ballots must be received by the Secretary of the County Election Board no later than 7 p.m. on the day of the election. [26:14-104] The Secretary shall check his post office box shortly before 7 p.m. to make certain that all eligible ballots are received. The Secretary shall make arrangements with the Postmaster to assure that all absentee ballots received in time will be processed. If a ballot is received after 7 p.m. on election day, the rejection information shall be entered in the voter's application information in MESA. This will cause a Notice of Rejection of Absentee Ballots letter to be created for the voter. This letter shall be mailed to the voter as soon as possible. [26:14-133]

(b) **Uniformed services and overseas absentee ballots returned by fax.** Absentee ballots returned by fax from uniformed services and overseas must be received by the County Election Board office no later than 7 p.m. on the day of the election. [26:14-104; 26:14-118.1] If a ballot is received by fax after 7 p.m. on election day, the rejection information shall be entered in the voter's application information in MESA. This will cause a Notice of Rejection of Absentee Ballots letter to be created for the voter. This letter shall be mailed to the voter as soon as possible. [26:14-133]

(c) **Emergency incapacitated absentee ballots returned by agent.** Emergency incapacitated absentee ballots returned by the voter's agent must be received by the Secretary of the County Election Board no later than 7 p.m. on the day of the election. [26:14-115.1] If an emergency incapacitated voter's agent arrives at the County Election Board office with the ballot after 7 p.m., the rejection information shall be entered in the voter's application information in MESA. This will cause a Notice of Rejection of Absentee Ballots letter to be created for the voter. This letter shall be mailed to the voter as soon as possible. [26:14-133]

(d) **Standard absentee ballots returned in person by voter.** Standard (no excuse) absentee voters may return their own voted absentee ballots in person to the County Election Board office through the end of the County Election Board's posted regular office hours on the day preceding the election. See 230:30-11-1.1.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 34 Ok Reg 1122, eff 9-11-17]

### **230:30-11-6. Transmitting absentee ballots [REVOKED]**

[Source: Added at 16 Ok Reg 531, eff 1-1-99 (emergency); Added at 16 Ok Reg 2421, eff 7-1-99; Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-11-6.1. Receiving voted absentee ballots by fax from uniformed services and overseas voters**

(a) All uniformed services and overseas voters are entitled to fax their voted absentee ballot to the State Election Board or to the County Election Board that issued the ballot. Uniformed services and overseas voters who request a faxed ballot for federal offices as described in 230:30-9-5.1 must return said ballot by fax. Uniformed services and overseas voters may fax the federal write-in absentee ballot described in 230:30-13-1 through 230:30-13-4 at any time. Uniformed services and overseas voters who request that ballots be transmitted by electronic mail must return said ballot either by regular mail or by fax.

(b) A uniformed services or overseas voter described in (a) of this section may fax a copy of the voted ballot either to the State Election Board or to the County Election Board that issued the ballot in addition to mailing the original ballot to the issuing County Election Board. A fax cover sheet for this purpose may be downloaded and printed from the Federal Voting Assistance Program (FVAP) website: [www.fvap.gov](http://www.fvap.gov). Uniformed services voters may obtain copies of the fax cover sheet from the Voting Service Officers in their units. Overseas voters may obtain the cover sheet at United States embassies, consulates, and military installations. A voter who chooses to fax a voted ballot must sign a Secret Ballot Waiver and transmit it with the ballot. All faxed ballots must be received by the State Election Board or by the County Election Board no later than 7 p.m. (United States Central Time Zone) on the date of the election in order for the ballot to be counted. In the event that a voter's regular ballot is received by mail at the County Election Board prior to 7 p.m. on election day, only the voter's regular ballot shall be counted. The voter shall follow these instructions to fax a voted ballot to the State Election Board or to the County Election Board.

- (1) After marking the ballot, make a photocopy of the ballot, reduced as necessary to fit an 8 and 1/2" by 11" page. Do not alter the original ballot.
- (2) Fill out and sign the affidavit envelope included with the mail absentee ballot.
- (3) Fill out the fax cover sheet.

- (4) Fax the cover sheet, affidavit, and voted ballot to one of the secure numbers provided by the FVAP for ballot transmission.
  - (5) Immediately mail the voted original ballot to the County Election Board. Follow the instructions included with the ballot.
- (c) The Secretary of the State Election Board shall assign one or more employees to receive and process voted ballots faxed by uniformed services and overseas voters. Upon receipt by fax of a voted ballot, the assigned employees shall take the following steps to transmit the ballot and related information to the appropriate County Election Board Secretary.
- (1) Verify that each voted ballot is accompanied by a fax cover sheet that includes the following information:
    - (A) the voter's name
    - (B) the voter's county of residence in Oklahoma
    - (C) the voter's signature on the Secret Ballot Waiver
    - (D) the voter's signed Affidavit if the faxed ballot is a copy of the voter's regular mail absentee ballot
  - (2) Stamp the fax cover sheet with the date and time it was received and immediately transmit both the cover sheet and the ballot to the appropriate County Election Board Secretary. If the Secretary does not have a fax machine in the office, notify the Secretary that a voted absentee ballot is being transmitted.
  - (3) In the event that a voted ballot is received without an appropriate identifying cover sheet and/or without the voter's signature on the Secret Ballot Waiver, the ballot shall be set aside in a secure place. If possible, immediately send a notice that the transmission was incomplete and that the ballot cannot be counted. Instruct the voter to send both the cover sheet and the ballot again. Document the receipt of the unidentified ballot and then destroy it.
  - (4) In the event that an identifying cover sheet is received without the voted ballot, set the cover sheet aside in a secure place. If possible, immediately send notice that the transmission was incomplete and the ballot was not received. Instruct the voter to send both the cover sheet and the ballot again. If the voter does not send the cover sheet and ballot again by 7 p.m. in the United States Central Time Zone on election day, document the receipt of the cover sheet without the ballot, and notify the County Election Board Secretary that the voter attempted to return the ballot but the ballot was not received.
  - (5) Ballots received by fax after 7 p.m. on election day in Oklahoma shall not be counted.
  - (6) Mail the original faxed ballot and cover sheet to the appropriate County Election Board.
- (d) Upon receipt by fax of a voted ballot from the State Election Board, the Secretary of the County Election Board shall take the following steps.
- (1) Attach the fax cover sheet to the ballot with a paper clip, fold the sheets in half and place in the locked absentee ballot box. If the ballot is received from the State Election Board on election day after the absentee ballot box has been opened, place the faxed ballot in a secure place until the County Election Board members are ready to count the ballot.
  - (2) Enter the date received in the voter's absentee application information in MESA.

- (3) After 7 p.m. on election day, the members of the County Election Board shall mark a substitute ballot and count it as instructed in 230:30-19-6.
- (e) Upon receipt by fax of a voted ballot from a uniformed services voter or an overseas voter, the Secretary of the County Election Board shall follow the same steps outlined in (c) of this section.
- (f) A voter who faxes a voted ballot to the State Election Board or to a County Election Board as described in this section is instructed to sign a Secret Ballot Waiver. The Secret Ballot Waiver is part of the fax cover sheet provided by the FVAP on its website and to voters who receive their absentee ballots and balloting materials online through the OMOBO system. If neither of these cover sheets is available, the voter may include the following signed statement among the materials faxed with the voted ballot. "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement should be signed and dated by the voter. Failure of a voter to sign or to include a secret ballot waiver shall not be grounds for rejecting the voter's absentee ballot.
- (g) Oklahoma law does not allow uniformed services or overseas voters to return voted ballots to the County Election Board by electronic mail. Ballots from these voters may be returned only as outlined in this section.

[Source: Added at 21 Ok Reg 550, eff 2-3-04 (emergency); Added at 21 Ok Reg 3145, eff 7-22-04 (emergency); Added at 22 Ok Reg 1869, eff 7-1-05; Amended at 23 Ok Reg 78, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1285, eff 7-1-06; Amended at 26 Ok Reg 2532, eff 7-15-09; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 36 Ok Reg 1545, eff 9-16-19]

#### **230:30-11-7. Undeliverable absentee ballots returned by postal service to County Election Board**

- (a) In the event that absentee ballots mailed to a voter are returned to the County Election Board by the postal service because they are undeliverable as addressed, County Election Board personnel shall note on the envelope the date the undeliverable ballots were received and shall set them aside in a secure place. Such returned undeliverable absentee ballots shall be retained for 24 months with other absentee voting materials for the election. Do not mail the ballots to another address unless it is provided in writing by the voter in the form of a new application for absentee ballots. If the voter's application includes additional upcoming elections, the application shall be considered cancelled and shall be deactivated in MESA. See 230:30-5-8.2.
- (b) When the postal service returns undeliverable absentee ballots to the County Election Board, the Secretary is not required to try to contact the voter to obtain a new or a corrected mailing address. The Secretary may choose to do so, however, if there is sufficient time for such communication before the election, or if the voter has applied for absentee ballots for additional upcoming elections. If the Secretary chooses to contact the voter, the following guidelines should be observed. See (c) of this Section for the suggested contents of a letter to the voter.
- (1) If the postal service has provided a forwarding address on the returned mailing envelope, mail a letter to the voter at that address.
  - (2) If the ballots were not mailed to the voter's residence address, mail a letter to the voter at the residence address or to the mailing address provided on the voter's voter registration application.
  - (3) If the ballots were mailed to a uniformed services voter or an overseas voter and were returned with a forwarding address, mail a letter to the voter at that address.
  - (4) If the voter provided an e-mail address on the original application for absentee ballots, send an e-mail to the voter.

(c) Prepare a letter to the voter explaining that the absentee ballots could not be delivered to the voter by the postal service at the address provided on the absentee ballot application form and that ballots cannot be mailed again to that address. Enclose or attach a new application form and ask the voter to fill it out with a new or a corrected mailing address and to return it. Include the deadline for absentee ballot applications for the affected election, or for the next election covered by the original application.

(d) If a voter whose absentee ballots were returned undelivered by the postal service contacts the County Election Board to inquire about the ballots, follow the procedures outlined in 230:30-17-1 through 230:30-17-4 to replace the ballots.

[Source: Added at 20 Ok Reg 477, eff 1-2-03 (emergency); Added at 20 Ok Reg 1097, eff 7-1-03; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 34 Ok Reg 1122, eff 9-11-17]

## **SUBCHAPTER 13. FEDERAL WRITE-IN ABSENTEE BALLOT**

### **230:30-13-1. Voters permitted to use federal write-in absentee ballots**

Absent uniformed services voters, those who are on active duty and absent from their voting residence, and overseas voters, those who are living outside the territorial limits of the United States, shall be permitted to use the federal write-in absentee ballot in Primary, Runoff Primary, Presidential Preferential Primary, and General Elections for statewide and federal offices. These absent uniformed services voters and overseas voters may use the federal write-in absentee ballot whether or not they have applied for regular absentee ballots.

[Source: Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 25 Ok Reg 348, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1918, eff 7-1-08; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11]

### **230:30-13-2. Receiving and processing federal write-in absentee ballots**

Upon receipt of a federal write-in absentee ballot, the Secretary shall indicate the received date on the front of the envelope and then shall place the envelope in the absentee ballot box. When the County Election Board meets to open outer envelopes and examine affidavits as described in 230:30-11-2, the Secretary also shall take the following steps.

- (1) After opening the outer envelope, attach the Voter's Declaration/Affirmation form to the secrecy envelope with a paper clip.
- (2) Determine whether the voter is a uniformed services voter or an overseas voter by examining item 1a on the Voter's Declaration/Affirmation form.

(A) If the ballot is from an overseas voter, verify that the voter is located outside the United States by examining the information in item 4a "My Current Address (Where I live now)." This address should be located outside the United States. If this address is located within the United States and the voter is an overseas voter, the federal write-in absentee ballot cannot be counted.

(B) If the ballot is from a uniformed services voter, the ballot can be counted even if it was submitted from an address located within the United States.

- (3) Examine item 3 "My Voting Residence Address" to determine the voter's correct precinct. Note the precinct number on the Voter's



Declaration/Affirmation.

(4) Check the absentee information in MESA to determine whether the voter submitted an application for regular mail absentee ballots.

(A) If the voter submitted an application for regular mail absentee ballots, determine whether those ballots have been received.

(i) If the voter's regular absentee ballots have been received, the federal write-in absentee ballot shall not be counted.

Note the reason the ballot cannot be counted on the Voter's Declaration/Affirmation and set it and the unopened secrecy envelope aside in a secure place.

(ii) If the voter's regular absentee ballots have not been received by 7 p.m. on election day, the federal write-in absentee ballot shall be counted.

(B) If the voter did not submit an application for regular mail absentee ballots, enter in MESA the information from the voter's affirmation as if it were a Federal Post Card Application. See 230:30-9-5. The federal write-in absentee ballot shall be counted.

(5) In the event that a voter's federal write-in absentee ballot cannot be counted, the Secretary shall notify the voter in writing of the reason the ballot was rejected.

(6) If a federal write-in absentee ballot is counted for a voter who had previously applied for regular absentee ballots, enter the date the federal write-in absentee ballot was received in the voter's absentee information in MESA.

(7) Follow the instructions in 230:30-19-6 to count a federal write-in absentee ballot.

[Source: Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 25 Ok Reg 348, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1918, eff 7-1-08; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11]

### **230:30-13-3. Rules for counting federal write-in absentee ballots**

Federal write-in absentee ballots shall be counted as outlined in 230:30-19-

6. The following rules also shall apply:

(1) Before a federal write-in absentee ballot is counted, the Secretary of the County Election Board shall verify that regular absentee ballots have not been received from the voter. See 230:30-13-2(4).

(2) A federal write-in absentee ballot may be counted only for statewide and federal offices in Primary, Runoff Primary, Presidential Preferential Primary, and General Elections. The following are the statewide offices that may appear on the federal write-in absentee ballot: Governor; Lieutenant Governor; State Auditor and Inspector; Attorney General; State Treasurer; State Superintendent of Public Instruction; Commissioner of Labor; Insurance Commissioner; Corporation Commissioner. The following are the federal offices that may appear on the federal write-in absentee ballot: President, Vice President, United States Senator and United States Representatives.

(3) On a federal write-in absentee ballot submitted for the Primary, Runoff Primary, or Presidential Preferential Primary Election, the voter may designate a candidate by writing the name of a candidate. On a federal write-in absentee ballot submitted for the General Election, the voter may

write either the name of a candidate or the name of a political party. If the voter has written the name of a political party the ballot shall be counted for all the candidates of that party in the General Election.

(4) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

(5) Any abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, so long as the intention of the voter can be ascertained.

(6) In the event that the voter's intent cannot be determined, the federal write-in absentee ballot shall not be counted for the office or offices in question.

[Source: Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11]

#### **230:30-13-4. Retention of federal write-in absentee ballots**

All counted and uncounted federal write-in absentee ballots and related materials shall be retained for 24 months after the date of the General Election.  
[26:14-132]

[Source: Amended at 12 Ok Reg 2235, eff 7-1-95]

### **SUBCHAPTER 15. STATE WRITE-IN ABSENTEE BALLOTS [REVOKED]**

#### **230:30-15-1. Voters eligible to use state write-in absentee ballot [REVOKED]**

[Source: Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-15-2. Applications for state write-in absentee ballot [REVOKED]**

[Source: Amended at 13 Ok Reg 563, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2479, eff 7-1-96; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-15-3. Time for state write-in absentee ballot applications [REVOKED]**

[Source: Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-15-4. State write-in absentee ballot provided by State Election Board [REVOKED]**

[Source: Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-15-5. Processing applications for state write-in absentee ballots [REVOKED]**

[Source: Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-15-6. List of candidates [REVOKED]**

[Source: Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-15-7. Voters who request both regular and state write-in absentee ballots [REVOKED]**

[Source: Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-15-8. Time for return of state write-in absentee ballots [REVOKED]**

[Source: Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-15-9. Rules for counting state write-in absentee ballots [REVOKED]**

[Source: Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 21 Ok Reg 550, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 28 Ok Reg 120, eff 10-12-10 (emergency); Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

## **SUBCHAPTER 17. REPLACEMENT OF LOST OR UNDELIVERED ABSENTEE BALLOTS**

### **230:30-17-1. Replacement of lost or undelivered absentee ballots [REVOKED]**

[Source: Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-17-2. Applications for replacement absentee ballots [REVOKED]**

[Source: Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-17-3. Voter's agent [REVOKED]**

[Source: Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-17-4. Transmittal of replacement absentee ballots [REVOKED]**

[Source: Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03; Revoked at 30 Ok Reg 1656, eff 7-15-13]

## **SUBCHAPTER 19. COUNTING THE BALLOTS**

### **PART 1. COUNTING ABSENTEE BALLOTS ON ELECTION DAY**

### **230:30-19-1. Absentee Counters authorized [REVOKED]**

[Source: Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-19-2. Absentee Counters not authorized [REVOKED]**

[Source: Revoked at 9 Ok Reg 2379, eff 7-1-92]

### **230:30-19-3. When counting begins**

Counting of absentee ballots may begin no earlier than 7 a.m. on the day of the election. [26:14-125]

**230:30-19-4. Procedure for counting absentee ballots on election day**

(a) On election day at such time as the Secretary of the County Election Board may prescribe, the County Election Board shall meet to count absentee ballots. The following procedure shall be observed to count ballots received by mail or private delivery service.

(1) Outer envelopes first shall be removed and the affidavits examined as outlined in 230:30-11-2.

(2) The properly executed affidavit envelopes shall be opened by the County Election Board, and the ballot envelopes shall be removed as outlined in 230:30-11-3. [26:14-125(A)(1)]

(3) The unopened ballot envelopes shall be placed inside a ballot box. [26:14-125(A)(2)] The ballot box shall be shaken to mix the ballot envelopes. [26:14-125(A)(3)]

(4) The ballot envelopes shall be removed from the box. [26:14-125(A)(3)] The ballot envelopes shall be opened, and the ballots removed. [26:14-125(A)(3)] If an Oklahoma Voter Registration Application form has been enclosed by an inactive voter inside the ballot envelope, remove it and set it aside to be processed later. Proceed to the next step.

(5) The Secretary shall assign an employee of the County Election Board to each voting device or high-speed scanner to be used to count the absentee ballots. The County Election Board Chairman and Vice Chairman shall be present and shall observe the counting process.

(6) The person assigned to operate the voting device shall insert the absentee ballots one at a time into the voting device until all absentee ballots received have been counted. This procedure shall be repeated as necessary as additional absentee ballots are received until 7 p.m. The following factors shall be considered. Counties using high-speed scanners to count mail absentee ballots shall follow the specific instructions provided for operation of those machines to scan ballots and to resolve, if possible, any problems with ballots the scanner rejects.

(A) In no event shall fewer than 12 absentee ballots be counted at any one time, unless fewer than 12 ballots are received in total or after the first count is completed. [26:14-125(B)]

(B) If the voting device returns a ballot because of an overvote or other error made by the voter when marking the ballot, accept the ballot. See 230:35-5-162. [26:14-125(B)]

(C) In the event that a ballot is damaged or defaced, as outlined in 230:30-19-5(a), to the extent that it cannot be read and counted by the voting device, the procedure described in 230:30-19-5(b) shall be observed.

(7) In the event that the election results storage device in a voting device used during in-person absentee voting fails and results cannot be read into the tabulation computer, the backup memory device in the voting device shall be removed and read into the tabulation computer. If the backup memory device in the voting device cannot be accessed, an election night recount of all ballots cast on that voting device during in-person absentee voting shall be conducted as outlined in 230:35-3-85.1. If an election night recount of ballots cast during in-person absentee voting is required, the

Secretary shall obtain the sealed ballot transfer cases containing voted absentee ballots from the Sheriff before beginning the recount procedure.  
[26:14-115.4(B)(7)]

(8) As soon as possible after 7 p.m. and after all absentee ballots received prior to 7 p.m. have been processed through the voting device, the election results storage device shall be removed from each voting device or high-speed scanner used to count mail and nursing home absentee ballots and the election results storage device or devices used during in-person absentee voting shall be returned by the Sheriff.

(9) These election results storage devices shall be given to the tabulation computer operator to be read and tabulated as soon as possible after 7 p.m. The tabulation computer operator shall print a Cumulative Report and a Precinct Report from Tally immediately after reading and tabulating the election results for in-person absentee voting and for mail and nursing home absentee ballots. One copy of each report shall be posted on the door of the County Election Board office and additional copies shall be made available to the news media and other interested persons as requested.

(10) The person assigned to operate the voting device shall open the main compartment of the ballot box, remove the ballots, and place them inside a ballot transfer case. The ballot transfer case shall be sealed with a long white State Election Board seal and the seal shall be signed by the person who operated the voting device and by the County Election Board members.

(b) Federal write-in absentee ballots submitted by uniformed services and overseas voters, ballots issued to uniformed services and overseas voters online through the OMOBO system, and all regular absentee ballots issued to these voters by mail and returned by fax shall be counted by following the procedure described in 230:30-19-6.

[Source: Amended at 9 Ok Reg 2379, eff 7-1-92; Amended at 10 Ok Reg 61, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2731, eff 7-1-93; Amended at 11 Ok Reg 307, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1579, eff 6-1-94; Amended at 14 Ok Reg 2635, eff 7-1-97; Amended at 15 Ok Reg 2556, eff 7-1-98; Amended at 21 Ok Reg 3145, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1869, eff 7-1-05; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-19-5. Procedure for counting mutilated ballots**

(a) In the event that a ballot is mutilated, defaced, or damaged in one of the following ways so that it cannot be read by the voting device, the procedure outlined in (b) of this Section shall be observed.

(1) The ballot is mutilated by the voting device during the counting process.

(2) The ballot is damaged by County Election Board personnel when the ballot envelope is opened.

(3) The ballot is damaged because the voter altered the ballot's original size and/or shape, marked through a bar code, or attempted to correct an error by using correction fluid.

(b) If the ballot was damaged in one of the ways outlined in (a) of this Section, County Election Board members are authorized to mark a substitute ballot to replace the damaged ballot. The substitute ballot shall be marked by two members of the County Election Board of different political affiliations. The substitute ballot shall be marked exactly as the damaged ballot was marked insofar as it is possible. If the ballot is damaged so extensively that the two County Election Board members cannot agree on how the ballot was marked, no substitute ballot shall be marked, and the damaged ballot shall be invalidated. The substitute ballot shall

then be inserted into the voting device to be counted. The County Election Board members shall make a written record of their actions and the damaged ballot shall be retained with such record.

(c) The procedure outlined in (b) of this Section shall not be applied to ballots that are marked by the voter with a pencil or with ink that the voting device cannot read or to ballots that are marked outside the voting targets. Such ballots shall be accepted as marked.

[Source: Added at 10 Ok Reg 2731, eff 7-1-93; Amended at 30 Ok Reg 1656, eff 7-15-13]

**230:30-19-6. Marking substitute ballot to count write-in ballots, faxed ballots, and ballots transmitted to voters by electronic mail**

In the event that the County Election Board must count a federal write-in absentee ballot, a regular ballot received by fax, or an absentee ballot transmitted to the voter by electronic mail, the following procedure shall be observed.

(1) The Secretary shall verify that regular mail absentee ballots from the voter or voters were not received by 7 p.m. on election day.

(2) A federal write-in ballot may be counted for federal and statewide offices only.

(A) The Secretary shall provide a blank absentee ballot for the appropriate precinct.

(B) The Chairman of the County Election Board shall read the voter's write-in ballot and the Vice Chairman shall mark the blank ballot for the voter's choice for federal and statewide offices only.

(C) The Chairman, Vice Chairman, and Secretary shall review the substitute ballot and shall agree that it is marked exactly as the voter's write-in ballot was marked.

(D) The Secretary shall write identical numbers on the back of each original write-in ballot and on the back of the substitute ballot, being careful to avoid the area of the voting tracks. For example, the first such ballot and its substitute shall be marked "1," the second, "2," etc.

(E) The Secretary shall direct a County Election Board staff member to insert the substitute ballot in the appropriate absentee voting device.

(3) A regular ballot returned by fax shall be counted for all offices and questions for which the voter's markings can be discerned.

(A) The Secretary shall provide a blank absentee ballot for the voter's precinct.

(B) The Chairman of the County Election Board shall read the voter's choice for each office and question on the ballot and the Vice Chairman shall mark the ballot.

(C) The Chairman, Vice Chairman, and Secretary shall review the substitute ballot and shall agree that it is marked exactly as the faxed copy of the voter's ballot is marked.

(D) The Secretary shall write identical numbers on the back of each faxed ballot and on the back of the substitute ballot, being careful to avoid the area of the voting tracks. For example, the first such ballot and its substitute shall be marked "1," the second, "2," etc.

(E) The Secretary shall direct a County Election Board staff member to insert the substitute ballot in the appropriate voting device.

- (4) A regular ballot transmitted to a voter by electronic mail and returned either by mail or by fax shall be counted for all offices and questions for which the voter's markings can be discerned. Follow the steps outlined in (3) (A) through (E) of this Section to count the ballot.
- (5) In the event that a federal write-in ballot is marked for a candidate or a political party not on the ballot in Oklahoma, no substitute ballot shall be marked. The minutes of the County Election Board meeting shall indicate both that the ballot could not be counted and the reason.
- (6) In the event that a ballot received by fax is illegible and the voter's markings cannot be discerned, no attempt shall be made to mark a substitute ballot. The minutes of the County Election Board meeting shall indicate both that the ballot could not be counted and the reason.
- (7) The Secretary shall document in the minutes of the County Election Board meeting the number of substitute ballots marked and inserted in the absentee voting device. The original federal write-in absentee ballot, or faxed ballot shall be retained with all other absentee ballots for the election. The voter's affidavit and any other accompanying materials shall be retained with other similar absentee voting materials.

[Source: Added at 22 Ok Reg 1869, eff 7-1-05; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10; Amended at 28 Ok Reg 1154, eff 7-1-11; Amended at 30 Ok Reg 1656, eff 7-15-13]

### **PART 3. RECEIVING AND COUNTING OVERSEAS ABSENTEE BALLOTS FOR RUNOFF PRIMARY ELECTION AFTER ELECTION DAY**

#### **230:30-19-15. Absentee ballots from overseas voters shall be received and counted after election day for Runoff Primary Elections for federal offices [REVOKED]**

[Source: Added at 21 Ok Reg 3145, eff 7-22-04 (emergency); Added at 22 Ok Reg 1869, eff 7-1-05; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-19-16. Determining outstanding overseas absentee ballots on Runoff Primary Election night [REVOKED]**

[Source: Added at 21 Ok Reg 3145, eff 7-22-04 (emergency); Added at 22 Ok Reg 1869, eff 7-1-05; Revoked at 30 Ok Reg 1656, eff 7-15-13]

#### **230:30-19-17. Receiving, processing, and counting overseas absentee ballots for Runoff Primary Election after election [REVOKED]**

[Source: Added at 21 Ok Reg 3145, eff 7-22-04 (emergency); Added at 22 Ok Reg 1869, eff 7-1-05; Amended at 28 Ok Reg 1154, eff 7-1-11; Revoked at 30 Ok Reg 1656, eff 7-15-13]

### **SUBCHAPTER 21. RECORDING ABSENTEE VOTING**

#### **230:30-21-1. List of absentee voter applications available**

On Monday prior to the election the Secretary shall print a copy of the Absentee Voter List report compiled by MESA and shall make the report available for public inspection in the County Election Board office. [26:14-130] If additional applications for emergency incapacitated absentee ballots are received after the report is printed, a new copy shall be printed and made available.

[Source: Amended at 16 Ok Reg 2421, eff 7-1-99; Amended at 30 Ok Reg 1656, eff 7-15-13; Amended at 36 Ok Reg 1545, eff 9-16-19]

### **230:30-21-2. Credit for absentee voting**

Absentee voters receive credit for voting in the election when the date their voted ballots were received by the County Election Board is entered into their application information in MESA.

[Source: Amended at 30 Ok Reg 1656, eff 7-15-13]

### **230:30-21-3. Inactive voters who vote by absentee ballot in a Presidential Election [REVOKED]**

[Source: Revoked at 12 Ok Reg 2235, eff 7-1-95]

### **230:30-21-4. Retaining absentee ballot materials**

All materials used in requesting and casting absentee ballots shall be retained in the office of the County Election Board for 24 months after the date of the election and shall not be removed except under court order. [26:14-132] Applications for absentee ballots that cover more than one election in a calendar year shall be placed in a special file for such applications and shall be retained for 24 months after December 31 of that year. In the case of applications received by electronic mail as outlined in 230:30-5-1.1(e), the electronic mail message containing the application, any printed copy used to process the application, and any electronic mail messages used to transmit ballots and balloting materials as outlined in 230:30-9-5.2 shall be retained for 24 months.

[Source: Amended at 12 Ok Reg 2235, eff 7-1-95; Amended at 27 Ok Reg 598, eff 1-1-10 (emergency); Amended at 27 Ok Reg 1133, eff 6-1-10]

## **SUBCHAPTER 23. SUSPECTED VIOLATIONS OF ABSENTEE VOTING LAWS**

### **230:30-23-1. Suspicious activities**

(a) **Large number of requests.** Typically, absentee voting accounts for about 1.5 percent of the votes cast in an election. The Secretary of the County Election Board shall monitor requests for absentee ballots and shall compare the level of requests with previous elections of a similar nature in his county. In the event there appears to be an unusually large number of requests, the Secretary shall notify the proper authorities.

(b) **Requests for same address.** If there appears to be an unusual number of requests for absentee ballots to be mailed to a single address, the Secretary of the County Election Board shall notify the proper authorities.

(c) **Unusual notarization.** If it appears that a single Notary Public is witnessing a large number of absentee ballot affidavits, the Secretary shall notify the proper authorities.

(d) **Improper witnessing.** If one person witnesses the signatures of more than five physically incapacitated voters, voters charged with the care of physically incapacitated persons, or emergency incapacitated voters, the Secretary shall notify the proper authorities. The absentee ballots shall be counted, however.

(e) **Other suspicious activities.** If there are any suspicious activities, or extraordinary activities, concerning absentee voting, the Secretary shall notify the proper authorities.

[Source: Amended at 20 Ok Reg 477, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1097, eff 7-1-03]



### **230:30-23-2. Proper authorities to notify**

The proper authorities to notify when the Secretary of the County Election Board suspects possible violations of the absentee voting laws include the State Election Board and the District Attorney.

### **230:30-23-3. Notification must be immediate**

The Secretary of the County Election Board shall notify the proper authorities immediately when he suspects possible violations of the absentee voting laws. The Secretary shall not wait until after the election, but rather shall notify the authorities as soon as the suspicious activity occurs.

## **CHAPTER 35. ELECTION CONDUCT**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **230:35-1-1. Purpose**

The rules in this Chapter establish procedures for the administration of elections by the County Election Board. They also provide instructions for Precinct Officials.

[Source: Amended at 16 Ok Reg 2427, eff 7-1-99]

#### **230:35-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Federal election"** means a regular or special election involving candidates for federal offices.

**"MESA"** means the Modern Election Support Application software used by County Election Board personnel for voter registration, absentee voting, and election administration and maintenance.

**"Proof of identity"** means a form of personal identification that meets the requirements listed in 26 O.S., Section 7-114, as amended by State Question 746.

[Source: Added at 23 Ok Reg 1290, eff 7-1-06; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **SUBCHAPTER 3. COUNTY ELECTION BOARD RESPONSIBILITIES**

#### **PART 1. BEFORE THE FILING PERIOD**

#### **230:35-3-1. Notice from State Election Board [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-3-2. Orders for election supplies required by May 1 [REVOKED]**

[Source: Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 22 Ok Reg 1884, eff 7-1-05; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-3-2.1. Election supplies provided by the State Election Board**

The State Election Board prints and/or purchases supplies for conducting elections and distributes them to the County Election Boards. The State Election Board staff, with the assistance of County Election Board personnel, conducts an inventory review of all election supplies during odd-numbered years. The State Election Board staff determines the quantity of election supplies needed by each county for a two-year election cycle and ships those supplies prior to the first regularly scheduled statewide election in even-numbered years. In the event that an unusually large number of special elections depletes the county's election supply inventory, additional supplies may be ordered from the State Election Board as needed.

[Source: Added at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-3-3. Assembling precinct supplies**

(a) Well in advance of any election, the Secretary shall assemble supplies for every precinct and shall pack them in an envelope, a box, a bag, a binder, or another container. The Secretary may use the Supply Envelope and the Supply Box provided by the State Election Board or any other adequate container. Each election supply container shall be labeled for the appropriate precinct. (Some materials cannot be included in the supplies until after ballots are printed.) The Secretary shall prepare and use a Precinct Check List for each precinct to verify that all necessary supplies are included.

(b) The following items shall be included in the election supplies for each precinct. The quantities listed are recommended minimum quantities.

(1) **Precinct Official Notebook.** One Precinct Official Notebook shall be provided for each election day polling place. The Precinct Official Notebook shall contain the Election Day Reference and Problem Solver and forms needed by Precinct Officials on election day.

(2) **Forms, Checklists, and handouts.** In addition to the forms contained inside the Precinct Official Notebook, certain additional forms and handouts shall be included in the election supplies for each precinct. These items may be included inside the Precinct Official Notebook or in another notebook or container according to the preferences of the Secretary of the County Election Board. Each year, the Secretary of the State Election Board shall provide a list of all additional checklists, forms, and handouts to be used by Precinct Officials at all election day polling places.

(3) **Envelopes.** Several special envelopes shall be included in the election supplies for each precinct. Each year, the Secretary of the State Election Board shall provide a list of all special envelopes and appropriate instructions for their use.

(4) **Signs and Maps.** Several specific signs and maps shall be included in the election supplies for each precinct. Each year, the Secretary of the State Election Board shall provide a list of all signs and maps needed at election day polling places and instructions for their use or display.

(5) **Other Supplies.** Other supplies, such as ballpoint pens, paper clips, rubber bands, scissors, and tape, shall be included in the election supplies for each precinct. Each year, the Secretary of the State Election Board shall provide a list of additional supplies needed for all election day polling places.

(6) **Provisional voting supplies.** Provisional voting supplies shall be included in the supplies for each election day polling place. The Secretary of the State Election Board shall provide a list of all such supplies each

year.

**(7) Precinct Registry, Voting Device, and ballots.** The Precinct Registry, voting device, and ballots are issued to the Inspector along with the appropriate election supplies for each election day polling place. See 230:35-3-57 and 230:35-3-68.1.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16; Amended at 36 Ok Reg 1554, eff 9-16-19]

#### **230:35-3-4. Precinct Check List**

The Secretary shall prepare a Precinct Check List for each precinct by entering in the first column the quantity of each item to be packed in the election supply container. As the supplies are assembled and actually placed in each container, the Secretary shall enter a check mark in the appropriate column beside each item. The third column shall be left blank.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00]

#### **230:35-3-5. Storing precinct supplies**

Once the supplies for each precinct have been assembled, the supplies shall be stored in a suitable place until additions can be made at a later date prior to the election.

#### **230:35-3-6. Ballot quantity reports [REVOKED]**

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-3-7. Ballot numbers on Precinct Check List [REVOKED]**

[Source: Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **PART 3. BALLOTS**

#### **230:35-3-13. Ballots printed by State Election Board [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-3-14. State ballots printed in numerical sequence [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-3-15. State Election Board to provide ballot information [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-3-16. Method of providing state ballots [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-3-17. Ballots to be examined**

It shall be the duty of the Secretary of the County Election Board to examine all ballots immediately upon receipt from the printer. Any errors or shortages that are detected shall be reported immediately to the State Election

Board and to the printer.

[Source: Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 30 Ok Reg 1672, eff 7-15-13]

**230:35-3-18. Recording ballot numbers and storing state ballots**

After examining the ballots, the Secretary shall place the ballots in numerical sequence. The Secretary then shall appropriate quantities of ballots to each precinct. The ballots shall be placed inside ballot transfer box. The ballot transfer box shall be labeled for the precinct and shall not be sealed.

[Source: Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 30 Ok Reg 1672, eff 7-15-13]

**230:35-3-19. Time for storage**

The Secretary shall store each type of ballot upon receipt, rather than waiting until all state ballots are received.

**230:35-3-20. County Election Board certifies names [REVOKED]**

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Revoked at 30 Ok Reg 1672, eff 7-15-13]

**230:35-3-21. Ballots printed by County Election Board [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

**230:35-3-22. County ballot copy to State Election Board [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

**230:35-3-23. Receiving, proofing and recording ballots [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

**230:35-3-24. Ballot distribution recorded on Precinct Check List [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

**PART 5. PRECINCT OFFICIAL PAYROLL**

**230:35-3-29. Itemized estimate [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

**230:35-3-30. Pre-Election Expense Claim**

(a) When the state, the county, a school district, a municipality, or any other governmental entity calls an election to be conducted by the County Election Board, the Secretary of the County Election Board shall prepare an estimate of the number of Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers required for the election, and the amount of compensation for all Precinct Officials, Absentee Voting Board members, and any special-purpose precinct workers. [26:3-105.1(A)] The estimate also shall include mileage reimbursement for Inspectors to pick up and return election supplies and materials; for Precinct Officials, and special-purpose precinct workers assigned to polling places located ten miles or more from their homes; for any Absentee Voting Board member who travels 10 miles or more from home to the County Election Board office or in-person absentee polling place to report for duty; and for one

member of each nursing home Absentee Voting Board. The Secretary shall prepare the estimate, which shall be known as a Pre-Election Expense Claim, in MESA. The Pre-Election Expense Claim shall be submitted to the entity not less than 35 days prior to the election. [26:3-105.1(A)]

(b) The compensation for Precinct Officials, Absentee Voting Board members, and any authorized special-purpose precinct workers shall be billed as follows.

(1) **Inspector.** The Inspector shall receive a total of \$97 for an election. The Inspector also shall be reimbursed for mileage for two round trips from his home to the County Election Board office at the rate currently allowed by the Internal Revenue Service for a business expense deduction. An Inspector assigned to a polling place located ten miles or more from his or her home also may be reimbursed for one-way mileage from home to the assigned polling place. See 230:35-3-31.1.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed \$95 per Inspector. The State Election Board also shall be billed for the total amount of mileage reimbursement for the Inspectors. The county shall be billed \$2 per Inspector for a statewide election.

(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed \$97 per Inspector, plus the total amount of mileage reimbursement for the Inspectors.

(2) **Judge and Clerk.** The Judge and Clerk each shall receive a total of \$87 for an election. In addition, a Judge or Clerk assigned to a polling place located ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place. See 230:35-3-31.1.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed \$85 per Judge and \$85 per Clerk. The county shall be billed \$2 per Judge and \$2 per Clerk. The State Election Board also shall be billed for any mileage paid to Judges and Clerks.

(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed \$87 per Judge and \$87 per Clerk. The entity also shall be billed for any mileage paid to Judges and Clerks.

(3) **Absentee Voting Board members.** Absentee Voting Board members each shall receive \$87 for each day they serve for an election. An Absentee Voting Board member who travels ten miles or more from home to the County Election Board office or to a remote in-person absentee polling place to report for duty may receive round trip mileage reimbursement. In addition, one member of each nursing home Absentee Voting Board shall receive mileage reimbursement for the round trip from the County Election Board office to the nursing home or homes.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed for the total amount of \$87 per Absentee Voting Board member plus appropriate mileage reimbursement.

(B) **Other elections.** For a county election, a school election, a municipal election, or any other election, the entity authorizing the election shall be billed \$87 for each Absentee Voting Board member

for each day served plus appropriate mileage reimbursement.

(4) **Special-purpose precinct workers.** Special-purpose precinct workers, such as Provisional Voting Officers or Registration Officials, shall receive \$87 for an election. In addition, a special-purpose precinct worker assigned to a polling place ten miles or more from his or her home may be reimbursed for round-trip mileage from home to the assigned polling place.

(A) **Statewide elections.** For a statewide election, the State Election Board shall be billed \$85 per special-purpose precinct worker. The county shall be billed \$2 per special-purpose precinct worker. The State Election Board also shall be billed for any mileage paid to special-purpose precinct workers.

(B) **Other elections.** For a county election, a school district election, a municipal election or any other election, the entity authorizing the election shall be billed \$87 per special-purpose precinct worker. The entity also shall be billed for any mileage paid to special-purpose precinct workers.

(5) **Mileage.** Mileage is reimbursed at the rate currently allowed by the Internal Revenue Service for a business expense deduction.

(c) When two or more entities hold elections on the same date and two or more of the entities are involved in the same precinct, the cost of Precinct Official, Absentee Voting Board member, and special-purpose precinct worker compensation and mileage reimbursement shall be divided equally among the entities involved in each precinct. However, if a school district election is held on the same date as a county election, the county shall assume the school district's share of Precinct Official, special-purpose precinct worker, and Absentee Voting Board compensation and mileage.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 18 Ok Reg 1874, eff 7-1-01; Amended at 21 Ok Reg 3149, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-3-31. Secretary shall verify names**

The Secretary must verify the names of all Precinct Officials, special-purpose precinct workers, and Absentee Voting Board members who will work in the election by talking personally with each worker. The Secretary may ask the Inspector of each precinct to talk personally with each Judge and Clerk who will work in the election. If this task is assigned to the Inspector, the Inspector shall be required to report to the Secretary the names of the Precinct Officials who will work at an election.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-3-31.1. Secretary shall determine mileage for Precinct Officials** **[REVOKED]**

[Source: Added at 16 Ok Reg 534, eff 1-1-99 (emergency); Added at 16 Ok Reg 2427, eff 7-1-99; Amended at 18 Ok Reg 1874, eff 7-1-01; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13; Revoked at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-32. Verify supply of vouchers**

Upon receipt of a resolution calling for an election, the Secretary shall verify that an ample supply of vouchers for the Special Depository Account is in

stock to issue one voucher to each Precinct Official, to each special-purpose precinct worker, and to each Absentee Voting Board member needed for the election. If additional vouchers are needed, the Secretary immediately shall take the necessary action to acquire them.

[Source: Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-3-33. Funds for Precinct Official compensation**

(a) **Funds to be submitted to County Election Board.** Not less than 15 days before the election, the entity authorizing an election shall submit funds equal to the estimated amount of compensation for Precinct Officials, special-purpose precinct workers, and Absentee Voting Board members to the County Election Board Secretary. [26:3-105.1(B)] If the entity fails to submit the funds, the Secretary shall call the State Election Board as soon as possible. No further action shall be taken until directed by the State Election Board.

(b) **Deposit funds in Special Depository Account.** Upon receipt of the funds, the Secretary shall deposit them in the County Election Board Special Depository Account. [26:3-105.1(B)]

[Source: Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-3-34. Funds for statewide elections**

In the event of a statewide election, the Secretary shall submit a Pre-Election Expense Claim form together with a requisition to the County Clerk and shall follow the procedure established in the county to transfer the county's share of Precinct Official and special-purpose precinct worker compensation into the County Election Board Special Depository Account. [26:3-105.1(E)] A separate Pre-Election Expense Claim shall be submitted to the State Election Board for the state's share of Precinct Official, special-purpose precinct worker, and for all Absentee Voting Board member compensation and mileage. [26:3-105.1(E)]

[Source: Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-35. Prepare and register vouchers for Precinct Officials and Absentee Voting Board members**

(a) **Vouchers for Precinct Officials.** The Secretary shall prepare and register one voucher from the Special Depository Account for compensation and mileage for each Inspector and one voucher for compensation for each Judge, Clerk, and special-purpose precinct worker who will work in the election. The vouchers shall be registered with the County Treasurer with sufficient time allowed for the completion of this process before the Inspector picks up the election supplies.

(b) **Vouchers for Absentee Voting Board members.** The Secretary shall prepare and register one voucher from the Special Depository Account for compensation for each Absentee Voting Board member who will work in the election. The vouchers shall be registered with the County Treasurer.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-3-36. Inspector receives vouchers**

On the day the Inspectors are scheduled to pick up election supplies, the Secretary shall place the appropriate vouchers for Judges, Clerks, and any special-purpose precinct workers inside the Precinct Expense Claim Envelope for each precinct. The envelope shall be sealed. The sealed envelope shall be placed inside the election supply container for each precinct.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-36.1. Absentee Voting Board members receive vouchers**

The Secretary may distribute vouchers to each member of the Absentee Voting Board who served for the election. The vouchers may be given to the Absentee Voting Board members in person at the conclusion of their duties for the election or the vouchers may be mailed within seven days after the election. Under no circumstances shall vouchers be distributed to Absentee Voting Board members before their services are concluded for the election. The Secretary shall require Absentee Voting Board members to sign the Absentee Voting Board Member claim form when their service is concluded for the election.

[Source: Added at 16 Ok Reg 534, eff 1-1-99 (emergency); Added at 16 Ok Reg 2427, eff 7-1-99; Amended at 33 Ok Reg 1417, eff 9-11-16]

#### **230:35-3-37. Inspector distributes vouchers**

After the polls have closed on election day, the Judge, the Clerk, and any special-purpose precinct workers shall sign the Precinct Expense Claim Envelope and receive their vouchers from the Inspector. In no case shall compensation be made until after services have been rendered. [26:3-105.1(C)]

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-38. Inspector receives compensation**

The Inspector shall return the signed Precinct Expense Claim Envelope and any unclaimed vouchers, together with the election returns and supplies, to the County Election Board office. [26:3-105.1(C)] If all vouchers are accounted for, the Inspector shall sign the Precinct Expense Claim Envelope and receive his voucher for compensation and mileage from the Secretary. [26:3-105.1(C)] If any vouchers are unaccounted for, the Inspector shall be responsible for obtaining all necessary signatures of Precinct Officials or special-purpose precinct workers on the Precinct Expense Claim Envelope or for returning all unclaimed vouchers before receiving his own voucher.

[Source: Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-39. Alternative procedure for distribution of vouchers**

The Secretary may distribute vouchers to Precinct Officials and special-purpose precinct workers by United States Mail instead of by the procedure set forth in 230:35-3-36 through 230:35-3-38. [26:3-105.2] When distributing vouchers to Precinct Officials and special-purpose precinct workers by mail, the voucher shall be mailed no earlier than the day of the election and no later than the Tuesday following the election. [26:3-105.2]

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-40. Vouchers for substitutes**



Within seven days following the election, the Secretary shall prepare vouchers for compensation of substitute Precinct Officials or substitute special-purpose precinct workers, who were not paid on election night or for substitute Absentee Voting Board members who were not paid at the conclusion of their service. The Secretary shall cancel the unclaimed vouchers, and register the new vouchers with the County Treasurer. The Secretary immediately shall mail the vouchers to the substitute Precinct Officials, special-purpose precinct workers, or Absentee Voting Board members. No substitute voucher shall be distributed to a Precinct Official, Absentee Voting Board member, or a special purpose precinct worker until the person's signature has been obtained on a Precinct Expense Claim or an Absentee Voting Board Member Claim form.

[Source: Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-3-41. Itemized claim for election expenses**

As soon as possible following the election, the Secretary shall submit an itemized claim, known as a Record of Expense, for all election expenses to the entity for which the election was conducted. The itemized claim shall be prepared in MESA and shall show the amount prepaid by the entity for Precinct Official, special-purpose precinct worker, and Absentee Voting Board member compensation and mileage deducted from the total amount of election expenses. [26:3-105.1(D)] The Record of Expense shall be generated in MESA only after all election expenses have been entered.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-3-42. Payment of balance of expenses**

Within 30 days following submission of the Record of Expense, the Secretary should receive a warrant from the entity to cover the balance of the expenses incurred in the elections. The Secretary shall deposit the warrant in the County Election Board Special Depository Account and disburse funds for the unpaid expenses incurred in the election. [26:3-105.1(D)] In the case of state elections, however, the balance of expenses incurred in the election, including County Election Board member compensation and FICA, shall be paid from the County Election Board's budget account by the County Clerk. Mileage reimbursement for County Election Board members may be paid by the County Election Board from the Special Depository Account or by the County Clerk from a County Election Board budget account. In county elections, all unpaid expenses shall be paid from the County Election Board's budget account by the County Clerk.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-43. State Claim for Absentee Voting Board [REVOKED]**

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Revoked at 16 Ok Reg 534, eff 1-1-99 (emergency); Revoked at 16 Ok Reg 2427, eff 7-1-99]

### **230:35-3-44. County share of Absentee Counters compensation [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-3-45. State payment for Absentee Voting Board [REVOKED]**

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Revoked at 16 Ok Reg 534, eff 1-1-99 (emergency); Revoked at 16 Ok Reg 2427, eff 7-1-99]

### **230:35-3-46. Post-Election Expense Claim [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-3-47. Reconciliation of Precinct Official and Absentee Voting Board member compensation**

Upon receipt of the Record of Expense, the State Election Board shall determine whether there was an overpayment or an underpayment in the amount pre-paid by the State Election Board for Precinct Official, special-purpose precinct worker, and Absentee Voting Board compensation and mileage. If there was either an overpayment or an underpayment of a Pre-Election Expense Claim or a Record of Expense paid by the State Election Board, an adjustment or other provisions will be made. [26:3-105.1(E)]

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 16 Ok Reg 534, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-48. Reconciliation for the county's share of Precinct Official compensation**

If there was either an overpayment or an underpayment of the county's share of Precinct Official and special-purpose precinct worker compensation in a statewide election, the Secretary shall make an adjustment at the time that the balance of the county expenses for the election are paid by the County Clerk. The amount paid before the election by the county for Precinct Official and special-purpose precinct worker compensation must balance with the amount actually paid to Precinct Officials and special-purpose precinct workers after each election. Follow the procedure prescribed by the County Clerk for making the necessary adjustments following the election.

[Source: Amended at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-3-49. Audit of the Special Depository Account**

Due to the volume of activity in the County Election Board Special Depository Account, this account will be inspected by the State Election Board and audited by the office of the State Auditor and Inspector on a periodic basis. The Secretary shall maintain a record in MESA of all deposits to the account and all vouchers issued from the account.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 30 Ok Reg 1672, eff 7-15-13]

## **PART 7. FINAL PREPARATIONS**

### **230:35-3-55. Registration records to be up-to-date**

The Secretary shall cause all voter registration applications received as provided in 230:15-5-86 to be processed and entered into MESA and shall cause voter identification cards and rejection notices to be printed and mailed no later than ten days preceding an election.

[Source: Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 28 Ok Reg 1167, eff 7-1-11]

### **230:35-3-56. Precinct Registry**

The Precinct Registry is a document containing the name and voter registration information for every registered voter in the precinct. The Precinct Registry is arranged in alphabetical order and separated by political affiliation for Primary and Runoff Primary Elections. For General Elections, the Precinct Registry is arranged in alphabetical order but is not separated by political affiliation.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 28 Ok Reg 1167, eff 7-1-11]

#### **230:35-3-56.1. List of restricted records status voters**

The Secretary of the County Election Board shall prepare and maintain in MESA a list of restricted records status voters. See 230:15-9-25. The list shall include only the name, political affiliation, precinct number, school district code and municipal code of each restricted records status voter. Maintaining this information in MESA will cause the restricted records status voter's name to print in the Precinct Registry without his or her residence address. The Secretary also shall print and provide a complete copy of the Restricted Records List to the in-person Absentee Voting Board. Any restricted records status voter who votes in person at his or her precinct polling place shall sign the Precinct Registry beside his or her own name. When a restricted records status voter votes by in-person absentee ballot, the voter's eligibility shall be confirmed by the Restricted Records List and the voter shall sign the Absentee Voting Board Record.

[Source: Added at 24 Ok Reg 1497, eff 7-1-07; Amended at 26 Ok Reg 2533, eff 7-15-09]

#### **230:35-3-57. Requesting and printing Precinct Registries**

As soon as all registration transactions and applications for absentee ballots have been entered into MESA, the Secretary shall cause Precinct Registries for the election to be printed. The Precinct Registries needed for an election shall be printed no earlier than 5 p.m. on Wednesday preceding the election and no later than the day before materials are issued to Inspectors.

[Source: Amended at 21 Ok Reg 558, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11]

#### **230:35-3-57.1. Precinct Registry fees**

The Secretary of the County Election Board is authorized to charge a fee of \$10 per Precinct Registry used in an election to recover the cost of the paper. School districts, municipalities and other entities shall be required to pay this fee unless the election is held in conjunction with a state or county election. [26:3-108.1] Neither the state nor the county shall be required to pay the Precinct Registry fee. If more than one entity is involved in an election, the Precinct Registry fee shall be prorated among the entities involved. The Precinct Registry fee shall be included in the itemized claim for election expenses described in 230:35-3-41.

[Source: Added at 10 Ok Reg 67, eff 10-9-92 (emergency); Added at 10 Ok Reg 2739, eff 7-1-93]

#### **230:35-3-58. Wednesday preparations**

On Wednesday preceding the election, the Secretary shall place at least three of each type of sample ballot inside the election supply container. The Secretary also shall place the Precinct Expense Claim Envelope inside the election supply container. The Secretary shall make appropriate entries on the Precinct Check List.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-59. Employing temporary personnel**

No later than Friday before the election, the Secretary of the County Election Board shall make arrangements for the employment of temporary personnel to assist on election night. Such temporary personnel may include a messenger to assist Inspectors in moving materials inside the courthouse, a messenger to assist with the news media and other personnel the Secretary needs.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-3-60. Obtaining supplies and equipment for election night**

No later than Friday before the election, the Secretary of the County Election Board shall make arrangements to have available receptacles required for receiving materials from the Inspectors on election night, materials required by the news media and other necessary supplies and equipment.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92]

### **PART 9. DISTRIBUTING SUPPLIES AND BALLOTS**

#### **230:35-3-65. Notifying Inspectors**

At least ten days prior to an election, the Secretary shall notify each Inspector of the time and place that supplies and ballots will be issued to that Inspector. The time shall be either on Friday, Saturday or Monday preceding the election. The Secretary also may schedule Inspectors to pick up supplies on Thursday preceding the election if Precinct Registries are printed by that time.

[Source: Amended at 21 Ok Reg 558, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-66. Issuing supplies and ballots**

On Thursday, Friday, Saturday or Monday preceding the election, the Secretary shall issue supplies and ballots for the election to each Inspector.

[Source: Amended at 21 Ok Reg 558, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-3-67. Scheduling distribution**

In scheduling distribution of the supplies and ballots, the Secretary shall arrange for Inspectors to arrive in sufficiently small numbers to avoid confusion at the point of distribution.

#### **230:35-3-68. Assembly line distribution of supplies to Inspectors**

Before the first Inspector arrives, an assembly line system shall be established for distributing the materials. The Secretary or clerical employees of the Board may be involved in distribution. In distributing the materials, the following procedure shall be observed:

- (1) The Inspector shall receive the Precinct Check List and the election supply container. The Inspector shall verify each item in the container, enter

check marks in the appropriate column on the Precinct Check List and close and secure the container as instructed by the Secretary.

(2) The Inspector shall receive the voting device prepared for the precinct. See 230:35-3-68.1.

(3) The Inspector shall receive the Precinct Registry or Registries.

(4) The Inspector shall receive the ballots in ballot transfer boxes. The Inspector shall verify the quantities and numbers of each type of ballot and shall enter check marks in the appropriate columns on the Precinct Check List. The Inspector shall replace the ballots in the ballot transfer box.

(5) If a Watcher is appointed for the precinct, the Secretary shall provide the Inspector with necessary materials and instructions.

(6) If a Pollster has been authorized to conduct an exit poll in the precinct, the Secretary shall provide the Inspector with all necessary information.

(7) The Secretary shall give the Inspector any specific instructions for the election.

(8) The Inspector shall sign the Precinct Check List in the appropriate space.

(9) Assistance may be provided to the Inspector in transporting supplies and materials to his automobile.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-3-68.1. Issuing voting devices and voting device materials**

(a) **Options for issuing voting device and ballot box.** The Secretary shall select one of the following options for issuing the voting device, ballot box and related materials for an election.

(1) The voting device and ballot box may be delivered directly to the polling place by an agent of the County Election Board prior to the day of the election. A secure place for the items must be available at the polling place.

(2) The voting device may be issued to the Inspector at the time supplies are issued and the ballot box may be delivered directly to the polling place by an agent of the County Election Board prior to election day. In some cases, the ballot box may be stored at the polling place. If the ballot box is stored at the polling place, the Secretary shall inform the Inspector of its location and shall take steps to ensure that the Inspector has access to that location upon arrival at the polling place on election day.

(3) The voting device and the ballot box both may be issued to the Inspector at the same time that other election supplies and materials are issued.

(b) **Instructions for Inspector.** The Secretary shall provide the Inspector with all necessary instructions and information concerning the voting device and ballot box at the time other election supplies are issued.

(c) **Record of ballot box stored at precinct.** In the event that a ballot box is stored permanently at a polling place, the Secretary shall make a written record of the precinct number, the name, address and telephone number of the polling place, and the name of a person who can provide access to the stored ballot box at any time. A copy of the written record shall be made available to State Election Board personnel upon request.

[Source: Added at 9 Ok Reg 1231, eff 3-1-92 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 30 Ok Reg 1672, eff 7-15-13]

**230:35-3-68.2. Special ballot box preparation instructions when heavy voter turnout is anticipated**

(a) The ballot box may become too full in some precincts on election days when more than one seventeen-inch ballot is being issued and voter turnout is heavy. The voting device may jam if more than 3000 ballots are in the ballot box. The Secretary of the County Election Board shall be prepared to implement the procedure outlined in (b) of this Section when the following circumstances converge.

- (1) Voters in a precinct will receive more than one seventeen-inch ballot.
- (2) The number of registered voters in a precinct is large and/or heavy voter turnout is expected.

(b) When the circumstances outlined in (a) of this Section exist, the Secretary of the County Election Board shall take the following steps.

- (1) Determine the precincts in which it is likely that the ballot box will become too full.
- (2) Prepare copies of the Notice to Precinct Officials handout and include a copy of it in the supplies for the affected precincts.
- (3) Discuss the instructions with the Inspector of each affected precinct when he or she picks up supplies for the election.
- (4) Instruct the Inspector to call the County Election Board office when the public counter on the voting device console screen indicates that 3000 ballots have been inserted.
- (5) Give the following instructions when the Inspector calls.
  - (A) Stop the voting process briefly. The Inspector shall perform the following tasks while the Judge and Clerk observe.
  - (B) Use the round key to unlock both locks on the main ballot box door and lift it open. Secure the door open with the bungee cord hidden under the top rim of the ballot box.
  - (C) Remove all the voted ballots from the main compartment and put them in ballot transfer cases. Do not attempt to move or tilt the ballot box with the voting device still seated on top.
  - (D) Seal each ballot transfer case with a long white State Election Board seal.
  - (E) The Inspector, Judge, and Clerk all must sign the long white State Election Board seal on each ballot transfer case.
  - (F) Put the sealed ballot transfer cases in a secure location where only the Precinct Officials have access to them.
  - (G) Close the main ballot box door and lock both locks with the round key.
  - (H) Resume the voting process.

[Source: Added at 18 Ok Reg 1874, eff 7-1-01; Amended at 30 Ok Reg 1672, eff 7-15-13]

**230:35-3-69. Appointment of Watchers**

(a) *Any candidate or any recognized political party is entitled to have a Watcher present at any place where an official count is being conducted.* [26:7-130] The Watcher must be commissioned in writing by the candidate or by the county chairman of the political party. [26:7-130] The commission must be filed with the Secretary of the County Election Board no later than 5 p.m. on Wednesday preceding the election. [26:7-130] When a Watcher is commissioned for a precinct, the Secretary shall provide the Inspector with a Procedure for Watchers sheet at the

time the Inspector receives his supplies for the election.

(b) A Watcher may be commissioned to observe voting device testing prior to an election. A Watcher may be commissioned to accompany County Election Board personnel assigned to repair or to maintain voting devices during the hours of voting on election day. Watchers commissioned to observe voting device testing or repair shall be commissioned as outlined in (a) of this Section. Watchers commissioned to observe voting device testing or repair shall be limited to observing the testing or repair procedures and to making a written record of the procedures they have observed. Watchers commissioned to observe voting device testing or repairs shall be placed under oath by the County Election Board Secretary. The Secretary shall recite the following oath: "Do you solemnly swear or affirm that you will abide by all laws and rules prescribed for Watchers and that you will limit yourself to observing the voting device during testing or during the repair procedure?"

(c) A Watcher shall be confined on election day to observing the voting device before the polls are opened and after the polls are closed, or to observing the voting device during repair procedures, and shall not be present at the polling place at other times during election day.

(d) Any Watcher who violates the law prescribed for Watchers shall be deemed guilty of a misdemeanor. [26:7-130] Any person deemed guilty of a misdemeanor under the provisions of state election law shall, upon conviction, be confined to the county jail for not more than one year or fined not more than \$10,000.00 or both. [26:16-110]

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 21 Ok Reg 3149, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11]

### **230:35-3-70. Pollsters [REVOKED]**

[Source: Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 21 Ok Reg 3149, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-3-71. Voting device not issued to precinct polling place**

(a) The Secretary of the County Election Board shall have the authority not to issue a voting device to a precinct polling place on election day only when all of the following circumstances exist.

- (1) Only one entity is holding an election in the precinct.
- (2) Voter registration records indicate that there are no registered voters assigned to the entity in the precinct.
- (3) No one is known to reside within the boundaries of the entity holding the election in the precinct.
- (4) The entity has not exercised its options either to close the precinct or to close only the polling place and to provide only absentee ballots for the election. See only

(b) The Precinct Election Board shall be assigned to the precinct polling place on election day. The Inspector shall receive appropriate precinct supplies, which shall include ballots, a Ballot Accounting Form, provisional voting supplies, and a copy of the special instructions for Precinct Officials outlined in (f) of this section. Contact the State Election Board office for the Provisional Ballots Cast form and include at least two copies of it in the precinct supplies. A voting device shall not be issued for the polling place.

(c) In the event that a voter appears at the polling place on election day and claims to be eligible to vote in the election, Precinct Officials shall issue a provisional ballot to the voter according to the procedure outlined in 230:35-5-177.

(d) At 7 p.m., the Inspector shall indicate the number of provisional ballots, if any, cast on each copy of the Provisional Ballots Cast sheet included in the precinct supplies. The Precinct Officials each shall sign the copies. The copies shall be distributed as follows.

- (1) One copy shall be posted on the polling place door.
- (2) One copy shall be placed inside the ballot transfer box.
- (3) One copy shall be placed inside the clear plastic sleeve on the orange Provisional Ballot Bag.

(e) At the County Election Board office, the Secretary shall cause one of the following actions to occur prior to 7 p.m. on election day.

(1) Program voting devices in the County Election Board office with the election day polling place ID number for each precinct with no polling place open or with no voting device issued to an open polling place on election day.

(A) Prior to 7 p.m. on election day, open the polls on each such voting device.

(B) Immediately after 7 p.m., close the polls on each voting device and print at least two sets of voting device reports.

(C) Remove the election results storage devices from each voting device, and give them to the tabulation computer operator to be read as soon as all absentee results have been read and tabulated.

(2) As an alternative to programming several voting devices, the Secretary may choose to program a single voting device with the county vote center polling place ID number.

(A) Follow the same steps outlined in (1) (A) and (B) of this subsection.

(B) Remove the election results storage device from the voter center voting device. Place the election results storage device in a secure place until all other results storage devices from all voting devices used to count absentee ballots and from all other open precincts have been received, read and tabulated.

(C) Verify that any necessary election night recounts are completed and that all other election results have been read and tabulated.

(D) Read and tabulate the results storage device removed earlier from the voter center voting device.

(3) The options outlined in (1) and (2) of this subsection will cause all precincts involved in the election to appear fully reported on all reports from the tabulation system, from MESA, and on the State Election Board's election results reporting website.

(f) Provide a printed copy of the following instructions to Precinct Officials for use on election day when a voting device is not issued to a precinct polling place.

(1) Although the polling place must be open for today's election, County Election Board records indicate that there are no voters in this precinct eligible to participate in the election. Therefore, a voting device has not been issued for this polling place.

(2) In the event that a voter appears and claims to be eligible to vote in the election today, issue a provisional ballot to the voter following the provisional voting procedure in 230:35-5-177. Indicate either that the



voter's name does not appear in the Precinct Registry or that the voter disputes the school district, technology center district, or municipal assignment indicated in the Precinct Registry.

(3) At 7 p.m., the Inspector shall indicate the number of provisional ballots cast, if any, on each copy of the Provisional Ballots Cast sheet included in the precinct supplies. The Precinct Officials each shall sign all the copies.

The copies shall be distributed as follows:

(A) One copy shall be posted on the polling place door.

(B) One copy shall be placed inside the ballot transfer box.

(C) One copy shall be placed inside the clear plastic sleeve on the orange Provisional Ballot Bag.

(4) If a provisional ballot is cast, follow the instructions in 230:35-5-75.3(g) to secure the orange Provisional Ballot Bag for return to the County Election Board office.

(5) Complete the Ballot Accounting Form and pack the ballots as outlined in 230:35-5-75.3. Pack all remaining supplies as outlined in 230:35-5-76.

[Source: Added at 24 Ok Reg 1497, eff 7-1-07; Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 26 Ok Reg 2533, eff 7-15-09; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

## **PART 11. ELECTION DAY**

### **230:35-3-75. Precinct procedures in Election Day Reference and Problem Solver section of Precinct Official Notebook**

Procedures for conduct of elections at the precinct level are contained in the Election Day Reference and Problem Solver section of the Precinct Official Notebook (Subchapter 5 of this Chapter). Every Inspector, Judge and Clerk is required to observe these procedures.

[Source: Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-76. Familiarity with procedure necessary**

The Secretary and Assistant Secretary or Chief Clerk of the County Election Board shall be thoroughly familiar with the procedures outlined in the Election Day Reference and Problem Solver section of the Precinct Official Notebook (Subchapter 5 of this Chapter).

[Source: Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-77. Arrival at County Election Board office**

Either the Secretary or the Assistant Secretary or Chief Clerk shall arrive at the County Election Board office no later than 6:30 a.m. on election day.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-3-78. Availability**

Continually during the day of the election, either the Secretary, Assistant Secretary or Chief Clerk shall be available at the County Election Board office.

#### **230:35-3-78.1. Reporting violations of the law**

When the Secretary of the County Election Board receives reports on election day of possible violations of election laws either from Precinct Officials or

from voters, the Secretary shall notify the County Sheriff. Enforcement of the election laws is the responsibility of the County Sheriff. The Secretary immediately shall notify both the State Election Board and the District Attorney of any possible violations of the law by Precinct Officials or county election officials. Following the election, the Secretary shall notify both the State Election Board and the District Attorney of any other reports made to the Sheriff of potential felonies.

[Source: Added at 26 Ok Reg 2533, eff 7-15-09]

**230:35-3-79. Election day confirmation of timely, valid voter registration application [REVOKED]**

[Source: Added at 13 Ok Reg 569, eff 11-22-95 (emergency); Added at 13 Ok Reg 2483, eff 7-1-96; Revoked at 22 Ok Reg 1884, eff 7-1-05]

**PART 13. AFTER THE POLLS CLOSE**

**230:35-3-83. Smooth flow of returns necessary**

Prior to the election, the County Election Board shall make plans for canvassing returns on election night. The Secretary shall consult with representatives of the news media to discuss their needs for election night.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 30 Ok Reg 1672, eff 7-15-13]

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

Before the first Inspector arrives, an assembly line shall be established for receiving the returns. The Chairman and Vice Chairman of the County Election Board, the Secretary or employees of the Board may be involved in reception of voting devices, election supplies, and ballot transfer cases from Inspectors. When receiving returns, the following procedure shall be observed:

- (1) Representatives of the news media shall be assigned to a separate office or area. If available, a computer shall be placed in the media area to display the county's election results.
- (2) Appropriate receptacles shall be prepared and arranged for receiving items from Inspectors.
- (3) Inspectors shall form a line as they arrive, and shall be processed one at a time.
- (4) Receive the voting device. Verify that the luggage tag (or other means of identification if the luggage tag is not used) showing the precinct number is attached to the voting device.
- (5) Receive the Envelope for Tally Report. Open the envelope, verify that the following items are present, and examine them as necessary.
  - (A) Examine the original voting device tape, which includes all information printed from the time the polls were opened, including the Power Up Report, the Zero Report, and the first Detail and Tally Report printed when the polls were closed. If the Detail and Tally Report is not included on the tape, open the voting device case, turn on the power and print the report. Attach the Detail and Tally Report to the voting device tape received in the envelope.
  - (B) Examine the Ballot Accounting Form or Forms. Verify that they have been completed and signed by Precinct Officials.

(C) The voting device key envelope shall be examined to be certain that the precinct number is written on it. The key envelope shall be set aside in a secure place.

(D) If uncounted ballots from the emergency compartment are found in the Envelope for Tally Report, ask the Inspector to step aside and wait until the ballots can be scanned on the election night recount voting device and then be properly secured. Ask the Inspector if the ATI device was used by any voter to cast an audio ballot during the day. Examine the Detail and Tally Report, the Ballot Accounting Form or Forms, and the ATI Session Log form to verify that an ATI ballot was cast. If the ATI device was used, make note on the front of the Envelope for Tally Report. See 230:35-3-85.4

(6) If all the necessary items from the Envelope for Tally Report are accounted for, transfer the voting device, the voting device tape, and the Ballot Accounting Form or Forms to the tabulation computer operator.

(7) The sealed ballot transfer boxes shall be received and transferred to secure storage.

(A) Examine the ballot transfer boxes to ensure that they have been properly sealed. If the long white State Election Board seal is missing or broken, immediately affix a short turquoise State Election Board seal to the ballot transfer box. The new seal shall be signed by the County Election Board members and the box for "Other" shall be checked. Write the reason the seal is being applied in the space provided.

(B) In the event that the County Election Board must open a ballot transfer box on election night to retrieve an item enclosed in error inside the box by Precinct Officials, the Board members shall affix a short turquoise State Election Board seal to the box. The new seal shall be signed by the County Election Board members and the box for "Other" shall be checked. Write the reason the seal is being applied in the space provided.

(8) Receive the sealed orange provisional ballot bag.

(A) Remove the Provisional Ballot Roster from the clear plastic pocket on the bag. Make certain that the precinct number is indicated on the Provisional Ballot Roster before separating it from the bag.

(B) Place the provisional ballot bag in a secure receptacle. Access to the provisional ballot bags shall be restricted to authorized County Election Board personnel.

(C) Paperclip or staple the Provisional Ballot Roster pages together and set aside in a secure location. Access to these forms shall be restricted to authorized County Election Board personnel.

(9) Receive and examine the Precinct Registries.

(10) Receive and examine the Precinct Expense Claim Envelope and any unclaimed vouchers.

(11) The Inspector shall sign the Precinct Expense Claim Envelope and receive his voucher for compensation and mileage if all other vouchers are accounted for.

(12) Receive the election supply container and the Precinct Official Notebook and place them in appropriate receptacles.

(13) Receive and store the American flag.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

**230:35-3-84.1. Determining number of signatures on Provisional Ballot Rosters**

The number of signatures on the Provisional Ballot Rosters from each precinct in the county shall be determined by the Secretary of the County Election Board on election night. The total number of signatures on Provisional Ballot Rosters may be made public, but no additional information concerning provisional ballots shall be released prior to 1 p.m. on Friday following the election.

- (1) Count the signatures on each page of the Provisional Ballot Roster for a precinct and record the total number of signatures for the precinct on the Provisional Ballot Precinct Log. If there were no provisional ballots cast in a precinct, enter a zero on the Log.
- (2) When all precinct returns have been received and canvassed, determine the total number of provisional ballots cast in the county by adding the precinct totals together. Enter the total number of signatures in the space provided on the Provisional Ballot Precinct Log.
- (3) Enter the total number of signatures in the Election Night Status window in MESA.
- (4) If this is a multi-county school or municipal election and yours is an affected county, fax or e-mail a copy of the Provisional Ballot Precinct Log to the parent County Election Board.
- (5) Make a copy of the Provisional Ballot Precinct Log available for public inspection in the County Election Board office. Copies may be distributed to any interested party.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

**230:35-3-85. Opening of ballot boxes on election night [REVOKED]**

[Source: Revoked at 9 Ok Reg 1231, eff 3-1-92 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

**230:35-3-85.1. Election night recounts**

(a) **Precinct ballots.** Election night recounts are allowed only under the following circumstances.

- (1) Precinct Officials failed to remove and count ballots in the emergency compartment of the ballot box before they closed the polls on the voting device.
  - (A) If Precinct Officials properly segregated the uncounted ballots from the counted ballots by placing the uncounted ballots inside the Envelope for Tally Report, only the uncounted ballots will be included in the election night recount. See 230:35-5-75.3(e)(6).
  - (B) If Precinct Officials mixed uncounted ballots from the emergency compartment with the counted ballots from the main compartment of the ballot box by placing them in the ballot transfer case, all ballots cast at the polling place will be included in the election night recount.

(2) Both the election results storage device and the backup memory device from a voting device have failed and no results can be obtained from either device. If this occurs, all ballots cast on that voting device will be included in the election night recount.

(3) The Secretary of the County Election Board is directed by the State Election Board to conduct an election night recount of all ballots cast at a precinct polling place in order to resolve a problem not anticipated in this Section.

**(b) Ballots cast during early in-person absentee voting, by mail, and by nursing home or veteran center voters.** Absentee ballots cast during early voting may be recounted on election night only under the circumstances described in (a) of this section. Absentee ballots cast during early in-person absentee voting, by mail, and by nursing home and veteran center voters may be recounted on election night only under the circumstance outlined in (a)(2) of this Section.

**(c) Procedure for election night recount.** An election night recount may be conducted on a voting device designated for election night recounts. The voting device may be programmed either to recount ballots for any precinct in the election or for the specific precinct being recounted. If all the ballots for a large precinct or for a precinct where voters received more than one ballot must be included in an election night recount, more than one voting device may be prepared and used. The election night recount shall be conducted in public view and in the presence of the County Election Board members and a representative of the County Sheriff. [26:7-134.1] If possible, members of the news media also shall be present. The recount shall be conducted according to the following procedure. Before beginning the recount, the Secretary shall determine whether any ballots were cast using the ATI device. If any such ballots were cast, follow the procedure described in 230-35-3-85.4. The Secretary and the County Election Board Chairman and Vice Chairman shall use the printed cast vote record of the ATI ballot to mark a substitute ballot to be inserted in the voting device during the election night recount. The procedure outlined in 230:30-19-6 shall be observed to mark the substitute ballot.

(1) The Secretary shall designate one person to insert the ballots included in the election night recount, one at a time, into the voting device.

(2) After all the ballots included in the election night recount for the precinct have been inserted into the device, the ballots shall be removed from the main compartment of the ballot box and shall be replaced in the original ballot transfer case.

(A) If the voting device was programmed to accept ballots only for the specific precinct being recounted, the polls on the voting device shall be closed and the required number of Detail and Tally Reports shall be printed. The report tapes shall be signed by the operator of the voting device and by the County Election Board members. One copy shall be placed inside the original ballot transfer box with the recounted ballots. Other copies shall be distributed in the same manner described in 230:35-5-75.3(a). Once all Detail and Tally Reports have been printed, the election results storage medium shall be removed and read into the tabulation computer.

(B) If the voting device was programmed to accept ballots for any precinct in the election, the voting device shall be kept secure until it is determined that no additional election night recounts are required. After all other precinct election results have been read into the tabulation computer, the polls shall be closed on the election

night recount device, and the election result storage medium shall be removed and read into the tabulation computer. A Detail and Tally Report is not required to be printed from the voting device. A report from the tabulation computer may be used instead and shall be distributed in the same manner described in 230:35-5-75.3.

(3) The ballot transfer case shall be resealed and a short turquoise State Election Board seal shall be affixed to the box. [26:7-134.1] The new seal shall be positioned so that it can be distinguished from the broken long white State Election Board seal signed by the Precinct Officials. The members of the County Election Board and the person who fed the ballots into the voting device all shall sign the short turquoise seal. The Secretary shall check the "Election Night Recount" box on the seal.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-3-85.2. Addressing voting device printer failure, election results storage device failure and/or backup memory device failure**

(a) In the event that a voting device printer fails and Precinct Officials are unable to print the required Detail and Tally Reports at the polling place, Precinct Officials shall be instructed to post a notice on the door of the polling place that voting device results are unavailable and that results for the precinct will be available from the County Election Board later in the evening. When the election results storage device is read and tabulated in the Tally program, a Precinct Report can be printed to show the results. The Inspector may be asked to take a copy of this report back to the polling place to post on the door before he or she returns home.

(b) In the event that County Election Board personnel are unable to download the results from an election results storage device used in a voting device on election day into the tabulation computer, the County Election Board Secretary immediately shall contact the State Election Board staff for instructions to access the backup memory device in the voting device. In the event that County Election Board personnel are also unable to download results from the backup memory device from a voting device into the tabulation computer, an election night recount of all ballots cast at the precinct polling place shall be conducted as outlined in 230:35-3-85.1.

[Source: Added at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-3-85.3. Removing election results storage device from voting device**

Upon receipt of the voting device from the Inspector, County Election Board personnel immediately shall transfer the voting device to the designated secure work area for removal of the election results storage device. The following procedure shall be observed.

- (1) Unlock and open the voting device case with the square key.
- (2) Verify the seal number on the cover of the compartment containing the storage device against the Inspector's Notes to Secretary sheet. Cut and remove the seal.
- (3) Unlock and remove the compartment cover with the square key.
- (4) Remove the election results storage device.
- (5) Verify that the correct precinct number is recorded on the storage device label.

- (6) Transfer the election results storage device to the tabulation computer operator to be read and tabulated.

[Source: Added at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

#### **230:35-3-85.4. Obtaining and securing cast vote records for ATI ballots**

In the event that a voter used the ATI device to cast an audio ballot during in-person absentee voting or at a precinct polling place, the Secretary shall cause the cast vote record of such audio ballot to be retrieved and printed from the appropriate election results storage device. The printed cast vote record report shall be sealed in an envelope and shall be handed over to the Sheriff along with other voted ballots to be secured as required by law. In the event of a recount, the Sheriff shall deliver the envelope to the courtroom along with all other ballots.

[Source: Added at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-3-86. Sheriff to provide security for voted ballots [REVOKED]**

[Source: Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-3-87. Accumulating and verifying election results**

(a) **Prior to 7 p.m. election night.** Prior to 7 p.m. on election night, and preferably on the day before the election, the Secretary of the County Election Board shall cause the tabulation computer to be prepared to read and tabulate election results.

(b) **After 7 p.m. on election night.** The Secretary shall cause the election results storage devices to be read into the tabulation computer in order to accumulate election results. The following procedure shall be observed.

- (1) The election results storage devices from the voting device or devices used for in-person absentee voting and from the voting device or devices used to count mail and nursing home absentee ballots may be read into the Tally computer immediately after 7 p.m. In all counties except Oklahoma and Tulsa Counties, these absentee results must be read and tabulated before any precinct results.

- (2) As voting devices are received from Inspectors as described in 230:35-3-84, the election results storage devices shall be removed from the voting device as outlined in 230:35-3-85.3, and shall be transferred to the tabulation computer. The tabulation computer operator shall read and tabulate election results storage devices as they are received. The operator should manually start and stop the tabulation process at least once every 10 minutes to ensure that all results read have been tabulated and uploaded to the State Election Board.

- (3) Periodically throughout the evening, the tabulation computer operator shall print appropriate reports with current results. Copies of the updated reports shall be made available to the County Election Board members, to the news media, and other interested persons as needed.

(c) **Verifying election results in MESA and on State Election Board website.**

After all election results storage devices have been read and tabulated, including from the voting device designated and prepared for election night recounts, the tabulation computer operator shall take the following steps.

- (1) Request, print, and label final copies of all reports.

- (2) Close the tabulation program and follow the appropriate software instructions to signal the State Election Board that no additional results will

be received from the county on election night.

(3) Access the certification reporting system in MESA.

(A) Request and print the Election Summary Results by County report and the Precinct Report from MESA.

(B) If yours is the control (parent) county for a multi-county school district or municipality, also request and print the Election Summary Results report to include results from affected counties.

(C) Request and print the Unofficial Pre-provisional Report

(4) Access the State Election Board's election results reporting website and go the page displaying the county's results. Verify that the vote totals shown for the county on the reports printed from the tabulation computer and the results shown on the Election Summary Results by County report from MESA match the totals shown on the website.

(5) If the county is the control (parent) county for a multi-county school district or municipality, go to the multi-county results page and select the multi-county entity from the drop-down list. Verify that the results shown for the entity on the Election Summary Results report, which includes results from affected counties, match the results shown on the website. The control (parent) county does not have a report from the tabulation computer that includes results from affected counties.

**(d) Friday following election.** The Secretary of the County Election Board shall cause a voting device to be designated and prepared for counting provisional ballots. All provisional ballots that have been verified and approved for counting shall be counted in the presence of the members of the County Election Board on the designated voting device. When all provisional ballots have been counted, the following steps shall be performed.

(1) Close the polls on the voting device and print the Detail and Tally Report. Print additional copies of the Detail and Tally Report as instructed by the Secretary.

(2) Remove the election results storage device from the voting device as instructed in 230:35-3-85.3

(3) Read and tabulate the election results storage device in the tabulation computer as outlined in (b) of this Section.

(4) Request, print, and label all appropriate reports.

(5) Compare the results shown on the reports from the tabulation computer with the results shown on the Tally Report from the voting device used to count the provisional ballots. Verify that all vote totals match.

(6) Close the tabulation program and follow the appropriate software instructions to signal the State Election Board that the election results are complete.

(7) Access certification reporting system in MESA.

(A) Request and print the Election Summary Results by County report and the Precinct Report from MESA. Verify that vote total shown include changes resulting from the counted provisional ballots

(B) If yours is the control (parent) county for a multi-county school district or municipality, also request and print the Election Summary Results report to include complete results from affected counties.

(C) Request and print the Unofficial Post-provisional Report. Verify the vote totals shown are correct.



(D) Request and print the appropriate number of Official Certification Reports.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

## PART 15. CERTIFICATION OF RESULTS

### **230:35-3-91. Certifying county election results**

(a) **Election night activities.** On election night, the County Election Board shall canvass the precinct and absentee results for all elections including elections for which the county is an affected county. The County Election Board shall not, under any circumstances, certify election results on election night.

(b) **Friday following election.** The County Election Board shall meet on Friday following each election at the time set by the Secretary to count verified provisional ballots and to certify the final election results. If the Board meets prior to 5 p.m. to count provisional ballots and finishes the count before 5 p.m., the meeting may be recessed and reconvened after 5 p.m. After the provisional ballots have been counted and after all affected counties of entities involved in the election have counted provisional ballots, the Secretary shall request and print an appropriate number of copies of the Official Certification Report for each entity. After the close of the contest period at 5 p.m., the Board shall certify the final election results for all candidate races and all propositions, providing no contests have been filed.

(1) The County Election Board members shall sign each copy of the Official Certification Report in the area provided for signatures.

(2) The Secretary shall apply the official County Election Board seal to each signed copy of the Official Certification Report.

(c) **Disposition of signed and sealed Official Certification Reports.** At least one copy of each signed and sealed Official Certification Report shall be maintained permanently by the County Election Board. In all county, school district, or municipal elections, an appropriate number of copies of the signed and sealed Official Certification Report shall be provided to the entity for which the election was conducted. In some instances, an entity may request multiple signed and sealed copies of the Official Certification Report. The Secretary shall provide the number of copies, within reason, requested by the entity.

(d) **List of nominees.** Following Primary and Runoff Primary Elections, the County Election Board shall authorize the Secretary to prepare an official list of the nominees of each party for each county office on the ballot. The original copy of the list of nominees shall be signed by the Secretary and shall be maintained with the minutes of the County Election Board meeting at which the election results were certified. A copy of the list of nominees shall be posted on the door of the County Election Board office.

(1) Following the Primary Election, the list of nominees shall include any candidate for county office who is unopposed by another member of his or her own political party, and any candidate for county office who receives a majority of the votes cast in the Primary Election. The list shall not include any county office which will appear on the Runoff Primary Election ballot.

(2) Following the Runoff Primary Election, the list shall include all candidates included on the list prepared following the Primary Election and also any candidate who receives a majority of the votes cast in the Runoff Primary Election.

(e) **List of successful candidates and Certificates of Election.** Following General Elections, the Secretary of the County Election Board shall compile a list of successful candidates for each county office on the ballot and shall issue a Certificate of Election to each successful candidate. The list shall include all candidates who were unopposed and who therefore did not appear on the General Election ballot as well as all successful candidates in the General Election.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

#### **230:35-3-91.1. Certificates of Election for unopposed candidates**

The Secretary is authorized to issue a Certificate of Election to an unopposed candidate for county office at any time after 5 p.m. on the second business day following the close of the filing period at which the candidate filed his or her Declaration of Candidacy.

[Source: Added at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-3-92. Tie votes [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 67, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 18 Ok Reg 1874, eff 7-1-01; Amended at 22 Ok Reg 1884, eff 7-1-05; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-3-93. Credit for voting**

Credit for voting shall be given to every registered voter who casts a ballot in an election. Credit for voting in an election shall be recorded in MESA.

[Source: Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **PART 17. DISPOSITION OF MATERIALS**

#### **230:35-3-98. Disposing of ballots**

Voted ballots for Presidential Electors, U.S. Senator, U.S. Representative and from the Presidential Preferential Primary Election shall be retained for 24 months after the election at which they were cast. Unused ballots for Presidential Electors, U.S. Senator, U.S. Representative and from the Presidential Preferential Primary Election shall be retained for 30 days after the election. Both voted ballots and unused ballots for all other elections shall be retained for 30 days after the election at which they were cast. The ballots shall be maintained in the sealed ballot transfer boxes throughout the ballot retention period unless the court orders the transfer boxes opened for a recount. Ballot transfer cases opened for a recount shall be resealed by the County Election Board following conclusion of the recount. When the ballot retention period for an election has expired, the ballot transfer boxes shall be opened and the ballots shall be destroyed.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 25 Ok Reg 351, eff 11-5-07 through 7-14-08 (emergency)<sup>1</sup>; Amended at 30 Ok Reg 1672, eff 7-15-13]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-08 (after the 7-14-08 expiration of the emergency action), the text of 230:35-3-98 reverted back to the permanent text that became effective 7-1-95, as was last published in the 2006 Edition of the OAC, and remained as such until amended by permanent action on 7-15-13.

### **230:35-3-99. Disposing of Precinct Registries**

All Precinct Registries shall be retained for 60 months following the date of the election. [26:7-117] Precinct Registries shall be available for public inspection during the County Election Board's regular office hours. See 230:10-7-45 for additional information about retaining Precinct Registries.

[Source: Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-3-100. Disposing of Detail and Tally Reports**

Detail and Tally Reports printed from the voting devices used to count ballots at an election shall be retained until ballots from the election are destroyed. See 230:35-3-98. At that time, the Detail and Tally Reports also may be destroyed.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-3-101. Processing forms used on election day by Precinct Officials**

(a) The Secretary shall remove forms used on election day by Precinct Officials from the Forms section of the Precinct Official Notebook and all used Oklahoma Voter Registration Applications from the election supply container from each precinct.

(1) The Secretary shall cancel the registrations of deceased voters indicated by used Request to Cancel Registration of Deceased Voter forms as outlined in 230:15-11-4.

(2) The Secretary shall read the Inspector's Notes to Secretary sheets and shall take any necessary action.

(3) The Secretary shall examine the Absentee Voter Affidavit. If MESA identifies voters who voted both by mail or in-person absentee ballot and at a precinct polling place in the election, the Secretary shall notify both the District Attorney and the State Election Board. The Secretary shall follow any instructions concerning the Absentee Voter Affidavit given by either the District Attorney or the State Election Board. See 230:15-9-13.

(b) All voter registration application forms shall be processed according to the procedure outlined in 230:15-9-18 through 230:15-9-26.

(c) After the used election day forms from the Forms section of the Precinct Official Notebook have been processed as outlined in (a) of this Section, they shall be retained for 24 months following the date of the election. The Secretary shall cause the Forms section of the Precinct Official Notebook to be replenished before the next election.

[Source: Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 20 Ok Reg 485, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1105, eff 7-1-03; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 26 Ok Reg 2533, eff 7-15-09; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

#### **230:35-3-101.1. Processing changes of address received on election day**

All voter registration applications received at the in-person absentee polling place or at the precinct polling place on election day, shall be entered in MESA. See 230:15-9-18 and 230:15-9-24. Voter identification cards and rejection notices for the applications received at the in-person absentee polling place or at the precinct polling place on election day shall be printed and mailed as soon as possible after all such applications have been processed. See 230:15-9-29 and

230:15-9-33.

[Source: Added at 12 Ok Reg 2237, eff 7-1-95; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 21 Ok Reg 558, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 26 Ok Reg 2533, eff 7-15-09; Amended at 28 Ok Reg 1167, eff 7-1-11]

### **230:35-3-101.2. Processing othervoter registration applications received at polling places on election day [EXPIRED]**

[Source: Added at 21 Ok Reg 558, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:35-3-101.2 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 558.*

### **230:35-3-102. Disposing of FORMS FOR USE BY PRECINCT OFFICIALS booklets [REVOKED]**

[Source: Revoked at 10 Ok Reg 2739, eff 7-1-93]

### **230:35-3-103. Disposing of supplies**

The Secretary shall examine all supplies for serviceability. Supplies that can be reused, such as signs and unused forms in the forms section of the Precinct Official Notebook, shall be returned to the inventory. Supplies that cannot be reused shall be discarded. Other supplies, such as ballpoint pens, thumbtacks, rubber bands, scissors, paper clips, and tape, shall be replenished as necessary and stored permanently in the election supply container for each precinct. When ballots are destroyed, the Secretary shall examine the ballot transfer boxes. If they are still serviceable, the old seals shall be removed and the boxes shall be retained for future use.

[Source: Amended at 9 Ok Reg 1231, eff 3-1-92 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 25 Ok Reg 351, eff 11-5-07 through 7-14-08 (emergency)<sup>1</sup>; Amended at 30 Ok Reg 1672, eff 7-15-13]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last effective permanent text is reinstated. Therefore, on 7-15-08 (after the 7-14-08 expiration of the emergency action), the text of 230:35-3-103 reverted back to the permanent text that became effective 7-1-00, as was last published in the 2006 Edition of the OAC, and remained as such until amended by permanent action on 7-15-13.*

### **230:35-3-104. Disposing of Precinct Check Lists**

Precinct Check Lists shall be retained until ballots for the election are destroyed. At that time the Precinct Check Lists may be destroyed.

## **PART 19. VERIFYING AND COUNTING PROVISIONAL BALLOTS**

### **230:35-3-125. Handling provisional ballot affidavit envelopes**

Beginning on the day after the election, the County Election Board Secretary shall cause the provisional ballot affidavits to be examined and verified. County Election Board personnel shall open the provisional ballot bag or bags from only one precinct at a time. The affidavit envelopes from a single precinct shall be divided among the County Election Board staff available to work on verification. Access to the provisional ballot affidavit envelopes shall be restricted to authorized County Election Board personnel. No information concerning the identity of provisional voters or the disposition of any provisional ballot shall be disclosed

prior to 1 p.m. on Friday following the election.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-3-125.1. Entering provisional voter information in MESA**

The Secretary of the County Election Board shall cause information about all provisional voters to be entered in MESA. If a provisional voter completed an Oklahoma Voter Registration Application form, follow the appropriate software instructions to enter the registration application and then to enter the provisional voting reason code and provisional ballot resolution code. If a provisional voter did not complete an Oklahoma Voter Registration Application form, follow the appropriate software instructions to enter information about the provisional voter, the reason code and the resolution code. Follow the instructions in 230:35-3-126 through 230:35-3-130 to investigate and verify information provided on the provisional ballot affidavit envelope by the voter. A resolution code must be entered in MESA for every provisional ballot cast.

[Source: Added at 23 Ok Reg 1290, eff 7-1-06; Amended at 28 Ok Reg 1167, eff 7-1-11]

### **230:35-3-126. Criteria for verification of provisional ballot affidavit information**

(a) **Voter not in Precinct Registry.** A provisional ballot cast by a voter whose name is not in the Precinct Registry shall be considered verified and approved for counting if evidence of the voter's valid and timely voter registration is found and if:

- (1) the provisional ballot was cast in the precinct of the voter's residence as indicated in the voter registration record or other evidence found; and
- (2) in the case of a partisan primary election, the voter cast a provisional ballot for the same party as that of the voter's political affiliation in the voter registration record or other evidence found.

(b) **Voter without proof of identity.** A provisional ballot cast by a voter who is unable to provide or who refused to provide a valid form of proof of identity shall be considered verified and approved for counting if all following circumstances are met.

- (1) The voter's name on the affidavit substantially conforms to the voter's name in MESA. If a voter has legally changed his or her name but has not updated the name on his or her voter registration, the voter may note this fact on the affidavit and may submit an Oklahoma Voter Registration Application form to change his or her name for voter registration purposes with the affidavit. Such a voter shall be deemed to have met this requirement.
- (2) The voter's residence address on the affidavit substantially conforms to the voter's residence address in the voter registration database. A voter who has changed his or her residence address within the county, but has not updated the address on his or her voter registration may note this fact on the affidavit and also submit an Oklahoma Voter Registration Application form to change residence address within the county. Such a voter shall be deemed to have met this requirement.
- (3) The voter's date of birth on the affidavit matches the date of birth recorded for the voter in MESA.
- (4) The voter's Oklahoma driver license number as shown on the affidavit or the last four digits of the voter's Social Security number as shown on the affidavit match the information recorded for the voter in MESA. However,

if the voter's original voter registration occurred prior to January 1, 2004, the registration predates any requirement to provide either an Oklahoma driver license number or the last four digits of the Social Security number and this requirement shall not apply.

(c) **Political affiliation dispute.** In the event a voter in the Primary or Runoff Primary Election casts a provisional ballot after disputing the political affiliation indicated in the Precinct Registry, the provisional ballot shall be counted only if evidence of a timely and valid change of political affiliation is found.

(d) **Uniformed services voters.** Uniformed services voters are those identified in Title 26 O.S., Sections 14-121 and 14-137. Provisional ballots cast by these voters shall be counted if they are cast in the correct precinct for the voter's residence address. [26:7-116.1; 26:14-121]

(e) **Overseas voters.** Overseas voters are those voters identified in Title 26 O.S., Sections 14-121 and 14-137. Provisional ballots cast by these voters shall be counted if they are cast in the correct precinct for the voter's residence address.

(f) **School district or municipal assignment dispute.** Voters listed in the Precinct Registry who disagree with their assignment to a particular school district or municipality may cast a provisional ballot for their preferred school district or municipality. Provisional ballots cast by these voters shall be counted only if evidence is found that the assignment indicated in the Precinct Registry is incorrect.

(g) **Voter who disputes existing credit for absentee voting during in-person absentee voting.** In-person absentee voters who have already received credit for voting by mail or on an earlier day of in-person absentee voting and who deny having voted may cast a provisional ballot. Their provisional ballot shall be counted only if evidence is found that the credit for absentee voting for this voter was recorded in error or that evidence is found indicating that the earlier absentee ballot was submitted by someone other than the voter.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-3-127. Provisional ballot verification procedure for voter not in Precinct Registry**

The following steps shall be taken to verify the eligibility of a provisional voter whose name is not listed in the Precinct Registry.

(1) Verify that the voter's residence address as indicated on the provisional ballot affidavit is located within the current geographical boundaries of the precinct in which the provisional ballot was cast. If the address provided by the voter is not in the precinct, the ballot shall not be counted.

(2) Look for the voter's registration information in MESA.

(A) If the voter's registration information is found in MESA, determine whether the voter's residence address shown in MESA is located in the precinct where the provisional ballot was cast. If the voter registration address in MESA is located in the precinct where the provisional ballot was cast, write the voter identification number in the space provided on the affidavit envelope. Try to determine why the voter's name was not found in the Precinct Registry.

(B) If the voter's registration information is not in MESA, the voter is not registered and the ballot shall not be counted.

(3) If the voter provided any additional information on the affidavit that might be used to establish eligibility, investigate it to the extent possible.

- (4) Indicate the disposition of each provisional ballot issued to the voter in the "For CEB Office Use Only" space on the affidavit envelope by placing a check mark beside "Count" or "Reject" as appropriate.
- (5) If a provisional ballot is verified and approved for counting, place the affidavit envelope, unopened, in a locked ballot box or other locked container until the County Election Board meets to open the affidavit envelopes.
- (6) If a ballot is rejected, indicate the reason for the rejection in the space provided on the affidavit envelope. Place all rejected provisional ballot affidavits aside in a secure location completely separate from affidavits not yet verified and from those that are verified and approved for counting.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11]

### **230:35-3-128. Provisional ballot verification procedure for voter without proof of identity**

The following steps shall be observed to verify the eligibility of a provisional voter who was unable or unwilling to provide proof of identity at the polls.

- (1) Look for the voter's registration information in MESA and verify that all the information provided by the voter on the affidavit matches the information recorded in MESA as required in 230:35-3-126(b).
- (2) Indicate the disposition of the provisional ballot in the "For CEB Office Use Only" space on the affidavit envelope by placing a check mark beside "Count" or "Reject" as appropriate
- (3) If a provisional ballot is verified and approved for counting, place the affidavit envelope, unopened, in a locked ballot box or other locked container until the County Election Board meets to open the affidavit envelopes.
- (4) If the ballot is rejected, indicate the reason for the rejection in the space provided on the affidavit envelope. Place all rejected provisional ballot affidavits aside in a secure location completely separate from affidavits not yet verified and from those that are verified and approved for counting.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-3-129. Provisional ballot verification procedure for voter who disputes political affiliation**

The following steps shall be observed to verify the eligibility of a provisional voter who disputes the political affiliation indicated in the Precinct Registry.

- (1) Look at the original registration form in the Central File to determine whether the voter's choice of political affiliation was entered incorrectly in MESA.
- (2) Look for the voter's name on the Pending Political Affiliation Changes report. If a change of political affiliation to the party for which the voter cast a provisional ballot is pending but not yet activated, the voter's provisional ballot must be rejected.
- (3) Check the rejected applications being held in the Additional Information Requested file and the Rejection Registry file to determine if a voter registration application for change of political affiliation to the party for which the voter cast a provisional ballot was rejected.

- (4) Investigate to the extent possible any information provided by the voter on the provisional ballot affidavit that may prove that the voter submitted a valid and timely application for change of political affiliation to the party for which the voter cast a provisional ballot.
- (5) Indicate the disposition of the provisional ballot in the "For CEB Office Use Only" space on the affidavit envelope by placing a checkmark beside "Count" or "Reject" as appropriate.
- (6) If a provisional ballot is verified and approved for counting, place the affidavit envelope, unopened, in a locked ballot box or other locked container until the County Election Board meets to open the affidavit envelopes.
- (7) If the ballot is rejected, indicate the reason for the rejection in the space provided on the affidavit envelope. Place all rejected provisional ballot affidavits aside in a secure location completely separate from affidavits not yet verified and from those that are verified and approved for counting.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11]

**230:35-3-130. Provisional ballot verification procedure for voter who disagrees with school district, technology center district, or municipal assignment**

When an application for voter registration is entered in MESA, the Street Guide automatically assigns the residence address to the appropriate precinct, and within the precinct, the appropriate school district, technology center district, if applicable, and municipality. See 230:15-9-18.1. In the event that a voter disagrees with the school district, technology center district, or municipal assignment indicated in the Precinct Registry, the voter is entitled to cast a provisional ballot in the school district, technology center district, or municipal election in which the voter claims eligibility. Such a provisional ballot may be counted only if evidence is found that confirms that the voter's residence address is in fact located within the appropriate school district, technology center district, or municipal boundary. The following steps shall be observed to investigate a provisional ballot cast as outlined in this section.

- (1) Compare the voter's original registration form from the Central File with the voter registration information in MESA to be certain that the address was entered correctly.
- (2) If the voter submitted a new voter registration application form at the polling place, compare the address information on that new application with the information already in MESA. If the address on the new application contains additional details, such as the quarter-quarter section designation, a 911 address, or a more specific physical description, check the Street Guide to determine if the address is assigned to the voter's preferred school district or municipality.
  - (A) If the address is assigned to the school district, technology center district, or municipality, the ballot shall be counted. Update the voter's registration address information in MESA with the new address.
  - (B) If the address is not assigned to the school district, technology center district, or municipality, the ballot shall not be counted.
- (3) Contact school district, technology center district, or municipal officials for any additional information which may be available.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]



**230:35-3-131. Opening provisional ballot secrecy envelopes and counting provisional ballots**

(a) The County Election Board members shall meet on Friday next following the election at such time as the Secretary may prescribe to open the verified provisional ballot affidavit envelopes and to count the provisional ballots. The Board members shall follow these steps to remove the provisional ballots from the envelopes.

(1) The Board members shall receive the verified provisional ballot affidavits and ballot secrecy envelopes from the Secretary or a designated County Election Board employee.

(2) The Board members shall separate the affidavits from the ballot secrecy envelopes. If an affidavit indicates that the voter received two or more ballots, but that not all the ballots enclosed are to be counted, see (c) of this Section.

(A) Set the affidavit aside.

(B) Place the ballot secrecy envelope in an appropriate container.

(3) When all the affidavits have been separated from the ballot secrecy envelopes, the secrecy envelopes shall be mixed together in the container.

(4) The Board members shall open the ballot secrecy envelopes and remove the ballots.

(A) Set the secrecy envelope aside.

(B) Unfold the ballot and place it in the designated container.

(b) When all the verified provisional ballot secrecy envelopes have been opened, the ballots shall be counted. The following procedure shall be observed.

(1) The Secretary shall assign a County Election Board employee to count the provisional ballots using a voting device designated and prepared for the purpose. The members of the County Election Board shall observe the counting process.

(2) The employee assigned to count the ballots shall take the following steps.

(A) Insert the ballots, one at a time, into the device.

(B) After all the provisional ballots have been counted, close the polls on the voting device and print the Detail and Tally Report. An additional number of Detail and Tally Reports shall be printed as instructed by the Secretary.

(3) The employee who counted the ballots and the members of the County Election Board each shall sign all the copies of the Detail and Tally Report.

(4) The employee shall remove the counted provisional ballots and place them in a ballot transfer case. One signed copy of the Detail and Tally Report shall also be placed in the ballot transfer case. The ballot transfer case shall be sealed with a short turquoise State Election Board seal signed by the County Election Board members and the employee who counted the ballots. The Secretary shall check the "Counted Provisional Ballots" box on the seal and shall indicate the precinct numbers included in the ballot transfer case.

(5) The sealed ballot transfer case shall be given to the Sheriff, who shall provide security for the counted ballots until 5 p.m. on Friday following the election or until the ballots are delivered to the district courtroom for a recount.

(6) One copy of the provisional ballots Detail and Tally Report shall be made available for inspection in the County Election Board office after 1

p.m. on Friday following the election.

(c) If a provisional voter was issued two or more ballots and, upon verification of the voter's information, it is determined that one or more of the ballots cannot be counted, the County Election Board members shall follow these steps when opening the affidavit envelope.

- (1) Open the ballot secrecy envelope.
- (2) Write "Count (BALLOT TYPE OR CODE) ballot only" on the secrecy envelope in red ink.
- (3) Place secrecy envelope in the container with other secrecy envelopes.
- (4) When opening the ballot secrecy envelopes, remove from the marked envelopes only the specific ballot or ballots to be counted. Put the ballots that cannot be counted back in the secrecy envelope and set it aside with the other uncounted provisional ballot materials.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 26 Ok Reg 2533, eff 7-15-09; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-3-132. Obtaining provisional ballot results**

After all the provisional ballots have been counted follow the steps outlined in 230:35-3-87 to obtain the final election results. Under no circumstances shall the results of the provisional ballot count be made public prior to 1 p.m. on Friday following the election.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-3-133. Voter may learn of disposition of own provisional ballot**

(a) An individual voter who casts a provisional ballot shall be able to learn whether or not the provisional ballot was counted, and if it was not counted, the reason it was not counted by contacting the County Election Board office during regular business hours after 5 p.m. on Friday following the election.

(b) In the event that a voter's provisional ballot is rejected because no information is found in MESA, following are some steps that may be taken to provide the voter with information concerning the cancellation of a former voter registration or the rejection of an application for voter registration.

- (1) Check the Central File for the voter's original voter registration form.
- (2) Check both the Cancellation File and the most recent Voter List Maintenance Purge Report for the voter's name. If any information is found concerning the voter's cancelled voter registration, indicate the date of and the reason for the cancellation in the appropriate space on the affidavit.
- (3) Check the pending and rejected applications received after the registration deadline for the election. If the voter's application is located in either of these files, the voter is not registered.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11]

### **230:35-3-134. Retention of provisional ballot materials**

All materials used in connection with provisional voting shall be retained for 24 months after the election.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

## **PART 21. PROOF OF IDENTITY**

**230:35-3-140. Proof of identity required for voting**

(a) Each person appearing to vote at the precinct polling place on election day or at the in-person absentee polling place on a day designated for in-person absentee voting shall provide proof of identity. [26:7-114] "Proof of identity" shall be a document that satisfies all of the following requirements. [26:7-114]

(1) *The document shows the name of the person to whom the document was issued, and the name substantially conforms to the name in the Precinct Registry.* [26:7-114 (1)]

(2) *The document shows a photograph of the person to whom the document was issued.* [26:7-114 (2)]

(3) *The document includes an expiration date, which is after the date of the election in which the person is appearing to vote. The provisions of this paragraph shall not apply to an identification that is valid indefinitely.* [26:7-114(3)]

(4) *The document was issued by the United States, the State of Oklahoma or the government of a federally recognized Indian tribe or nation.* [26:7-114(4)]

(b) A voter identification card or a temporary voter identification document issued by the County Election Board in the county of the voter's residence shall serve as proof of identity without meeting the requirements listed in (a) (2) and (3) of this Section. [26:7-114]

(c) A state identification card issued to a person 65 years of age or older is valid indefinitely and does not have an expiration date. [26:7-114] Such a card is by law a valid proof of identity for the person to whom it was issued. [26:7-114]

(d) A document that includes a space for an expiration date but that displays in that space an indication that the document, in fact, does not expire shall be valid proof of identity for voting purposes. For example, if the document displays "Indefinite" or "Does Not Expire" or some other similar message in the space labeled for an expiration date, the document shall be accepted.

(e) If a person declines to provide proof of identity or is unable to produce proof of identity, the person may sign an Oklahoma Provisional Ballot Affidavit swearing or affirming to be the same person identified in the Precinct Registry and shall be allowed to cast a provisional ballot as outlined in 230:35-5-177. [26:7-114(B)]

(f) False swearing or affirming under oath shall be punishable as a felony and the penalty for such false swearing or affirming, upon conviction, shall be five years in the state penitentiary, a fine of not more than \$50,000.00, or both. [26:7-114]

[Source: Added at 28 Ok Reg 1167, eff 7-11-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

**230:35-3-141. Documents that may be used for proof of identity**

(a) Any document that meets all the requirements listed in 230:35-3-140 may be used as proof of identity for voting purposes. Documents that may be used for proof of identity for voting purposes shall include, but are not necessarily limited to, the following.

(1) a valid Oklahoma driver license

(2) a valid Oklahoma state identification card

(3) a voter identification card issued by the County Election Board in the county of the voter's residence

(4) a temporary voter identification document issued by the County Election Board in the county of the voter's residence

(5) a United States passport

- (6) a United States military identification
  - (7) any other document issued by the state of Oklahoma, the United States government, or a federally recognized tribal government which includes the person's name, a photograph of the person, and an expiration date that is later than election day.
- (b) The name on a document used for proof of identity for voting purposes shall substantially conform to the name on the voter registration record.

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

## **SUBCHAPTER 5. INSTRUCTIONS FOR PRECINCT ELECTION OFFICIALS**

### **PART 1. PRECINCT ELECTION BOARD**

#### **230:35-5-1. Purpose**

The rules in this Subchapter establish policies and procedures to be observed by Precinct Officials during elections. These rules detail the organization of the Precinct Election Board, preparations for the election, conduct of election day duties and the return of election results and supplies to the County Election Board office. The rules contained in this Subchapter are published for distribution to County Election Board personnel and Precinct Officials as the Election Day Reference and Problem Solver section of the Precinct Official Notebook. The Election Day Reference and Problem Solver is an essential part of Oklahoma's uniform statewide election system.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

#### **230:35-5-2. Publication of Election Day Reference and Problem Solver**

Prepared by the staff of the State Election Board for use by County Election Board Secretaries, Precinct Officials and other election personnel, the Election Day Reference and Problem Solver is published as a section within the Precinct Official Notebook and is intended to complement other publications of the State Election Board. The Election Day Reference and Problem Solver includes the rules contained in this Subchapter.

[Source: Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

#### **230:35-5-3. Precinct Election Board [REVOKED]**

[Source: Revoked at 16 Ok Reg 2427, eff 7-1-99]

#### **230:35-5-4. Appointment of Counters [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-5-5. Eligibility and training of Board members [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 15 Ok Reg 2567, eff 7-1-98; Revoked at 16 Ok Reg 2427, eff 7-1-99]

#### **230:35-5-6. Disqualification of Board members; "consanguinity," "affinity," "third degree" defined [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2567, eff 7-1-98; Revoked at 16 Ok Reg 2427, eff 7-1-99]

### **230:35-5-7. Removal of Inspectors, Judges and Clerks [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Revoked at 16 Ok Reg 2427, eff 7-1-99]

### **230:35-5-8. Authority of Inspector**

The Inspector is the administrative officer of the Precinct Election Board and is in charge of the operations of the polling place on election day. It is the Inspector's duty to receive election materials from the Secretary of the County Election Board and to ensure that the procedures contained in the Election Day Reference and Problem Solver section of the Precinct Official Notebook are followed correctly on election day. At times, the Inspector also may be responsible for relaying special instructions or new information from the County Election Board Secretary to the Judge and the Clerk.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

## **PART 3. PREPARATIONS FOR ELECTION DAY**

### **230:35-5-15. Notification [REVOKED]**

[Source: Revoked at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-16. Inspection of polling place**

The Inspector conducts an inspection of the polling place before picking up the supplies and ballots for the election. The purpose of the inspection is to find out what fixtures and furnishings are available for the Precinct Election Board to use and also to locate and make arrangements to use the nearest telephone on election day. The Inspector must report any potential problems with the polling place to the County Election Board Secretary.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-17. Receiving supplies and ballots**

(a) **Notification.** The Inspector picks up election supplies and ballots at the County Election Board office before election day. About ten days before the election, the County Election Board Secretary notifies the Inspector of the date, time, and place to receive supplies and ballots for the precinct.

(b) **Precinct Check List.** When picking up election supplies, the Inspector uses a Precinct Check List form to verify that all the supplies are included in the correct quantity. The Inspector places a check mark beside each item in the shaded column labeled "Insp."

(c) **Items received.** The Inspector receives these items.

(1) **Election supplies.** The Inspector receives the election supplies. The election supplies may be packed in a box, an envelope, a bag, a binder or other container. The election supplies include the Precinct Official Notebook, signs, envelopes, keys, ballpoint pens, and other items Precinct Officials need on election day.

(2) **Precinct Registry.** The Inspector receives the Precinct Registry or Registries for the precinct. The Precinct Registry is a printed list of the

names and addresses of all the registered voters in the precinct. The Precinct Registry is arranged in alphabetical order and separated by political affiliation for Primary and Runoff Primary Elections. For General Elections, the Precinct Registry is arranged in alphabetical order but it is not separated by political affiliation.

(3) **Keys.** The Inspector receives two keys - the round ballot box key and the square voting device key. The round ballot box key unlocks both locks on the main compartment of the ballot box, the door of the emergency compartment of the ballot box and the rear door of the ballot box. The square voting device key unlocks both locks on the voting device case. The keys are together on a key ring and enclosed in the unsealed voting device key envelope.

(4) **Ballots.** The Inspector receives the ballots for the precinct. The precinct's ballots are listed on the Precinct Check List form. There may be only one ballot or several ballots depending on the type of election or elections being conducted on a particular date. Ballots are bound in books of 100 ballots. The Inspector must be sure that the ballot quantities listed on the Precinct Check List are included in the supplies.

(5) **Voting Device.** The Inspector receives the voting device that has been prepared for the precinct.

(d) **Inspector signs form.** After verifying that all items listed on the Precinct Check List are present in the correct quantities, the Inspector signs the form in the space provided at the bottom and returns the signed form to the Secretary. [26:7-103]

(e) **Inspector takes custody of supplies.** The Inspector takes the supplies, ballots, and voting device with him or her from the County Election Board office and keeps them in a safe place until election day.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-17.1. Ballot box, voting booths, and signs**

The County Election Board provides one ballot box, and at least two voting booths for each precinct. The County Election Board also may provide signs to designate the location of the door nearest the polling place within a large building and signs to designate parking areas or entrances that are accessible to the disabled. The County Election Board Secretary has several options for distributing ballot boxes, voting booths, and signs to precinct polling places. The Inspector receives instructions from the Secretary about the ballot box, voting booths, and signs when picking up election supplies and ballots.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-18. Supply Envelope and Supply Box [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-19. Precinct Registry [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-20. Ballot box and keys [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-21. Voting device keys [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-22. Ballots [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-23. Precinct Check List [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

## **PART 5. PREPARATIONS FOR ELECTION DAY**

### **230:35-5-28. Preparation of polling place**

The Inspector, Judge, and Clerk meet at the polling place at 6:30 a.m. on election day and follow these steps to prepare for the election. [26:7-105]

- (1) Display the American flag either inside or outside the polling place as instructed by the County Election Board Secretary.
- (2) Open the election supplies container and remove the supplies as directed in the following steps.
- (3) Display the Oklahoma Election Procedures C Important Voter Information sign and the Election Law Violations sign outside the polling place so that voters can read the information before entering. Use either thumbtacks or tape to secure the sign to a door, window, wall, or other surface.
- (4) Post the Vote Here sign in a conspicuous place outside the polling place.
- (5) Display at least three copies of each sample ballot. Post one set of the sample ballots near the Oklahoma Election Procedures C Important Voter Information sign and the Election Law Violations sign.
- (6) Make sure that all the ink pens work.
- (7) Set up the voting booths so that you can tell whether more than one person is in a booth at any given time, but also so that voters may mark their ballots in secrecy.
- (8) Post one Attention Voter poster inside each voting booth. This poster may be attached permanently to some voting booths.
- (9) Put the Precinct Official Notebook on the table.
- (10) Put some Oklahoma Voter Registration Application forms on the table at both the Inspector's position and the Judge's position. It is also a good idea to put some of the Oklahoma Voter Registration Application forms in a visible location away from the Precinct Officials' table, if possible.
- (11) Set aside the remaining supplies. They will be used after the polls close.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-29. Location and materials for Judge**

The Judge is the first Precinct Official the voter sees. Position the Judge closest to the entrance. Put these items at the Judge's position:

- (1) Precinct Registry or Registries

- (2) Ballpoint pens
- (3) Oklahoma Voter Registration Application forms
- (4) Address Information Requested handouts
- (5) Provisional Ballot Voucher forms
- (6) Other items as required by the Secretary of the State Election Board or the County Election Board.

[Source: Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 16 Ok Reg 853, eff 1-29-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-30. Location and materials for Clerk**

The Clerk is positioned beside the Judge so that the Clerk is the second Precinct Official the voter sees. Put these items at the Clerk's position.

- (1) Ballots.
- (2) Secrecy folders.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-31. Location and materials for Inspector**

The Inspector is positioned beside the Clerk and near the voting device. Put these items at the Inspector's position.

- (1) Ballpoint pens.
- (2) Voting device.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-31.1. Location and materials for provisional voting**

Place the provisional voting supplies and materials on a table separate from the table for the Judge, Clerk, and Inspector. Put these items on the provisional voting table:

- (1) Checklist for Provisional Voting Officer
- (2) Provisional Voting Information handouts
- (3) Oklahoma Provisional Ballot Affidavits
- (4) Ballot secrecy envelopes
- (5) Provisional Ballot Materials envelopes
- (6) Provisional Ballot Rosters
- (7) Oklahoma Voter Registration Application forms
- (8) Provisional Ballot Bag

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-32. Preparation of voting device**

Before the polls open, the Inspector follows these steps, with the help of the Judge and Clerk as needed, to prepare the voting device.

- (1) Place the ballot box near an electrical outlet.
- (2) Follow the instructions in the Election Day Reference and Problem Solver section of the Precinct Official Notebook to set up the ballot box, to attach the voting device to the ballot box, and to close and lock the emergency compartment of the ballot box.
- (3) Follow the instructions in the Election Day Reference and Problem Solver section of the Precinct Official Notebook to open the voting device



case and to attach and plug in the power cord.

(4) Follow the instructions in the Election Day Reference and Problem Solver section of the Precinct Official Notebook to turn on the voting device, open the polls on the voting device, and to prepare the voting device to accept ballots.

(5) Check the number printed on the seal on the election results storage device compartment cover and verify that it is the same as the number recorded on the Inspector's Notes to Secretary sheet.

(6) Check the precinct number on the luggage tag attached to the voting device and verify that it is the same as the precinct number that printed at the beginning of the Zero Tape. If either of these numbers is not the correct number for this precinct, call the County Election Board office immediately.

(7) Verify that the voting device console screen displays the Ready to Scan message.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

#### **230:35-5-32.1. Special instructions for preparing ballot box when heavy voter turnout is expected [REVOKED]**

[Source: Added at 18 Ok Reg 1874, eff 7-1-01; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **PART 7. GENERAL GUIDELINES**

#### **230:35-5-36. Primary function**

The primary duty of a Precinct Official is to serve voters C to help eligible voters to vote and to make sure that all votes on properly marked ballots are cast and counted.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-37. No member may leave polling place**

Once the Precinct Officials arrive at the polling place, they may not leave until the Inspector is ready to return to the County Election Board office that night after the polls close. However, if a telephone is not available at the polling place, the Inspector may need to leave to call the County Election Board office. With this one exception, all three Precinct Officials must remain on duty at the polling place from the time they arrive in the morning until all the day's work is completed after the polls close.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-38. Election results reported to news media**

Sometimes news media representatives contact Precinct Officials to report election results on election night. It is permissible, but not required, for Precinct Officials to do this. Under no circumstances may any election results be reported until after a Detail and Tally Report has been posted on the door of the polling place. If the Secretary of the County Election Board includes a special form in the election supplies to be used to report the precinct's results for the local news media, the Inspector completes it as instructed and returns it to the County Election Board office with the other election materials.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-5-39. Violations of the law**

If members of the Precinct Election Board observe an election law being violated, it would be proper for the Inspector to inform the violator that his action is against the law. However, under no circumstances shall the Precinct Election Board be involved in enforcement of the violations. If violators persist in their actions, the Inspector immediately shall notify the Secretary of the County Election Board.

[Source: Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 258, eff 1-1-11 (emergency); Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-40. Problems**

When questions arise during the day, consult The Election Day Reference and Problem Solver section of the Precinct Official Notebook for solutions. If the answer cannot be found in this publication, or if the Precinct Officials are uncertain how to apply the information in these publications to the situation at hand, the Inspector should call the County Election Board office for advice.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-5-41. Inspector's Notes to Secretary**

The Inspector uses the Inspector's Notes to Secretary sheet in the Forms section of the Precinct Official Notebook to record problems or questions that arise during the day. Even problems that are referred to the County Election Board Secretary for immediate remedy should be recorded on this sheet.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

## **PART 9. OPENING THE POLLS**

### **230:35-5-46. Opening the polls**

At precisely 7 a.m., the Inspector announces that the polls are open.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-47. Before processing first voter**

The Inspector, Judge and Clerk each show their proof of identity, sign the Precinct Registry, and cast their ballots before processing the first voter. If a Provisional Voting Officer or a Registration Official has been assigned to the precinct, that person also votes before the first voter is processed. If a Precinct Official is not a registered voter in the precinct, however, that Precinct Official cannot vote.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13]

## **PART 11. PROCESSING THE VOTER**

### **230:35-5-52. Persons entitled to vote**

Only persons who are registered voters are entitled to vote in elections in Oklahoma. [26:4-102] A person whose name is listed in the Precinct Registry is entitled to vote in the precinct. A person whose name is not listed in the Precinct

Registry, but who claims to reside within the geographical boundaries of the precinct and who claims to be registered and eligible to vote in the election is entitled to a provisional ballot. See 230:35-5-171.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-5-52.1. Voters eligible to vote when two or more entities hold elections on same date**

Two or more entities may hold elections on the same date. School districts, municipalities, and some other entities have boundaries that do not follow precinct lines, with the result that a precinct may contain more than one school district or municipality. Any combination of these entities may hold elections on the same day. A voter must be registered to vote at an address within the boundaries of a school district or a municipality to vote in a school district or municipal election. The Precinct Registry lists a code for the school district or municipality in which a voter is eligible to vote. (If no school district or municipal code is listed for a voter or if the voter says the school district or municipal code listed is incorrect, see 230:35-5-113.2.) It is, however, the voter's responsibility to determine his or her own eligibility to vote in elections held by certain other entities. If a voter is uncertain of his or her eligibility to vote in an election, the Judge shall show the voter a map of the precinct that shows the entity's boundary line.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 16 Ok Reg 853, eff 1-29-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-5-53. Order of voting [REVOKED]**

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-54. Time limit**

A voter who is voting without assistance may stay in the voting booth for only five minutes. A voter who is voting with the help of an assistant may stay in the voting booth no longer than ten minutes. [26:7-121] A voter using the ATI device to vote an audio ballot may stay in the voting booth for as long as necessary to vote, review, and cast the audio ballot. Voters must leave the voting enclosure immediately after they finish voting.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-55. Routine for Judge**

(a) The Judge follows these routine steps to process voters. Refer to the Judge's section of the Election Day Reference and Problem Solver in the Precinct Official Notebook for instructions in non-routine situations.

(1) Greet the voter and ask the voter's name. If this is a Primary or Runoff Primary, also ask the voter's political party.

(2) Ask to see the voter's proof of identity.

(A) The voter may present any one of the following documents as proof of identity:

(i) An Oklahoma driver license

(ii) A voter identification card issued by the County Election Board

- (iii) A temporary voter identification document issued by the County Election Board
- (iv) A state identification card
- (v) A United States passport
- (vi) A United States military identification, including retired military identifications
- (vii) Any other such document issued by the state of Oklahoma, the United States government, or a federally recognized tribal government which includes the person's name, a photograph of the person, and, if the document has an expiration date, that expiration date is later than election day. A document that does not bear an expiration date, and is therefore valid indefinitely, shall be valid proof of identity.

(B) Use the voter's proof of identity document to find the voter's name in the Precinct Registry. The person's name on the proof of identity must substantially conform to the name listed in the Precinct Registry.

(C) If the voter does not provide proof of identity, the voter must be offered the opportunity to vote by provisional ballot. The provisional ballot affidavit, once verified by the County Election Board after election day, shall be valid proof of identity.

(3) If there is a message printed in the "Signature of Voter" column, follow the instructions in 230:35-5-113 or 230:35-5-113.1.

(4) Tell the voter to sign the Precinct Registry. [26:7-114; 26:7-117]

(5) Carefully check the following information in the Precinct Registry to determine the ballots the voter is eligible to receive.

(A) For a Primary Election, check the political affiliation listed in the Precinct Registry.

(i) Persons registered with a specific political party affiliation are allowed to receive only the Primary or Runoff Primary ballot for that party.

(ii) Persons registered as Independent (or "no party") voters may be eligible to choose a party ballot if the party has allowed Independent voters to vote in its primary elections. Tell Independent voters to read the Information for Independent Voters card, if applicable.

(B) If this is a school district, technology center district, or municipal election, look in the "School," "TC," and "Muni" columns. A voter is eligible to receive ballots for the entities listed in these columns.

(6) Refer to the Ballot Codes List provided by the County Election Board and write the code for each ballot the voter will receive in the "Ballots Issued" column of the Precinct Registry.

(7) Tell the Clerk which ballots the voter is eligible to receive.

(b) If the voter's name is not in the Precinct Registry, if the voter does not have or refuses to provide proof of identity, or if the voter disputes the political affiliation or district information listed in the Precinct Registry, the voter is entitled by both state and federal law to cast a provisional ballot. Refer the voter to the Inspector or to the Provisional Voting Officer. See 230:35-5-171. If a voter who is eligible to cast a provisional ballot refuses the offer of the provisional ballot and leaves the

polling place without voting, record the incident on the Provisional Ballot Refusal form.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2567, eff 7-1-98; Amended at 16 Ok Reg 853, eff 1-29-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 33 Ok Reg 1417, eff 9-11-16; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-5-56. Routine for Clerk**

The Clerk follows these routine steps to process voters. Refer to the Precinct Problem Solver section of the Precinct Official Notebook in non-routine situations.

- (1) Give the voter a ballot for each election in which he or she is voting.  
[26:7-117]
- (2) Offer the voter a secrecy folder. Use of secrecy folders is not required.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-57. Routine for Inspector**

The Inspector follows these routine steps to process voters. Refer to the Election Day Reference and Problem Solver in the Precinct Official Notebook for instructions in non-routine situations.

- (1) Give the voter a ballpoint pen.
- (2) Direct the voter to a vacant voting booth and ask the voter to read the Attention Voter poster in the voting booth.
- (3) Tell the voter that after marking the ballots in the privacy of the voting booth, he should place the voted ballot inside a secrecy folder, if used, and return to the voting device. [26:7-120]
- (4) When the voter returns to the voting device, tell the voter to feed the ballot into the voting device. Either end of the ballot may be fed first and the ballot may face up or down.
- (5) Retrieve the ballpoint pen and secrecy folder, if used, from the voter.
- (6) If the voting device returns a ballot, the voter may be able to resolve the problem himself by following the instructions on the voting device console screen and pressing the appropriate buttons. However, the Inspector should always be prepared to answer questions and to assist the voter if necessary.
- (7) If the voting device console screen displays an error code and a message indicating that the ballot has already been counted, follow the instructions in the Election Day Reference and Problem Solver in the Precinct Official Notebook to resolve the problem.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 11 Ok Reg 315, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-58. Additional duties of Inspector**

In addition to Inspector's duties when processing voters, the Inspector also performs the following tasks on election day.

- (1) Inspect voting booths and other areas of the voting enclosure periodically for discarded ballots. If you find unmarked ballots discarded in a voting booth or other location within the voting enclosure, show them to the Judge and Clerk and then feed them into the voting device.

(2) If you find marked ballots, show them to the Judge and Clerk and attach them to the Inspector's Notes to Secretary sheet. Explain on the sheet that the ballot was found discarded in a voting booth or other location within the voting enclosure.

(3) Inspect voting booths and other areas within the voting enclosure periodically for campaign literature and remove any that you find.

(4) Call the County Election Board office immediately if the ballot supply seems low.

(5) Check the public counter on the voting device console screen periodically through the day. Call the County Election Board office immediately if the public counter reaches 3000. Follow the instructions given by the County Election Board staff.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-59. Voter assistance**

Some voters are entitled to special assistance while voting. Procedures for assisting these voters are located in "Assistance outside polling place for disabled voter" and the "Blind, physically disabled, or illiterate voter" in the Election Day Reference and Problem Solver in the Precinct Official Notebook (230:35-5-119 and 230:35-5-120.1). A physically or visually disabled voter may vote privately and independently by using the audio tactile interface (ATI) for the voting device. Any voter may ask to use the ATI. The ATI provides an audio version of the ballot and a mechanical method to navigate the ballot, make selections, and cast the ballot. See the Election Day Reference and Problem Solver for instructions to activate the ATI for a voter to use it.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-60. Registration Officials**

A Registration Official may be assigned to a precinct on election day to help voters fill out voter registration application forms correctly. Voters for whom the "Confirm Address" or "Insufficient Address" message appears in the Precinct Registry and some provisional voters are asked to complete voter registration application forms at the precinct. If a Registration Official is assigned to the precinct, the Judge may refer such voters to the Registration Official to complete the application form. Registration Officials use the Voter Registration Application Checklist to review each voter's completed form to make certain it is complete and legible. If a voter does not have a street address, the Registration Official may need to use the precinct map to help a voter write adequate directions to the residence or to determine the legal description (section-township-range) of the residence. The Registration Official also must be certain that the voter has signed and dated the voter registration application form. A Registration Official may also serve simultaneously as a Provisional Voting Officer as outlined in 230:55-3-15. A Registration Official is not a member of the Precinct Election Board and is not authorized to perform any other duty ordinarily assigned to the Judge, Clerk, or Inspector.

[Source: Added at 21 Ok Reg 558, eff 2-3-04 (emergency); Added at 22 Ok Reg 1884, eff 7-1-05]

## **PART 13. PROCEDURES FOR MUNICIPAL AND SCHOOL DISTRICT ELECTIONS [REVOKED]**

### **230:35-5-64. Procedures may vary for municipal elections [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-65. Procedures vary for school elections [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

## **PART 15. AFTER THE POLLS CLOSE**

### **230:35-5-70. Closing the polls**

At precisely 7 p.m. on election day, the Inspector announces that the polls are closed. Any registered voters who are in line to vote at 7 p.m. must be permitted to vote. [26:7-104] The Inspector must keep lines of voters orderly and secure. The Inspector shall make certain that all voters have finished voting and have fed their ballots into the voting device before closing the polls on the voting device and obtaining the required number of Detail and Tally Reports. Follow the voting device instructions in the Election Day Reference and Problem Solver section of the Precinct Official Notebook to close the polls on the voting device and to print the required reports.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-5-71. No one leaves**

The Inspector, the Judge, and the Clerk all stay at the polling place until all the work has been finished, all the supplies and materials are packed, and the Inspector is ready to return to the County Election Board office.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-72. Counters not authorized [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-73. Counters authorized [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-74. Inspector shall not count [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-75. After all ballots are counted [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-75.1. Obtaining Detail and Tally Report**

After all voters who are in line at 7 p.m. have finished voting and have fed their ballots into the voting device, the Inspector unlocks the emergency compartment of the ballot box, takes out any ballots deposited there during the day, and feeds them into the voting device. See 230:35-5-154. The Inspector then follows the voting device instructions in the Election Day Manual and Problem Solver section of the Precinct Official Notebook to obtain the required number of copies of the Detail and Tally Report.

- (1) Tear the tape off the voting device when it finishes printing the first Detail and Tally Report.
- (2) The Inspector, Judge, and Clerk sign the first Detail and Tally Report in the spaces provided at the end of the tape.
- (3) Print at least two more copies of the Detail and Tally Report. In the event that the Secretary of the County Election Board has instructed the Inspector to print additional copies of the Detail and Tally Report, print the number of additional copies as instructed.
- (4) Tear each additional copy of the Detail and Tally Report off the device as it finishes printing and sign each copy in the spaces provided at the end of each report tape.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17; Amended at 36 Ok Reg 1554, eff 9-16-19]

### **230:35-5-75.2. Securing the voting device**

After printing the required number of Detail and Tally Reports, the Inspector follows the voting device instructions in the Election Day Reference and Problem Solver section of the Precinct Official Notebook, with the help of the Judge and Clerk as needed, to secure the voting device, to remove all voted ballots from the ballot box, and to secure them in the ballot transfer case for return to the County Election Board office. Prepare the ballot box for transport or for storage on-site at the polling place as instructed by the Secretary. Put the voting device key envelope in the Envelope for Tally Report.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-5-75.3. Completing election night tasks**

**(a) Distribution of Detail and Tally Report.** Distribute the Detail and Tally Reports as follows.

- (1) Put the original Detail and Tally Report, which includes the Zero Report and the signatures of the Inspector, Judge, and Clerk, inside the Envelope for Tally Report.
- (2) Post one copy of the Detail and Tally Report on the polling place door.
- (3) Put one copy of the Detail and Tally Report inside the ballot transfer case.

**(b) Ballot Accounting Form.** The Clerk fills out and signs the Ballot Accounting Form or Forms. The Inspector and Judge verify the numbers recorded on the Ballot Accounting Form or Forms and then sign the form or forms. Put the finished Ballot Accounting Form or Forms in the Envelope for Tally Report.

**(c) Packing ballots and sealing ballot transfer cases.** Pack all used and unused ballots in ballot transfer cases. If possible, pack unused ballots in a ballot transfer case separate from the voted ballots. Seal each ballot transfer case with clear packing tape and attach a long white State Election Board seal. Indicate on the seal whether the case contains voted ballots, unused ballots, or a combination of voted and unused ballots. The Inspector, Judge, and Clerk all sign the long white State Election Board seal on each ballot transfer case.

**(d) Sealing the Envelope for Tally Report.** The Inspector verifies that the following items are inside the Envelope for Tally Report and then seals the envelope. The Inspector, Judge, and Clerk all sign the envelope flap.



- (1) Original Detail and Tally Report, which includes the Zero Report, and the signatures of the Inspector, Judge, and Clerk.
- (2) Voting device key envelope.
- (3) Ballot Accounting Form or Forms.
- (4) Uncounted ballots found in the emergency compartment of the ballot box after the polls were closed on the voting device and the Detail and Tally Reports were printed.
- (5) Any other forms or materials as instructed by the Secretary of the County Election Board.

(e) **Precinct Expense Claim Envelope.** The Judge and Clerk sign the Precinct Expense Claim Envelope and receive their vouchers from the Inspector. Vouchers may not be distributed under any circumstance until after the polls close. [26:3-105.1(c)]

(f) **Provisional Ballot Bag.** The Inspector or the Provisional Voting Officer shall complete the following steps.

- (1) Put the Provisional Ballot Roster in the large, clear plastic pocket on the orange Provisional Ballot Bag.
- (2) Make certain that all completed Provisional Ballot Materials envelopes are inside the Provisional Ballot Bag.
- (3) Zip the bag and seal it with the blue plastic seal.
- (4) Pack any unused provisional ballot materials and supplies as instructed by the County Election Board Secretary.
- (5) Place the sealed Provisional Ballot Bag, the packed supplies, and any Oklahoma Voter Registration Application forms completed by provisional voters with the other materials that the Inspector returns to the County Election Board office.

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-76. Repacking supplies**

The Inspector, Judge, and Clerk repack all election supplies into the same container in which they were received. Use the following list while repacking to verify that all supplies and materials are accounted for.

- (1) Used signs (Vote Here, Oklahoma Election Procedures - Important Voter Information, Election Law Violations, and Attention Voter, if applicable) and sample ballots.
- (2) Precinct Official Notebook.
- (3) Used and unused Oklahoma Voter Registration Application forms.
- (4) Secrecy folders.
- (5) Ballpoint pens.
- (6) Remaining paper clips, rubber bands, thumbtacks, and tape.
- (7) Scissors.
- (8) Unused provisional voting materials, and all other unused materials and supplies.
- (9) Flashlight.

[Source: Amended at 17 Ok Reg 2371, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-77. Repacking the Supply Box [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Revoked at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-78. Condition of polling place**

Clean and straighten the polling place and leave it in the same condition as it was before the election.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-79. Inspector returns to the County Election Board office**

(a) **Inspector's items.** After all the work is completed, the Inspector returns to the County Election Board office with the following items.

- (1) Voting device.
- (2) Envelope for Tally Report.
- (3) Election supplies.
- (4) American flag.
- (5) Precinct Registry or Registries.
- (6) Precinct Expense Claim Envelope and any unclaimed vouchers.
- (7) Sealed ballot transfer cases.
- (8) Sealed orange Provisional Ballot Bag.

(b) **At the County Election Board office.** At the County Election Board office, the Inspector turns over the voting device, the ballots, and the election supplies and materials to County Election Board personnel. [26:7-133]

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 34 Ok Reg 1130, eff 9-11-17]

### **230:35-5-80. Inspector receives compensation**

The Inspector returns the signed Precinct Expense Claim Envelope and any unclaimed vouchers, together with the election returns and supplies, to the County Election Board office. [26:3-105.1(C)] If all vouchers are accounted for, the Inspector signs the Precinct Expense Claim Envelope and receives his voucher for compensation and mileage before leaving the County Election Board office. [26:3-105.1(C)] If any vouchers are unaccounted for, the Inspector is responsible for obtaining all necessary signatures of Precinct Officials on the Precinct Expense Claim Envelope or for returning all unclaimed vouchers before receiving his own voucher.

[Source: Amended at 17 Ok Reg 2351, eff 7-1-00]

### **230:35-5-81. Inspector shall not leave**

The Inspector may not leave the County Election Board office until all the supplies and materials for the precinct have been received and verified by County Election Board personnel.

[Source: Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 36 Ok Reg 1554, eff 9-16-19]

## **PART 17. AFTER THE POLLS CLOSE IN PRECINCTS USING VOTING DEVICES [REVOKED]**

### **230:35-5-88. Closing the polls [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-89. No one leaves [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-90. Precinct Expense Claim Envelope [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-91. Packing the Totals Printout [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-92. Sealing the envelope [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-93. Repacking the Supply Envelope [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-94. Repacking the Supply Box [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-95. Condition of polling place [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-96. Items for Inspector [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-97. Inspector receives compensation [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-98. Inspector shall not leave [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

## **PART 19. PRECINCT PROBLEM SOLVER**

### **230:35-5-105. Publication of Precinct Problem Solver**

Prepared by the staff of the State Election Board for use by County Election Board Secretaries, Precinct Officials and other election personnel, the procedures contained in the Precinct Problem Solver have been incorporated into a new publication entitled Election Day Reference and Problem Solver. This new publication is contained in the Precinct Official Notebook and it is intended to complement other publications of the State Election Board. The Election Day Reference and Problem Solver includes the rules and procedures contained in Parts 19 through 29 of this Subchapter.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-106. Divisions of PRECINCT PROBLEM SOLVER [REVOKED]**

[Source: Revoked at 15 Ok Reg 2571, eff 7-1-98]

## **PART 21. VOTERS LISTED IN PRECINCT REGISTRY WHO HAVE PROBLEMS WITH ELIGIBILITY**

### **230:35-5-111. Voter whose name is not in Precinct Registry --- Challenged Voter Procedure [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 20 Ok Reg 485, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1105, eff 7-1-03; Revoked at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-5-111.1. Person who applied for voter registration but has not received voter identification card [REVOKED]**

[Source: Added at 13 Ok Reg 569, eff 11-22-95 (emergency); Added at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-5-112. Voter whose name is in inactive section of Precinct Registry [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-113. Voter who has applied for absentee ballots**

(a) The words "Absentee Ballot Requested" or "Absent Ballot" appear in the Precinct Registry on the signature line beside the name of a voter who requested absentee ballots for the election. A voter who has applied for absentee ballots may vote at the polling place only after signing the pink Absentee Voter Affidavit. [26:7-115] If the voter refuses to sign the pink Absentee Voter Affidavit, offer the voter a provisional ballot.

(b) The Judge follows this procedure.

- (1) Tell the voter to read the oath printed on the pink Absentee Voter Affidavit form and then to sign the form.
- (2) After the voter signs the Absentee Voter Affidavit, tell the voter to sign the Precinct Registry across the words "Absentee Ballot Requested" or "Absent Ballot."
- (3) Return to the routine procedure.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 17 Ok Reg 2351, eff 7-1-00; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-113.1. Voter for whom address information is requested**

The words "Confirm Address" or "Insufficient Address" may appear in the signature line beside a voter's name. When either of these messages appear on the signature line beside the voter's name, the Judge follows these steps.

- (1) Give the voter a copy of the Address Information Requested handout and an Oklahoma Voter Registration Application form. Ask the voter to fill out and sign the application form. The voter may return the completed application to a Precinct Official before leaving the polling place or may mail the form at a later time.
- (2) Tell the voter to sign the Precinct Registry in the signature space over the words "Confirm Address" or "Insufficient Address" and return to the routine procedure.

[Source: Added at 15 Ok Reg 2571, eff 7-1-98; Amended at 16 Ok Reg 853, eff 1-29-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99]

**230:35-5-113.2. Determining voter's school district or municipality**

(a) The school district in which a voter is eligible to vote is listed in the column labeled "School" in the Precinct Registry. The technology center district in which the voter is eligible to vote is listed in the column labeled "TC." The Judge refers to the Ballot Codes List provided by the Secretary and writes the appropriate school district and technology center school district codes in the "Ballot Issued" column in the Precinct Registry and tells the Clerk the elections in which the voter is voting.

(b) The municipality in which a voter is eligible to vote is listed in the column labeled "Muni" in the Precinct Registry. If the word "None" appears in the "Muni" column, the voter does not reside within the boundaries of a municipality and is not eligible to receive a municipal ballot. If the municipality nominates and elects its officers by ward, the municipal code in the "Muni" column will include a numeral to indicate the ward number to which the voter's residence is assigned. The Judge writes the municipal code and the appropriate municipal ballot codes in the "Ballot Issued" column in the Precinct Registry and tells the Clerk the elections in which the voter is voting.

(c) The "School" "TC," and/or the "Muni" column in the Precinct Registry is blank for some voters. The Judge follows these steps when the voter's school district or municipal code is not indicated.

- (1) Show the voter the precinct school district or municipal map.
- (2) Ask the voter to find his residence on the map and to determine from the map the school district and/or municipality in which he or she lives.
- (3) If a technology center school district also is holding an election in the precinct, determine the corresponding technology center district from the information in the legend on the map.
- (4) If the municipality is holding an election in one or more wards, ask the voter also to determine from the municipal map the ward in which he or she lives.
- (5) Tell the voter to sign the Precinct Registry.
- (6) Write the school district, technology center district, and/or municipal ballot codes in the "Ballot Issued" column.
- (7) Tell the Clerk the elections in which the voter is voting.
- (8) Return to the routine procedure.

(d) If a voter tells you that the school district, technology center district, or municipality indicated in the Precinct Registry is incorrect, the Judge follows these steps.

- (1) Show the voter the school district or municipal map for the precinct.
- (2) Ask the voter to find his residence on the map and to determine from the map the school district, technology center district, or municipality in which he or she lives.
- (3) If the voter says that the map is incorrect, the voter is entitled to cast a provisional ballot. Fill out a Provisional Ballot Voucher indicating the school district, technology center district, or municipality in which the voter claims to reside and tell the voter to take it to the Inspector or the Provisional Voting Officer.

[Source: Added at 16 Ok Reg 853, eff 1-29-99 (emergency); Added at 16 Ok Reg 2427, eff 7-1-99; Amended at 22 Ok Reg 519, eff 2-8-05 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13]

**230:35-5-113.3. Identification Required voter [REVOKED]**

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Revoked at 25 Ok Reg 1921, eff 7-1-08]

## **230:35-5-114. Military or Overseas Voter [AMENDED AND RENUMBERED TO 230:35-5-173]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 20 Ok Reg 485, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1105, eff 7-1-03; Amended and renumbered to 230:35-5-173 at 22 Ok Reg 1884, eff 7-1-05]

### **PART 23. VOTER ASSISTANCE**

#### **230:35-5-119. Assistance outside the polling place for physically disabled or infirm voter**

(a) A voter who comes to the polling place but who cannot come inside to vote because of a physical disability or infirmity is entitled to vote outside the polling place assisted by two Precinct Officials. [26:7-123.1] If the voter is only visually disabled, this procedure does not apply. [26:7-123.1]

(b) Precinct Officials use this procedure when they learn that a physically disabled or infirm voter is outside wanting to vote. Before going outside to help the voter, the Precinct Officials must stop processing voters inside the polling place.

(1) The Inspector tells the Judge to stop allowing voters to sign the Precinct Registry.

(2) After all the voters who already have signed the Precinct Registry finish voting, the Inspector and one of the other Precinct Officials go outside to help the voter. The Inspector and the other Precinct Official must be registered to vote in different political parties.

(3) The Inspector and the other Precinct Official take these items outside with them to assist the voter.

(A) Precinct Registry

(B) Ballots

(C) Secrecy folder

(D)

Precinct Official Notebook

(E) Oklahoma Voter Registration Application form

(F) Address Information Requested handout

(4) The Precinct Official who stays inside the polling place does not allow any voters to sign the Precinct Registry or receive ballots while the Inspector and the other Precinct Official are outside.

(c) The Inspector and the other Precinct Official follow this procedure when they go outside to help the voter.

(1) The Inspector reads this oath to the voter: "Do you swear or affirm that you cannot enter the polling place to cast your ballot today because of a physical disability or infirmity? Do you further swear or affirm that the disability or infirmity is not a visual disability?"

(2) The other Precinct Official finds the voter's name in the Precinct Registry, asks to see the voter's proof of identity, and places a checkmark in the ID box beside the voter's name. The voter signs the Precinct Registry if able to do so. If the voter cannot sign the Precinct Registry, the other Precinct Official prints the voter's name in the Precinct Registry and writes his own initials beside the voter's printed name.

- (3) If the Precinct Registry contains either the "Confirm Address" or "Insufficient Address" message, give the voter the Address Information Requested handout and the Oklahoma Voter Registration Application form. See 230:35-5-113.1.
- (4) If the voter can mark the ballot without assistance, the Precinct Officials allow the voter to do so. The Precinct Officials allow the voter as much privacy as possible to mark the ballot in secret. The voter puts the ballot in the secrecy folder.
- (5) If the voter cannot mark the ballot, the voter chooses an assistant. The voter's assistant may be the other Precinct Official or any other person the voter wants. However, the Inspector cannot be the voter's assistant.
- (6) The Inspector reads this oath to the voter's assistant. "Do you swear or affirm that you are not the voter's employer or an agent of the voter's employer? [26:7-123.3] Do you swear or affirm that you are not an officer or agent of the voter's union? [26:7-123.3] Do you swear or affirm that you will mark the voter's ballot or help the voter mark the ballot according to the voter's wishes?" [26:7-123.3]
- (7) The voter's assistant marks the voter's ballot as the voter instructs. The Precinct Officials allow the voter and the voter's assistant as much privacy as possible to mark the ballot in secret. The voter's assistant puts the ballot in the secrecy folder.
- (8) The Inspector prints the names of the voter and the voter's assistant on the Voter Assistance Form and puts a check mark in the "Physically Disabled Voter (Other Than Visual) Who Cannot Enter Polling Place" column.
- (9) If the voter marked his or her own ballot, the other Precinct Official signs the Voter Assistance Form. If the voter did not mark his or her own ballot, the voter's assistant and the other Precinct Official shall sign the Voter Assistance Form. If the other Precinct Official served as the voter's assistant, he or she shall sign the Voter Assistance Form only in the column labeled "Precinct Official Who Takes Ballots Outside Polling Place." The Inspector signs the Voter Assistance Form in the space provided at the bottom of the form.
- (10) The Precinct Officials go back inside the polling place. The Inspector, using the secrecy folder and with the other two Precinct Officials watching, immediately puts the ballot in the voting device.
- (11) Return to the routine procedure.

[Source: Amended at 11 Ok Reg 315, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 16 Ok Reg 853, eff 1-29-99 (emergency); Amended at 16 Ok Reg 2427, eff 7-1-99; Amended at 24 Ok Reg 1497, eff 7-1-07; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-120. Physically disabled voter [REVOKED]**

[Source: Amended at 11 Ok Reg 315, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1587, eff 6-1-94; Revoked at 15 Ok Reg 2571, eff 7-1-98]

#### **230:35-5-120.1. Assistance inside the polling place for blind or visually disabled voters, physically disabled voters, or illiterate voters**

Some voters need assistance to vote because they are blind or visually disabled, physically disabled or infirm, or illiterate. Such voters must always be offered the opportunity to vote privately and independently using the ATI device attached to the voting device. If a voter chooses not to use the ATI, however, the

Precinct Officials follow this procedure.

(1) The Inspector reads the one of the following oaths that is appropriate for the voter.

(A) **Oath for blind or visually disabled voter.** "Do you swear or affirm that you need assistance to vote because you are blind or visually disabled?"

(B) **Oath for physically disabled voter.** "Do you swear or affirm that you need assistance to vote because you are physically disabled?"

(C) **Oath for illiterate voter.** "Do you swear or affirm that you need assistance to vote because you are unable to read or write?"

(2) The voter chooses an assistant. The assistant may be anyone the voter wants, including the Judge or the Clerk, but not the Inspector.

(3) The Inspector reads this oath to the voter's assistant. "Do you swear or affirm that you are not the voter's employer or an agent of the voter's employer? Do you swear or affirm that you are not an officer or agent of the voter's union? Do you swear or affirm that you will mark the ballot or help the voter mark the ballot according to the voter's wishes?"

(4) The voter signs the Precinct Registry if he can. If the voter cannot sign the Precinct Registry, the Judge prints the voter's name in the Precinct Registry and then writes his own initials beside the voter's printed name.

(5) The Clerk issues the appropriate ballot to the voter.

(6) The Inspector prints the names of the voter and the voter's assistant on the Voter Assistance Form and puts a check mark in the appropriate column to describe the reason the voter needed assistance.

(7) The Inspector and the voter's assistant both sign the Voter Assistance Form.

(8) The voter and the voter's assistant go into a voting booth to mark the voter's ballot.

(9) The voter and the assistant return to the voting device after marking the ballot and put the ballot in the voting device.

[Source: Added at 15 Ok Reg 2571, eff 7-1-98; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-121. Illiterate voters [REVOKED]**

[Source: Amended at 11 Ok Reg 315, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1587, eff 6-10-94; Revoked at 15 Ok Reg 2571, eff 7-1-98]

### **230:35-5-122. Blind or visually disabled voter [REVOKED]**

[Source: Amended at 11 Ok Reg 315, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1587, eff 6-1-94; Revoked at 15 Ok Reg 2571, eff 7-1-98]

## **PART 25. SPECIAL SERVICES**

### **230:35-5-127. Spoiled ballots**

(a) A spoiled ballot is a ballot that the voter marks incorrectly, or a ballot that is defaced or damaged by the voter. Before spoiling a ballot, the Inspector must follow the appropriate instructions in the Election Day Reference and Problem Solver in the Precinct Official Notebook to determine whether the ballot already has been counted.

(b) When a ballot is spoiled because the voter either has made an error marking it or has damaged or defaced it in some way, such as making a mark in a security bar



code, the Clerk uses this procedure.

- (1) Ask the voter to fold the spoiled ballot. If more than one ballot was issued to the voter, tell the voter to put all correctly marked ballots in the voting device.
- (2) Take the folded ballot from the voter, tear it into small pieces, and discard it. [26:7-132]
- (3) Tell the voter to read the oath printed on the gold Spoiled Ballot Affidavit and to sign the form. [26:7-122]
- (4) Write the ballot code in the "Ballot Spoiled" column beside the voter's signature.
- (5) Issue a new ballot to replace the spoiled ballot. [26:7-122]
- (6) Tell the voter to go back to the voting booth, mark the new ballot and put the new ballot in the voting device.

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 11 Ok Reg 315, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1587, eff 6-1-94; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-128. Voter who moved to new residence in the county**

(a) A registered voter who has moved to a new residence in the same county but who has not changed his or her voter registration to the new address is entitled to vote. The voter may vote only at the polling place serving the former residence address. The voter's name must be in the Precinct Registry. While at the polling place, the voter may apply to change his or her voter registration address. [26:4-117] The decision to apply to change voter registration is the voter's decision.

(b) If a voter wants to apply to change his or her voter registration address on election day, the Judge and Inspector follow this procedure.

- (1) The Judge verifies that the voter's name is in the Precinct Registry. If the voter's name is not in the Precinct Registry, see 230:35-5-111.
- (2) The Inspector gives the voter an Oklahoma Voter Registration Application form.
  - (A) Tell the voter to read the instructions printed on the form.
  - (B) Tell the voter to fill out and sign the form.
  - (C) Tell the voter to bring the form back to the Inspector. (The voter may take the application form away from the polling place and mail it later. The form will not receive special handling, however, and the voter may not be able to vote at the new polling place for the next election.)
  - (D) Tell the voter that a new voter identification card will be mailed to the new address. The new voter identification card will list the new precinct number and polling place location.
- (3) The Judge asks the voter to sign the Precinct Registry and returns to the routine procedure. [26:4-117]

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98]

### **230:35-5-129. Cancellation of registration of deceased voter**

The next of kin of a deceased voter may cancel the deceased voter's registration at the polling place on election day. [26:4-120.3] The decision to cancel such a registration belongs to the next of kin. The Inspector follows this procedure if the next of kin chooses to cancel the registration.

(1) Print the following information on the Request to Cancel Registration of Deceased Voter form.

(A) Precinct number.

(B) Today's date.

(C) The deceased voter's name, residence address, and birth date.

(2) Ask the next of kin to read the Request to Cancel Registration of Deceased Voter form and to sign it if all the information is correct.

(3) Sign the form and indicate your title.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 20 Ok Reg 485, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1105, eff 7-1-03; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

## **PART 27. WATCHERS AND POLLSTERS**

### **230:35-5-134. Watchers**

(a) Watchers sometimes are commissioned by a candidate or a political party to watch the voting device used in the precinct. [26:7-130] The Secretary of the County Election Board tells the Inspector that a Watcher will be in the precinct when the Inspector picks up the ballots and supplies for the election. If the Secretary does not tell the Inspector about a Watcher, then no one can be a Watcher in the precinct.

(b) When the Watcher arrives at the polling place, the Inspector places the Watcher under this oath. "Do you swear or affirm that you will abide by all the laws and rules prescribed for Watchers? Do you swear or affirm that you will limit yourself to watching the voting device before the polls are opened and after the polls are closed? Do you swear or affirm that you will not stay at the polling place at other times?"

(c) A Watcher may come to the polling place with County Election Board personnel to watch any voting device repairs made during the election day. A Watcher who comes to the polling place to watch voting device repairs already has been placed under oath by the County Election Board Secretary.

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 13 Ok Reg 569, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2483, eff 7-1-96; Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 21 Ok Reg 3149, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-135. Watchers in precincts with voting devices [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-5-136. Pollsters**

A Pollster is someone authorized to conduct an exit poll on election day within 300 feet of a ballot box. [26:7-108.1] The Secretary of the County Election Board tells the Inspector when the Inspector picks up ballots and supplies for the election that a Pollster will be at the polling place. If the Secretary does not tell the Inspector about a Pollster, no one can conduct an exit poll within 300 feet of the ballot box.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 21 Ok Reg 3149, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

## **PART 29. VIOLATIONS OF THE LAW**

### **230:35-5-141. Electioneering prohibited [REVOKED]**

[Source: Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-142. Disclosure of vote prohibited [REVOKED]**

[Source: Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-143. Intoxicating liquor prohibited [REVOKED]**

[Source: Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-144. Voting ballots issued [REVOKED]**

[Source: Amended at 28 Ok Reg 258, eff 1-1-11 (emergency); Amended at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-145. Persons authorized inside election enclosure [REVOKED]**

[Source: Amended at 21 Ok Reg 3149, eff 7-22-04 (emergency); Amended at 22 Ok Reg 1884, eff 7-1-05; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-146. Action when laws are violated**

If a Precinct Official sees or suspects an election law violation, the Inspector takes only the following steps. The Inspector never attempts to enforce the law under any circumstances.

(1) If the suspected violation is described in the Election Day Reference and Problem Solver in the Precinct Official Notebook, take only these steps.

(A) Tell the person involved that the action is against the law.

(B) Read what Election Day Reference and Problem Solver in the Precinct Official Notebook says about the violation, if necessary. Tell the person that this is the law.

(C) Call the Secretary of the County Election Board immediately if the person continues the action that violates the law.

(2) If the Election Day Reference and Problem Solver does not describe the possible violation, the Inspector calls the Secretary of the County Election Board immediately.

[Source: Amended at 15 Ok Reg 2571, eff 7-1-98; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **PART 31. MALFUNCTION OF VOTING DEVICE**

#### **230:35-5-150. Publication of VOTING DEVICE HANDBOOK FOR PRECINCT OFFICIALS [REVOKED]**

[Source: Added at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-151. Voting device stops accepting ballots [REVOKED]**

[Source: Amended at 8 Ok Reg 3635, eff 10-3-91 (emergency); Amended at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-5-152. After the polls close [REVOKED]**

[Source: Revoked at 8 Ok Reg 3635, eff 10-3-91 (emergency); Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-5-153. Emergency compartment of ballot box [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-154. Removing ballots from emergency compartment [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 10 Ok Reg 2739, eff 7-1-93; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

## **PART 33. OPERATION OF VOTING DEVICE**

### **230:35-5-159. Voting device messages [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-160. Responding to voting device messages [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 12 Ok Reg 2237, eff 7-1-95; Amended at 14 Ok Reg 2631, eff 7-1-97; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-161. Ballots returned by voting devices [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-162. Override button [REVOKED]**

[Source: Added at 8 Ok Reg 3635, eff 10-3-91 (emergency); Added at 9 Ok Reg 2387, eff 7-1-92; Amended at 15 Ok Reg 2571, eff 7-1-98; Revoked at 30 Ok Reg 1672, eff 7-15-13]

## **PART 34. PROVISIONAL VOTING PROCEDURES**

### **230:35-5-171. Voter's name not found in Precinct Registry**

A voter whose name is not in the Precinct Registry is entitled by law to vote a provisional ballot. Before issuing a provisional ballot, Precinct Officials shall follow these steps to try to determine whether the voter is in the correct precinct, and if not, to direct the voter to the correct polling place. However, no voter shall be turned away without having the opportunity to cast a provisional ballot. Ask to see the voter's voter identification card.

(1) **Voter with voter identification card.** If the voter shows you a voter identification card, check the Precinct Registry again for the name exactly as it appears on the card. If the voter's name still cannot be found, use the precinct map to determine whether the residence address on the voter identification card is located within the current geographical boundaries of this precinct.

(A) If the address is located in this precinct, issue a provisional ballot. See 230:35-5-176 and 230:35-5-177.

(B) If the address is not located in this precinct, using the map and any other reference material provided by the Secretary of the County Election Board, try to determine the voter's correct precinct and polling place location. If possible, call the County Election Board office for help to determine the voter's correct precinct.

(C) If you cannot determine the voter's correct precinct and/or you cannot reach the County Election Board office, offer a provisional

ballot.

(2) **Voter without voter identification card.** If the voter does not have a voter identification card, show the voter the precinct map and ask the voter to locate his residence.

(A) If the residence is located in this precinct, issue a provisional ballot.

(B) If the residence is not located in this precinct, using the precinct map and any other reference material provided by the Secretary of the County Election Board, try to determine the voter's correct precinct and polling place location. If possible, call the County Election Board office for help to determine the voter's correct precinct.

(C) If you cannot determine the voter's correct precinct and/or you cannot reach the County Election Board office, offer a provisional ballot.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-5-172. Voter with no proof of identity**

A voter who does not have or who refuses to provide proof of identity is entitled by law to cast a provisional ballot. Follow the provisional voting procedure in 230:35-5-177.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-173. Voter disputes political affiliation indicated in Precinct Registry**

At a partisan primary election, a voter who disputes the political affiliation indicated in the Precinct Registry is entitled to cast a provisional ballot for the preferred political party. Follow the provisional voting procedure in 230:35-5-177.

[Source: Amended and renumbered from 230:35-5-114 at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-5-174. Voter disputes school district, technology center district, or municipal assignment in Precinct Registry**

A voter who disputes the school district, technology center district, or municipal assignment indicated in the Precinct Registry is entitled to cast a provisional ballot for the school or technology center district or municipality in which the voter claims to reside. Follow the provisional voting procedure in 230:35-5-177.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-5-175. Uniformed services or overseas voter**

(a) Some persons may be entitled to vote a provisional ballot and to have that ballot counted without being registered if they are eligible to become registered voters, if they are residents of the precinct, if they provide proof of identity as outlined in 230:35-5-55, and if they also meet one of the following requirements.

(1) The person was honorably discharged from the uniformed services of the United States and has returned home 90 days or less before the election.

(2) The person is on officially authorized leave from the uniformed services of the United States and has returned home 90 days or less before the election.

- (3) The person was terminated or is on leave from his or her service or employment overseas and returned home 90 days or less before the election.
- (4) The person is the spouse or dependent of a person described in (1), (2) or (3) of this subsection.
- (b) Follow the provisional voting procedure in 230:35-5-177.
- (c) Uniformed services and overseas voters who cast a provisional ballot as outlined in (b) of this Section are required to swear by signing the Oklahoma Provisional Ballot Affidavit that they are eligible to cast the provisional ballot for one of the reasons outlined in (a) of this Section.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-176. Filling out a Provisional Ballot Voucher**

The Judge shall fill out a Provisional Ballot Voucher for every voter who will cast a provisional ballot. Do not send a voter to the Inspector or Provisional Voting Officer without a voucher. Write all the information requested on the voucher in the spaces provided for it.

- (1) Circle the reason the voter will cast a provisional ballot.
- (2) Write the voter's name exactly as it appears in the Precinct Registry.
- (3) Write the voter's residence address exactly as it appears in the Precinct Registry.
- (4) Write the voter's political party, school district, and/or municipality as it appears in the Precinct Registry. If the voter is not listed in the Precinct Registry, write the information the voter gives you.
- (5) Write the ballot codes for the provisional ballots to be issued to the voter in the space provided. (For example, if the Precinct Registry indicates that the voter is not assigned to Municipality A, but the voter insists that his/her address is located inside the municipal boundaries, write the ballot code for Municipality A.)

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-177. Provisional voting procedure**

The Inspector or the Provisional Voting Officer greets the voter and follows these steps to help the voter cast a provisional ballot.

- (1) Take the Provisional Ballot Voucher from the voter. If the voter did not receive a Provisional Ballot Voucher from the Judge, send the voter to the Judge for a Provisional Ballot Voucher.
- (2) Give the voter a copy of the Provisional Voting Information handout.
- (3) Tell the voter that if County Election Board personnel cannot verify the voter's registration in this precinct, the provisional ballot will not be counted.
- (4) Give the voter an Oklahoma Voter Registration Application form and ask the voter to fill it out and sign it. A voter is not required to complete the registration application to receive a provisional ballot but should be encouraged to do so. Tell the voter that filling out and turning in a new voter registration application may prevent the need to vote by provisional ballot in future elections. If the voter completes the application, set it aside in a secure place.

(5) Use a Checklist for Provisional Voting Officer and fill out an Oklahoma Provisional Ballot Affidavit form for the voter.

(A) Write the county name, election date, and precinct number in the spaces provided at the top of the affidavit.

(B) Write the voter's name and residence address on the affidavit exactly as they appear on the Provisional Ballot Voucher.

(C) Copy the Ballot Codes indicated on the Provisional Ballot Voucher to the spaces provided at the bottom of the Affidavit in the shaded area labeled "PVO Use Only."

(D) Ask the voter for the following information and write it on the affidavit in the appropriate spaces:

(i) Date of birth

(ii) Oklahoma driver license number, if available

(iii) Last four digits of Social Security number

(iv) Check the box only if the voter does not have an Oklahoma driver license and claims not to have been issued a Social Security number.

(E) Place a checkmark beside the appropriate statement of the reason the voter is casting a provisional ballot. Note the following special instructions for some of the listed reasons.

(i) **Proof of identity.** If the voter does not have or refuses to provide proof of identity or if the voter's current name on an otherwise valid proof of identity document does not substantially conform to the name in the Precinct Registry, ask the voter to read and respond to each statement and to provide the correct information in the shaded area on the affidavit labeled "Completed By Voter." If the voter provides a name or residence address that is different from the name or address in the Precinct Registry, the voter must complete an Oklahoma Voter Registration Application form and turn it in with the completed affidavit.

(ii) **Voter Not in Precinct Registry.** If the voter offers any information about where and when he or she may have registered, last voted, or another name under which he or she may be registered, record the information in the spaces provided. If the voter has a voter identification card, take it and attach it with a paperclip to the voter registration application form. Ask the voter to complete and turn in a new Oklahoma Voter Registration Application form.

(iii) **Voter disputes political affiliation indicated in Precinct Registry.** Write the political affiliation claimed by the voter in the space provided.

(iv) **Voter disputes school district or municipal assignment in Precinct Registry.** Write the name of the school district or municipality in which the voter claims to reside.

(v) **Uniformed services or overseas voter.** Check the appropriate box to indicate the voter is a recently returned uniformed services or overseas voter.

(vi) **Voter who disputes credit for absentee voting.** Check this reason only during in-person absentee voting if a voter

who has already received credit for voting by absentee ballot in this election denies having voted in this election.

(F) Record the ballot codes indicated on the voter's Provisional Ballot Voucher in the spaces provided on the Affidavit.

(6) Ask the voter to review the information on the affidavit. Tell the voter to read the oath and to sign it. Also ask the voter to write his or her daytime telephone number in the space provided.

(7) Sign the affidavit in the space provided for the Provisional Voting Officer.

(8) Print the voter's name on the Provisional Ballot Roster and copy the ballot codes to the Ballots Issued column on the Roster.

(9) Tell the voter to sign the roster.

(10) Ask the Clerk for the ballots indicated on the voucher. Fold each ballot in half before giving it to the voter. Give the voter the ballots and a Ballots envelope.

(11) Tell the voter to go to the provisional ballot voting booth to mark the ballot. Tell the voter to follow these steps to secure the ballot.

(A) Fold the ballot in half.

(B) Put the folded ballot inside the secrecy envelope and seal the envelope.

(C) Put the sealed secrecy envelope inside the affidavit envelope and seal the affidavit envelope.

(D) Return to the table with the sealed affidavit envelope.

(12) While the voter is marking the ballots, write the precinct number, election date, and the voter's name on a Provisional Ballot Materials envelope. Put the following items inside the Provisional Ballot Materials envelope:

(A) Affidavit

(B) Voucher

(C) Filled out and signed Oklahoma Voter Registration Application, if applicable

(13) If necessary, follow the procedures for spoiled ballots (230:35-5-127) or voter assistance (230:35-5-120.1), using instructions in the Election Day Reference and Problem Solver in the Precinct Official Notebook.

(14) When the voter returns the sealed Ballots envelope, put it inside the Provisional Ballot Materials envelope with the voter's name on it and seal the Materials envelope. Put the sealed Provisional Ballot Materials envelope inside the orange Provisional Ballots Bag.

(15) Tell the voter that information concerning disposition of the provisional ballot may be obtained from the County Election Board after 5 p.m. on Friday. Make sure the voter takes a copy of the Provisional Voting Information handout.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 24 Ok Reg 1497, eff 7-1-07; Amended at 25 Ok Reg 351, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1921, eff 7-1-08; Amended at 28 Ok Reg 1167, eff 7-1-11; Amended at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

### **230:35-5-177.1. Provisional voting procedure for voter using the ATI**

If a voter who is using the ATI device attached to the voting device to cast an audio ballot needs to vote provisionally for one of the reasons listed in 230:35-5-177, follow the provisional voting procedure as outlined in 230:35-5-177 (1) through (8). Read both the information you have recorded on the Affidavit and the



oath to a visually disabled voter. Follow the steps in the Election Day Reference and Problem Solver in the Precinct Official Notebook to prepare the ATI device and activate the appropriate audio ballot for the voter. Once the audio ballot is activated, other voters can continue inserting paper ballots into the voting device while the ATI device is in use.

[Source: Added at 30 Ok Reg 1672, eff 7-15-13; Amended at 33 Ok Reg 1417, eff 9-11-16]

## **SUBCHAPTER 7. INSTRUCTIONS FOR COUNTERS [REVOKED]**

### **PART 1. GENERAL GUIDELINES [REVOKED]**

#### **230:35-7-1. Purpose [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-2. Publication of INSTRUCTIONS FOR COUNTERS [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-3. Before count begins [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-4. Counters must vote [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-5. Location and materials for Counters [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-6. Four Counters authorized [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-7. Two Counters authorized [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-8. More than four Counters authorized [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-9. Count to be kept secret [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-10. Watchers [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-11. Counters to make decision [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

#### **230:35-7-12. Removing the ballots [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

## **PART 3. PROCEDURE FOR COUNTING [REVOKED]**

### **230:35-7-16. Preparation for counting [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-7-17. Actual counting [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-7-18. Completing the count [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

## **PART 5. RULES FOR COUNTING [REVOKED]**

### **230:35-7-32. Counters shall observe rules [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

### **230:35-7-33. Examples of counting ballots [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

## **SUBCHAPTER 9. HAVA REQUIREMENTS**

### **PART 1. GENERAL PROVISIONS**

#### **230:35-9-1. Purpose**

The purpose of the rules in this subchapter is to implement the requirements of the federal Help America Vote Act of 2002 [42 USC 153301 et seq]. These rules concern the requirements for provisional voting, voter identification, voter information, and a procedure for complaints alleging violations of the requirements of Title III of said Act.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **PART 3. PROVISIONAL VOTING**

#### **230:35-9-6. Provisional voting for all elections**

Provisional voting is a procedure which permits a voter whose eligibility cannot be determined to cast a ballot at the precinct polling place on election day or at the County Election Board office on an in-person absentee voting day. Such a provisional ballot shall be kept separate from regular ballots and counted and included in the final election results only if the voter's eligibility is confirmed after the election. Provisional voting shall be available for all elections conducted by the County Election Board. [26:7-116.1] Provisional voting shall be available for all offices and questions appearing on all ballots. [26:7-116.1] The ballots used for provisional voting shall be identical to regular ballots for the precinct.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-9-7. Voters who may cast a provisional ballot**

Voters in the circumstances described as follows may cast provisional ballots.

- (1) **Persons not listed in the Precinct Registry.** Persons who are not listed in the Precinct Registry for the precinct of their residence but who believe themselves to be registered voters eligible to vote in the election shall be entitled to cast a provisional ballot. [26:7-116.1]
- (2) **Voters required to show proof of identity.** All registered voters who appear to vote in-person at a precinct polling place on election day or during in-person absentee voting are required to show proof of identity before receiving a ballot. Voters who do not have or who refuse to provide valid proof of identity are entitled by law to cast a provisional ballot. [26:7-116.1] A voter whose name on his or her otherwise valid proof of identity document does not substantially conform to his or her name as listed in the Precinct Registry is entitled to cast a provisional ballot. [26:7-116.1]
- (3) **Voters who dispute political affiliation indicated in Precinct Registry.** Registered voters who dispute the political affiliation indicated in the Precinct Registry for a primary election are entitled to cast a provisional ballot for their preferred political party. [26:7-116.1]
- (4) **Uniformed services voters.** Uniformed services voters who have been honorably discharged or who are on authorized leave, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote shall be entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted. [26:7-116.1; 26:14-121]
- (5) **Overseas voters.** Overseas voters who have been terminated in their overseas service or employment or who are on leave from their overseas service or employment, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote are entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted. [26:7-116.1; 26:14-121]
- (6) **Voters who dispute school district or municipality indicated in Precinct Registry.** Registered voters who dispute the school district or municipality indicated for them in the Precinct Registry or on the map are entitled to cast a provisional ballot for the school district or municipality in which they claim to reside.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 80, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1290, eff 7-1-06; Amended at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-9-8. Provisional Voting Officer authorized**

- (a) A Provisional Voting Officer is a special-purpose precinct worker assigned to help voters cast provisional ballots. The Secretary of the County Election Board shall be authorized to employ Provisional Voting Officers upon approval by the Secretary of the State Election Board. The Inspector shall perform the duties of the Provisional Voting Officer as a part of the Inspector's regular election duties without additional compensation in the event a Provisional Voting Officer is not employed. A Provisional Voting Officer also may perform the duties assigned to a Registration Official as outlined in 230:35-5-60.
- (b) A Provisional Voting Officer shall be compensated at the same rate as the Judge and Clerk in the precinct. Compensation for Provisional Voting Officers shall be included in the Pre-Election Expense Claim as outlined in 230:35-3-30.
- (1) The compensation of Provisional Voting Officers shall be paid by the State Election Board only when such payment is authorized by the Secretary of the State Election Board prior to an election.

(2) The compensation of Provisional Voting Officers may be paid by the county when such payment is not authorized by the Secretary of the State Election Board.

(3) The Inspector shall not be entitled to additional compensation when performing the duties of the Provisional Voting Officer.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-9-9. Extension of provisional ballot verification period**

The Secretary of the State Election Board shall be authorized to extend the provisional ballot verification period beyond 1 p.m. on Friday in the event that any County Election Board Secretary is unable to complete the verification of all provisional ballots by that time. In the event that the Secretary of the State Election Board extends the verification period beyond 1 p.m. on Friday, the period shall be extended statewide and no County Election Board shall release any information concerning provisional ballots until authorized to do so by the Secretary of the State Election Board. The time for contests of election and the time to certify the results of the election also shall be extended by the same number of hours or days, excluding Saturday and Sunday, as the verification period. For example, if the verification period is extended until 5 p.m. on Monday next following the election, the deadline for filing a contest of election shall be extended until 5 p.m. on Monday next following the election. In this example, the final election results would be certified no earlier than 5 p.m. on Monday next following the election.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Amended at 23 Ok Reg 1290, eff 7-1-06]

### **PART 5. VOTER IDENTIFICATION**

#### **230:35-9-16. Some voters required to present identification when voting for first time in election for federal office [REVOKED]**

[Source: Added at 22 Ok Reg 1884, eff 7-1-05; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **PART 7. VOTER INFORMATION**

#### **230:35-9-17. Public posting of voting information on election day**

(a) As required by Section 302 of the Help America Vote Act of 2002 [42 USC 15482], the County Election Board Secretary shall cause the following voting information to be posted publicly at each polling place on the day of a federal election:

- (1) a sample version of the ballot being used in the election;
- (2) the election date and the hours during which polling places are open;
- (3) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- (4) instructions for mail-in registrants and first-time voters under 303(b) of the Help America Vote Act [42 USC 15483(b)] concerning voter identification requirements;
- (5) general information on voting rights under applicable federal and state law, including information on an individual's right to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- (6) general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

(b) The County Election Board shall meet the requirements of (a) of this section by requiring Precinct Officials to post the following signs provided by the State Election Board as outlined in 230:35-5-28.

- (1) Oklahoma Election Procedures
- (2) Election Law Violations
- (3) Attention Voter poster
- (4) Sample ballots

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

## **PART 9. COMPLAINTS**

### **230:35-9-21. Purpose**

The purpose of the rules in this subchapter is to establish a procedure to receive, investigate and resolve complaints of alleged violations of the provisions and requirements of Title III of the Help America Vote Act of 2002 (HAVA). This procedure is required by Title IV of HAVA.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-9-22. Complaints**

(a) Any person who believes that a violation of Title III of HAVA has occurred, is occurring, or is about to occur, may file a complaint with the Secretary of the State Election Board. Any such complaint shall be in writing, shall be notarized, and shall be signed and sworn by the complainant. A complaint shall include at least the following information.

- (1) Complainant's name and mailing address
- (2) The nature of the complaint
- (3) The nature of the solution sought.
- (4) A request for a hearing on the record, if desired. (A hearing shall be required only if requested in the complaint.)
- (5) Any additional information pertinent to the complaint.

(b) The Secretary of the State Election Board shall provide, upon request, a form to be used to make a written complaint. Use of the form is not required. Any written complaint containing the information outlined in (a) of this Section shall be accepted.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-9-23. Receiving complaints**

Upon receipt of a written complaint alleging a violation of Title III of HAVA, the Secretary of the State Election Board shall cause the following steps to be performed.

- (1) The original complaint shall be marked with a "received" stamp that includes the date.
- (2) A State Election Board staff member shall assign a unique case number to the complaint.
- (3) If the complaint includes a request for a hearing on the record, the Secretary shall set a date and time for the hearing and shall issue an Order for Hearing.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **230:35-9-24. Investigation of complaint**

The Secretary of the State Election Board shall review the complaint and shall assign one or more members of the State Election Board staff to investigate the allegations contained in the complaint. Specific investigatory procedures shall be determined in consultation with the office of the Attorney General.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-9-25. Hearing**

In the event that the complainant requests a hearing on the record, the Secretary of the State Election Board shall serve as the hearing officer. In the absence of the Secretary the Assistant Secretary of the State Election Board shall serve as hearing officer. The Secretary shall hear any testimony and shall review any evidence offered by the complainant.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-9-26. Resolution of complaint**

Not more than 90 days following the receipt of a complaint, the Secretary of the State Election Board shall make a final determination with respect to the complaint. If the Secretary finds that there has been no violation of Title III of HAVA, the Secretary shall dismiss the complaint. In the event the Secretary finds that a violation of title III of HAVA has occurred, the Secretary shall provide a remedy. The Secretary shall publish the results of the investigation and the final determination.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

#### **230:35-9-27. Alternative dispute resolution for complaint**

If the Secretary of the State Election Board fails to meet the deadline for making a final determination as provided in 230:35-9-26, the complaint shall be resolved within 60 days under the following procedure.

- (1) The Secretary of the State Election Board shall be represented by the office of the Attorney General.
- (2) The complainant may be represented by his or her own chosen legal counsel or by a certified arbitrator.
- (3) The parties shall negotiate to reach a satisfactory resolution of the complaint.

[Source: Added at 22 Ok Reg 1884, eff 7-1-05]

### **SUBCHAPTER 11. ELECTION LAW VIOLATIONS [REVOKED]**

#### **230:35-11-1. Purpose [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-11-2. Misdemeanors [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-11-3. Failure to perform duty [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

#### **230:35-11-4. Expenditure of public funds [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-5. Electioneering prohibited [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-6. Intoxicating liquors [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-7. Interference with voter or conduct of election [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-8. Disclosure by voter [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-9. Disclosure by election official [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-10. Disclosure of count [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-11. Felonies [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-12. Illegal printing or possession of certain voting materials [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-13. Voting illegally [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-14. Unauthorized persons transporting ballots [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-15. False applications for absentee ballots [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-16. False swearing [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-17. Unauthorized registration of voters [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-18. False notarization [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

### **230:35-11-19. Fraud [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

**230:35-11-20. Bribes to influence votes [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

**230:35-11-21. Bribe for withdrawal of candidacy [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

**230:35-11-22. Coercion prohibited [REVOKED]**

[Source: Added at 28 Ok Reg 1167, eff 7-1-11; Revoked at 30 Ok Reg 1672, eff 7-15-13]

**APPENDIX A. VALID MARKINGS [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX B. VOTES COUNTED FOR CANDIDATES OF VARIOUS PARTIES IN GENERAL ELECTION [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX C. MUTILATED BALLOT, EXAMPLE 1 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX D. MUTILATED BALLOT, EXAMPLE 2 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX E. UNVOTED BALLOT [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX F. STRAIGHT PARTY VOTE [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX G. SPLIT TICKET, EXAMPLE 1 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX H. SPLIT TICKET, EXAMPLE 2 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2587, eff 7-1-92]

**APPENDIX I. SPLIT TICKET, EXAMPLE 3 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX J. OVERVOTED BALLOT, EXAMPLE 1 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX K. OVERVOTED BALLOT, EXAMPLE 2 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX L. INVALID MARKING, EXAMPLE 1 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX M. INVALID MARKING, EXAMPLE 2 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]

**APPENDIX N. INVALID MARKING, EXAMPLE 3 [REVOKED]**

[Source: Revoked at 9 Ok Reg 2387, eff 7-1-92]



## CHAPTER 40. TYPES OF ELECTIONS

[Authority: 26 O. S., § 2-107]

[Source: Codified 12-30-91]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### **230:40-1-1. Purpose**

The rules in this Chapter provide information concerning the administration of special state and county elections, regular and special municipal elections and annual and special school district and technology center school district elections. These rules also establish procedures for conducting school union elections.

[Source: Amended at 23 Ok Reg 1301, eff 7-1-06]

#### **230:40-1-2. Definitions**

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Split precinct"** means a precinct that includes portions of territory of two or more school or technology center districts or two or more municipalities.

[Source: Added at 20 Ok Reg 487, eff 1-2-03 (emergency); Added at 20 Ok Reg 1108, eff 7-1-03]

### SUBCHAPTER 3. SPECIAL ELECTIONS

#### **PART 1. CALLING SPECIAL ELECTIONS**

#### **230:40-3-1. Who may call special election**

A special election may be called by the Governor to fill vacancies in Congress, in the State Senate or the State House of Representatives, or the office of County Commissioner and to vote on state questions. County Commissioners may call a special election to vote on county questions. In counties with population exceeding 600,000 according to the most recent federal Census, County Commissioners may call special electionsto fill vacancies in other county offices. In addition, the governing boards of school districts, municipalities and certain special purpose districts, such as fire protection districts, may call special elections to fill vacancies and to vote on questions. No other entities are authorized to call special elections to be conducted by the County Election Board.

[Source: Amended at 28 Ok Reg 1177, eff 7-1-11; Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-3-1.1. Times for special elections [REVOKED]**

[Source: Added at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 15 Ok Reg 2587, eff 7-1-98; Amended at 21 Ok Reg 560, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 87, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1301, eff 7-1-06; Revoked at 30 Ok Reg 1707, eff 7-15-13]

#### **PART 3. VACANCIES [REVOKED]**

#### **230:40-3-7. Vacancies in Congress [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-3-8. Vacancies in the Legislature [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-9. Vacancies for County Commissioner [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-10. Vacancies in other county offices [REVOKED]**

[Source: Amended at 11 Ok Reg 319, eff 11-1-93 (emergency); Amended at 11 Ok Reg 2007, eff 6-1-94; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-11. Irrevocable resignation of incumbent [REVOKED]**

[Source: Added at 20 Ok Reg 487, eff 1-2-03 (emergency); Added at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 5. SPECIAL COUNTY ELECTIONS [REVOKED]**

### **230:40-3-15. Dates cannot conflict [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-16. Special elections for county questions [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 7. STATISTICAL REPORTS [REVOKED]**

### **230:40-3-22. Monthly Report on Special Elections [REVOKED]**

[Source: Revoked at 11 Ok Reg 319, eff 11-1-93 (emergency); Revoked at 11 Ok Reg 2007, eff 6-1-94]

### **230:40-3-23. Report on Analysis of Special Elections [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 9. SUBSTITUTE NOMINEES [REVOKED]**

### **230:40-3-29. Death prior to General Election [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-30. Notification of State Election Board [REVOKED]**

[Source: Amended at 27 Ok Reg 611, eff 12-3-09 (emergency); Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-31. Death after Runoff Primary Election [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-3-32. Death of unopposed candidate [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 11. SPECIAL JUDICIAL ELECTIONS [REVOKED]**

**230:40-3-37. Death of a judicial candidate prior to Primary Election  
[REVOKED]**

[Source: Added at 9 Ok Reg 2415, eff 7-1-92; Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-3-38. Death of a judicial candidate prior to General Election  
[REVOKED]**

[Source: Added at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**SUBCHAPTER 5. MUNICIPAL ELECTIONS**

**PART 1. CITIES WITH HOME RULE CHARTERS [REVOKED]**

**230:40-5-1. Charter may provide election procedures [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-2. Copy of charter required [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-3. Home rule charter cities may follow state law [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-4. Absentee voting required in home rule charter cities [REVOKED]**

[Source: Amended at 16 Ok Reg 2438, eff 7-1-99; Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-4.1. Provisional voting required in home rule charter cities  
[REVOKED]**

[Source: Added at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-5. Statutory election dates required for home rule charter cities  
[REVOKED]**

[Source: Added at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 87, eff 9-1-05 (emergency); Amended at 23 Ok Reg 1301, eff 7-1-06; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**PART 3. NONPARTISAN MUNICIPAL ELECTIONS [REVOKED]**

**230:40-5-9. Municipal elections shall be nonpartisan [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-10. Partisan elections authorized by ordinance [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-11. Ordinance must be attached to resolution [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**PART 5. STATUTORY MUNICIPALITIES [REVOKED]**

### **230:40-5-16. Statutory municipalities [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-17. County Election Board conducts all elections**

All municipal elections in statutory municipalities shall be conducted by the County Election Board of the county wherein the municipality's central offices are located.

### **230:40-5-18. Notice of elections [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 555, eff 12-19-05 (emergency); Amended at 23 Ok Reg 1301, eff 7-1-06; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-19. Receipted copy provided**

Upon receipt of a resolution from a statutory municipality, the Secretary shall stamp a copy of the resolution as received and return the receipted copy to the municipality.

### **230:40-5-20. General laws apply [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 7. TOWN MEETINGS [REVOKED]**

### **230:40-5-25. Town meetings required [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-26. Ordinance required to hold elections [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-27. Election laws apply [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-28. Ordinance requiring election repealed [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-29. Town meetings not required in municipalities with home rule charters [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 9. PROCEDURES**

### **230:40-5-34. Conduct of municipal elections [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 25 Ok Reg 1929, eff 7-1-08; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-35. Filing period for regular elections [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-36. No filing fees [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-37. Filing to be with Secretary [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-38. Persons eligible to be candidates in nonpartisan elections [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-39. Persons eligible to be candidates in partisan elections [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-40. Persons not eligible to be candidates [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-41. Date for nonpartisan municipal election [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-42. Dates of partisan municipal Primary and General Elections [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-43. No Runoff Primary [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-44. Certification [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-45. Eligible voters [REVOKED]**

[Source: Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-46. Maps required**

(a) The governing board of a municipality shall provide to the County Election Board or Boards of the county or counties wherein the municipality is located, a current, correct map of the municipality. [26:13-107] The map shall define clearly the municipal limits of and the ward boundaries within the municipality. [26:13-107] In the event that changes are made to the municipal limits or ward boundaries of the municipality, the governing board shall provide a complete, revised map. [26:13-107] It is the responsibility of the governing board of a municipality to provide a current and accurate map with a resolution calling a regular or special election.

(b) The governing board of a municipality may fulfill its responsibility for providing maps to the County Election Board by submitting information defining the municipality's corporate boundaries to the Oklahoma Tax Commission as required by state law (Title 11 O.S., Section 21-112) and by administrative rule of

the Oklahoma Tax Commission (OAC 710:65-18-10) and by also reporting information about any changes in the municipality's boundaries as they occur. The Oklahoma Tax Commission and the Center for Spatial Analysis at the University of Oklahoma maintain a digital mapping system for municipal boundaries. The digital maps are updated as notice of changes are received by the Tax Commission. The digital maps are available on the internet and may be downloaded and printed at no charge from the website [www.csa.ou.edu](http://www.csa.ou.edu). If the governing board of a municipality fails to provide the County Election Board with a map as outlined in this section, County Election Board personnel are authorized to use maps from the Center for Spatial Analysis website both to prepare for and to conduct elections and to resolve questions of voter eligibility, and to verify provisional ballots.

(c) The governing board of a municipality that nominates by ward and elects at large shall provide the County Election Board with a map showing the current ward boundaries within the municipality prior to a candidate filing period for a regular or special election. (Ward boundary lines are indicated on the digital maps maintained by the Oklahoma Tax Commission and the Center for Spatial Analysis only for municipalities that elect by ward.)

[Source: Amended at 22 Ok Reg 521, eff 2-8-05 (emergency); Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 555, eff 12-19-05 (emergency); Amended at 23 Ok Reg 1301, eff 7-1-06; Amended at 26 Ok Reg 2537, eff 7-15-09]

### **230:40-5-46.1. Effective date of municipal boundary changes for election purposes**

(a) A municipal boundary change shall be considered to be in effect 30 days after the ordinance making the change is adopted by the governing board of the municipality or at a later effective date specified in the ordinance.

(b) The municipal boundaries in effect 60 days preceding a regular or special election shall be the boundaries in effect for the election for the purposes of the County Election Board's election setup and ballot preparation tasks. The precincts open on election day shall be determined only from the map submitted to the County Election Board along with the resolution calling the election.

(c) Changes to municipal boundaries that become effective fewer than 60 days preceding an election may be considered in resolving questions of voter eligibility and in verification of provisional ballots only if documentation of the boundary change is provided directly to the County Election Board by the governing board of the municipality. Documentation shall include both a dated copy of the annexation ordinance and a map showing the annexed area. In the event that a municipal boundary change becomes effective as described in (a) of this section less than 60 days before an election and that such boundary change includes all or part of a precinct not previously included in the election, registered voters in the affected area may vote in the election according to the following procedure.

(1) Registered voters in the affected area may cast provisional ballots during in-person absentee voting.

(2) Registered voters in the affected area may cast provisional ballots at the County Election Board office between the hours of 7 a.m. and 7 p.m. on election day.

(A) Such voters on election day shall be issued the appropriate absentee ballot style according to provisional voting procedure outlined in 230:35-5-177.

(B) The Secretary of the County Election Board shall assign a member of the County Election Board staff to act as the Provisional

Voting Officer for such voters.

[Source: Added at 23 Ok Reg 555, eff 12-19-05 (emergency); Added at 23 Ok Reg 1301, eff 7-1-06]

**230:40-5-47. Dates cannot conflict [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-48. Two-election cycles for municipal officers in charter cities**

If any home rule charter city has established a two-election cycle for the election and qualification of municipal officers, the requirements of 26 O.S., Section 13-101.1 shall apply to such elections conducted on the city's behalf by the County Election Board whether the elections are partisan or nonpartisan and regardless of any other designation, title, or definition given to such elections in the charter.

(1) The first election in a two-election cycle shall be defined as a "primary" election. In a primary election, all candidates who file for a specific office appear together on the ballot and either the candidate who receives a majority of the total votes cast for the office is deemed elected or, if no candidate receives a majority, the two candidates receiving the most votes advance to a required second election.

(2) The second, required election in a two-election cycle shall be defined as a "general" election. In a general election, the candidate who receives the most votes is elected to the office.

[Source: Added at 33 Ok Reg 1428, eff 9-11-16]

**PART 11. BALLOT PRINTING**

**230:40-5-52. Materials and ballots**

The County Election Board shall provide all materials and ballots necessary to conduct a municipal election and such materials and ballots shall be the same, as nearly as possible, as those used for state and county elections. [26:13-105]

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05]

**230:40-5-53. Order of names [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**PART 13. EXPENSES [REVOKED]**

**230:40-5-58. Expenses [REVOKED]**

[Source: Amended at 17 Ok Reg 2363, eff 7-1-00; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-59. Pre-Election Expense Claim [REVOKED]**

[Source: Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 16 Ok Reg 537, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2438, eff 7-1-99; Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-5-60. Claim for balance of election expenses [REVOKED]**

[Source: Amended at 16 Ok Reg 537, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2438, eff 7-1-99; Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 1301, eff 7-1-06; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## PART 15. MUNICIPALITIES IN MORE THAN ONE COUNTY

### **230:40-5-65. Municipalities in more than one county**

(a) **Supervision.** For a municipality that is located in more than one county, the election shall be conducted by the County Election Board wherein the municipality's central offices are located. [26:13-110] This County Election Board hereafter is called the "control (parent) County Election Board." The Election Boards of the other counties in which part of the municipality is located hereafter are called the "affected County Election Boards."

(b) **Filing.** Candidates for municipal office shall file their Declarations of Candidacy with the Secretary of the control (parent) County Election Board.

(c) **Notification required.** The Secretary of the control (parent) County Election Board shall notify the affected County Election Boards when a regular or special election is called by faxing or e-mailing a copy of the resolution and all related documents.

(d) **Ballot printing.** The Secretary of the affected County Election Board shall be responsible for printing ballots for the election for use in the affected county and for submitting the bill for such ballots to the control (parent) County Election Board after the election.

(e) **Receiving supplies, making returns.** Inspectors shall receive their supplies from and return them to the County Election Board of the county wherein their polling places are located. See 230:35-3-68 and 230:35-3-68.1.

(f) **Affected county results.** Affected County Election Boards shall meet on election night to canvass results. The Secretary of an affected County Election Board shall report the number of signatures on the Provisional Ballot Roster in precincts involving the multi-county municipality to the control (parent) county on election night either by e-mail or by fax. The affected County Election Board shall meet again on Friday following the election to count provisional ballots, if necessary. After counting provisional ballots, the affected County Election Board Secretary shall finalize the election results in the tabulation system. The affected County Election Board shall certify its final election results after 5 p.m. The affected County Election Board Secretary shall not be required to provide an original, signed and sealed Official Certification Report to the control (parent) County Election Board unless the entity that called the election requires such original certification documents.

(g) **Certification.** The control (parent) County Election Board shall meet on election night to canvass returns from all precincts in the county and results reported through MESA from each affected county. The control (parent) county shall meet again on Friday following the election to count provisional ballots, if necessary. After all affected counties have finalized their election results in the tabulation system, the control (parent) County Election Board Secretary may print Official Certification Reports that include all final results. Final, complete election results shall be certified after 5 p.m. on Friday following the election. The affected County Election Boards shall not be required to provide the control (parent) County Election Board with original, signed and sealed Official Certification Reports unless such documents are required by the entity that called the election.

(h) **Expenses handled through control (parent) board.** The control (parent) County Election Board shall receive claims from all affected counties and shall make all claims to the municipality. The control (parent) County Election Board shall receive payment for election expenses from the municipality and shall pay all expenses incurred in the election, including lump sum payments to affected County



Election Boards for expenses incurred in those counties.

(i) **Reimbursement to affected county.** Upon receipt of the payment from the control (parent) County Election Board, the Secretary of the affected County Election Board shall deposit the payment in the Special Depository Account and shall pay expenses incurred in the county.

(j) **Absentee voting.** Voters who vote by absentee ballot in a multi-county municipal election must make application to and receive absentee ballots from the County Election Board of the county in which they are registered.

(k) **Provisional voting.** Voters who may vote by provisional ballot in a multi-county municipal election must cast the provisional ballot in the correct precinct in the county in which they reside.

[Source: Amended at 11 Ok Reg 2007, eff 6-1-94; Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 1301, eff 7-1-06; Amended at 30 Ok Reg 1707, eff 7-15-13; Amended at 34 Ok Reg 1135, eff 9-11-17]

## **PART 17. SPECIAL ELECTIONS [REVOKED]**

### **230:40-5-77. Special elections for municipal offices [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 23 Ok Reg 1301, eff 7-1-06; Amended at 25 Ok Reg 357, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1929, eff 7-1-08; Amended at 26 Ok Reg 2537, eff 7-15-09; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-78. Special election for municipal questions [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 17 Ok Reg 2363, eff 7-1-00; Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 19. STATISTICAL REPORTS**

### **230:40-5-83. Report on Regular Municipal Elections [REVOKED]**

[Source: Revoked at 12 Ok Reg 2243, eff 7-1-95]

### **230:40-5-84. Analysis of Municipal Election reports [REVOKED]**

[Source: Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-5-85. Information on municipal candidate elections [REVOKED]**

[Source: Added at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **SUBCHAPTER 7. SCHOOL ELECTIONS**

### **PART 1. DATES AND NOTICE FOR ANNUAL SCHOOL ELECTIONS [REVOKED]**

#### **230:40-7-1. Annual School Elections [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Amended at 21 Ok Reg 560, eff 2-3-04 (emergency); Amended at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-2. Annual School Runoff Election [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-3. Resolution required [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-4. Posting copy of legal notice of school election at County Election Board office [REVOKED]**

[Source: Added at 23 Ok Reg 87, eff 9-1-05 (emergency); Added at 23 Ok Reg 1301, eff 7-1-06; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 3. BOARD DISTRICTS**

### **230:40-7-8. Purpose of board districts [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-9. Establishment of board districts [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-10. Exceptions to establishment of board districts [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-11. Methods of establishing election districts [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92]

## **PART 5. FILING PERIOD**

### **230:40-7-16. Filing period**

(a) **Filing period.** The filing period for member of the Board of Education shall begin at 8 a.m. on the first Monday in December and shall end at 5 p.m. on the following Wednesday. [26:13A-105]

(b) **Filing with the County Election Board.** Candidates for member of the Board of Education of every school district or technology center school district shall file Declarations of Candidacy with the Secretary of the County Election Board. [26:13A-105] For multi-county school and technology center school districts, filing may occur either with the parent County Election Board or with the affected County Election Board in the county where the candidate resides. [26:13A-105]

(c) **Candidates nonpartisan.** Candidates for member of the Board of Education shall not indicate a party affiliation on their Declarations of Candidacy.

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 11 Ok Reg 2007, eff 6-1-94; Amended at 25 Ok Reg 357, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1929, eff 7-1-08]

### **230:40-7-17. Qualifications [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-18. Persons not eligible to be candidates [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-7-19. No filing fee**

No petition or fee is required to accompany any Declaration of Candidacy for member of the Board of Education.

[Source: Amended at 11 Ok Reg 2007, eff 6-1-94]

**230:40-7-20. Withdrawals [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 15 Ok Reg 2587, eff 7-1-98; Revoked at 30 Ok Reg 1707, eff 7-15-13]

**230:40-7-21. Contests of candidacy [REVOKED]**

[Source: Amended at 12 Ok Reg 2243, eff 7-1-95; Amended at 15 Ok Reg 2587, eff 7-1-98; Revoked at 30 Ok Reg 1717, eff 7-15-13]

**PART 7. BALLOT PRINTING****230:40-7-26. Materials and ballots**

All materials and ballots necessary to conduct any school district or technology center district election shall be provided by the County Election Board and shall be the same, as nearly as possible, as those used for state and county elections.

[Source: Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03]

**230:40-7-27. County Purchasing Agent obtains bids [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 11 Ok Reg 2007, eff 6-1-94; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

**230:40-7-28. Ballot quantities [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Revoked at 30 Ok Reg 1717, eff 7-15-13]

**230:40-7-29. Mill levy ballots [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 23 Ok Reg 1301, eff 7-1-06; Revoked at 30 Ok Reg 1717, eff 7-15-13]

**PART 9. PROCEDURES****230:40-7-34. General laws apply [REVOKED]**

[Source: Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1717, eff 7-15-13]

**230:40-7-35. Precincts in school elections**

(a) **Precincts in school and technology center district elections.** All precincts totally or partially contained within the geographical boundaries of a school district or a technology center district shall be open for all elections held by the district except as provided in (b) or (c) of this section.

(b) **Closing a split precinct in which no one lives in the district.** A school district or technology center district may close a split precinct by certifying in the resolution that no one resides in the part of the precinct located within the district's boundaries. [26:13A-101(B)] Prior to preparing the resolution, district officials

should contact the Secretary of the County Election Board to verify that no registered voters in the precinct are assigned by MESA to the district and that no voters who are unassigned to a school district in the precinct are believed to be located within the district's boundary. In addition, before including the certification required to close the precinct in the resolution, a district official should visit the area in question to verify that no one resides there. When a split precinct is closed as provided in this subsection, the precinct shall not be included in the district's election; the district shall incur no expenses related to the precinct polling place; neither regular nor absentee ballots shall be printed for the precinct; and the services of neither the nursing home nor in-person Absentee Voting Board shall be required by the district for the precinct.

**(c) Closing the polling place for a split precinct with 100 or fewer voters.** A school district or technology center school district may close the polling place for a split precinct in which there are 100 or fewer registered voters in the district only under the circumstances outlined in 230:40-7-35.1 and by following the procedure outlined in that Section. [26:13A-101(C)] When a polling place for a split precinct is closed as outlined in 230:40-7-35.1, the precinct shall remain in the district's election but the district shall not incur any costs or share in Precinct Official compensation, Precinct Registry fees, or polling place rent for the precinct polling place for the election. Regular ballots shall not be printed for the precinct. However, absentee ballots shall be printed for the precinct and the services of the in-person Absentee Voting Board and a nursing home Absentee Voting Board, if necessary, shall be required.

**(d) Closing a split precinct or a polling place for a split precinct located in an affected county.** If the split precinct to be closed as outlined in (b) of this section is located in an affected county, the Secretary of the control (parent) County Election Board shall close and remove the precinct in MESA during election setup and shall notify the Secretary of the affected County Election Board that the precinct will be closed and removed from the district's election. If the polling place for a split precinct to be closed as outlined in (c) of this section and in 230:40-7-35.1 is located in an affected county, the request to close the polling place for the precinct shall be submitted to the Secretary of the control (parent) County Election Board with the resolution calling the election. The control (parent) county Secretary immediately shall forward the request to close the polling place for the split precinct to the Secretary of the affected County Election Board. The Secretary of the affected County Election Board shall follow the procedure outlined in 230:40-7-35.1 and shall notify both the district officials and the control (parent) County Election Board Secretary of the approval or denial of the request. If the request is approved, the Secretary of the control (parent) County Election Board shall close the polling place for the split precinct in MESA.

**(e) Closing split precinct or a polling place for a split precinct prohibited on state election dates.** A school district shall not be permitted to close a precinct or a polling place for a split precinct for any reason in a regular or special election held on the date of the state Primary Election, Runoff Primary Election, General Election, or Presidential Preferential Primary Election or a special state or county election.

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Amended at 24 Ok Reg 1501, eff 7-1-07; Amended at 25 Ok Reg 357, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1929, eff 7-1-08; Amended at 30 Ok Reg 1717, eff 7-15-13]

**230:40-7-35.1. Procedure for closing the polling place for a split precinct in which 100 or fewer voters are registered in school district or technology center district**

(a) A request to close a the polling place for a split precinct with 100 or fewer voters registered in the school district or technology center district shall be made in writing and shall be submitted to the Secretary of the control(parent) County Election Board with the resolution calling the election. A request to close a polling place for a split precinct in the Annual School Election shall be submitted no later than 15 days before the candidate filing period for Board of Education candidates. A request to close a polling place for a split precinct in the Annual School Runoff Election shall be submitted no later than 45 days prior to the election. A request to close such a polling place for a split precinct in a special election shall be submitted no later than 60 days before the special election date. District officials may use a form prescribed by the Secretary of the State Election Board to make the request but use of the form is not required. A letter containing substantially the same information shall be sufficient.

(b) Upon receiving a request to close a polling place for a split precinct in which 100 or fewer voters are registered at addresses within the district's boundaries and when all voters in the precinct are assigned to a school district in the Street Guide, the Secretary of the County Election Board shall follow these steps to approve or disapprove the request.

(1) Determine the number of registered voters in the precinct who are assigned in the Street Guide to this school or technology center district.

(A) If more than 100 voters already are assigned to the district, the polling place for the split precinct cannot be closed for the election. Notify the district superintendent that the request cannot be approved for this reason.

(B) If fewer than 100 voters are assigned to the district, proceed to the next step.

(2) Determine whether the voters in the district are eligible to vote in any other election being held on the same date.

(A) If voters in the district are eligible to vote in another election on the same date, the request to close the polling place for a split precinct shall be denied.

(B) If voters in the district are not eligible to vote in another election on the same date, the request to close the polling place for a split precinct shall be approved.

(c) Upon receiving a request to close a polling place for a split precinct in which 100 or fewer voters are registered at addresses within the district's boundaries and when some voters in the precinct are not assigned to a school district in the Street Guide, the Secretary of the County Election Board shall follow these steps to approve or disapprove the request.

(1) Follow the steps outlined in (b) (1) and (2) of this Section, then proceed with the following steps.

(2) Send a copy of the Registered Voter Mailing List or of a Precinct Registry for the precinct and a copy of the precinct map showing the district's boundary to the district superintendent.

(3) The superintendent shall be required to examine the residence addresses of voters in the precinct who are not assigned to a school district. The superintendent shall mark the list to indicate which voters, if any, are

believed to be registered at addresses located within the boundaries of the district. The superintendent shall return the marked list to the Secretary of the County Election Board within five business days.

(4) Upon receiving the list of unassigned voters back from the superintendent, the Secretary shall count the voters marked by the superintendent. Add the number of voters marked on the list to the number of voters assigned to the school district by MESA.

(A) If the total number is 100 or less, the polling place for the split precinct may be closed for the election.

(B) If the total number is more than 100, the request must be denied and the polling place for the split precinct must remain open for the district's election.

(C) Even if the number is 100 or less, the polling place for the split precinct must remain open for the district's election if voters in the district are eligible to vote in another election in the precinct on the same date.

(5) The Secretary shall notify district officials whether the polling place for the split precinct will be closed or must remain open.

(6) The Secretary shall prepare and mail to each voter identified in the district a notice that the polling place for the split precinct will be closed for the district's election. A yellow application for absentee ballots shall be enclosed with the notice, as well as information about in-person absentee voting for the election. These notices shall be mailed to voters not less than 30 days prior to the election.

(7) The Secretary shall monitor voter registration activity in the precinct. If a new voter is assigned in the Street Guide to the school or technology center district in the split precinct, the Secretary shall mail the notice and information described in (6) of this subsection to the new voter immediately.

[Source: Added at 20 Ok Reg 487, eff 1-2-03 (emergency); Added at 20 Ok Reg 1108, eff 7-1-03; Amended at 28 Ok Reg 1177, eff 7-1-11; Amended at 30 Ok Reg 1717, eff 7-15-13]

### **230:40-7-36. Precinct Officials [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-37. Precinct Registries [REVOKED]**

[Source: Amended at 11 Ok Reg 2007, eff 6-1-94; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-38. Eligible voters [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-39. Absentee voting [REVOKED]**

[Source: Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-39.1. Provisional voting [REVOKED]**

[Source: Added at 22 Ok Reg 1909, eff 7-1-05; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-40. Forms provided by the County Election Board [REVOKED]**

[Source: Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-41. Assembling and storing school election supplies [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-42. Certification**

The County Election Board shall certify the results of the election to the Board of Education of the school district. For all school elections, the County Election Board shall certify only the number of votes cast in the election for each candidate and for each proposition. The County Election Board shall canvass the results of all school and technology center district elections on election night and shall determine the number of signatures on provisional ballot rosters. The final election results for both candidate races and propositions shall be certified after 5 p.m. on Friday following the election. See 230:35-3-91. The control (parent) County Election Board of a multi-county school district may certify the results of the multi-county election after 5 p.m. upon determining in MESA that each affected county has finalized election results and upon printing Official Certification Reports from MESA that include results from affected county precincts.

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 30 Ok Reg 1707, eff 7-15-13; Amended at 34 Ok Reg 1135, eff 9-11-17]

## **PART 11. SPECIAL ELECTIONS**

### **230:40-7-47. Notice of special election [REVOKED]**

[Source: Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-48. School elections prohibited at certain time [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 16 Ok Reg 2438, eff 7-1-99]

#### **230:40-7-48.1. Dates for special school elections [REVOKED]**

[Source: Added at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-49. School elections may coincide with regular state and county General Elections [REVOKED]**

[Source: Revoked at 9 Ok Reg 2415, eff 7-1-92]

### **230:40-7-50. Closing precincts in special elections [REVOKED]**

[Source: Amended at 9 Ok Reg 405, eff 11-25-91 (emergency); Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 11 Ok Reg 2007, eff 6-1-94; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

#### **230:40-7-50.1. Notification letter [REVOKED]**

[Source: Added at 9 Ok Reg 405, eff 11-25-91 (emergency); Added at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 2745, eff 7-1-93; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

#### **230:40-7-50.2. County Election Board responsibilities for closed precincts [REVOKED]**

[Source: Added at 9 Ok Reg 405, eff 11-25-91 (emergency); Added at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 12 Ok Reg 2243, eff 7-1-95; Amended at 13 Ok Reg 577, eff 1-22-95 (emergency); Amended at 13 Ok Reg 2489, eff 7-1-96; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

### **230:40-7-50.3. Voting alternatives for voters in closed precincts [REVOKED]**

[Source: Added at 9 Ok Reg 405, eff 11-25-91 (emergency); Added at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

### **230:40-7-51. Combining precincts in school elections [REVOKED]**

[Source: Added at 10 Ok Reg 53, eff 10-9-92 (emergency); Added at 10 Ok Reg 2745, eff 7-1-93; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

#### **230:40-7-51.1. Conditions that prohibit or limit combination of precincts [REVOKED]**

[Source: Added at 10 Ok Reg 53, eff 10-9-92 (emergency); Added at 10 Ok Reg 2745, eff 7-1-93; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

#### **230:40-7-51.2. Responsibilities of the school district superintendent [REVOKED]**

[Source: Added at 10 Ok Reg 53, eff 10-9-92 (emergency); Added at 10 Ok Reg 2745, eff 7-1-93; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

#### **230:40-7-51.3. Responsibilities of the County Election Board [REVOKED]**

[Source: Added at 10 Ok Reg 53, eff 10-9-92 (emergency); Added at 10 Ok Reg 2745, eff 7-1-93; Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 20 Ok Reg 487, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1108, eff 7-1-03]

## **PART 13. EXPENSES**

### **230:40-7-55. School districts pay costs**

The Board of Education of the school district for which an election is conducted shall reimburse the County Election Board for costs of the election.

### **230:40-7-56. Costs to be divided [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-56.1. Expenses for combined precincts [REVOKED]**

[Source: Added at 10 Ok Reg 53, eff 10-9-92 (emergency); Added at 10 Ok Reg 2745, eff 7-1-93; Revoked at 20 Ok Reg 1108, eff 7-1-03]

#### **230:40-7-57. Claims for Precinct Official and Absentee Voting Board member compensation [REVOKED]**

[Source: Amended at 12 Ok Reg 2243, eff 7-1-95; Amended at 16 Ok Reg 537, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-58. Claim for balance of election expenses [REVOKED]**

[Source: Amended at 16 Ok Reg 537, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-59. Funds deposited in Special Depository Account [REVOKED]**



[Source: Amended at 16 Ok Reg 537, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2438, eff 7-1-99; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 15. BOND ELECTIONS**

### **230:40-7-64. All registered voters eligible**

All voters who are eligible to vote in a regular school district election are eligible to vote in a bond issue election.

## **PART 17. ANNEXATION ELECTIONS**

### **230:40-7-69. Annexation elections [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-70. Who may call annexation elections**

Annexation elections are called by the State Superintendent of Public Instruction. An annexation election must be held within 90 days after the State Superintendent of Public Instruction receives a legal petition requesting such an election.

[Source: Amended at 11 Ok Reg 319, eff 11-1-93 (emergency); Amended at 11 Ok Reg 2007, eff 6-1-94]

### **230:40-7-71. Resolutions for annexation elections**

A resolution calling for an annexation election, including the ballot title information, shall be submitted to the Secretary of the County Election Board by the State Superintendent of Public Instruction not less than 60 days before the election. The resolution shall contain all the same information outlined in 230:40-7-3. In addition, the resolution shall specify the voters eligible to vote in the election according to one of the following options:

- (1) All voters registered in the school district being annexed may vote in the election.
- (2) Only the voters registered in the specific area affected by the annexation may vote in the election.

[Source: Amended at 11 Ok Reg 319, eff 11-1-93 (emergency); Amended at 11 Ok Reg 2007, eff 6-1-94]

### **230:40-7-72. Annexations without election [REVOKED]**

[Source: Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-73. General election laws apply**

Annexation elections shall be conducted according to the general election laws of Oklahoma, in the same manner as any other school election.

### **230:40-7-74. Expenses**

The school district being annexed is responsible for all expenses involved in the annexation election. The County Election Board shall submit both the Pre-Election Expense Claim for School Elections and the Record of Expense for the balance of election expenses to the Board of Education of the school district being annexed.

### **230:40-7-75. Certification**

The County Election Board shall certify the results of an annexation election to the State Superintendent of Public Instruction.

[Source: Amended at 11 Ok Reg 319, eff 11-1-93 (emergency); Amended at 11 Ok Reg 2007, eff 6-1-94]

## **PART 19. CONSOLIDATION ELECTIONS**

### **230:40-7-80. Consolidation of school districts**

Two or more school districts may consolidate into a single, new school district. [70:7-105] When a school district consolidation occurs, the two or more participating school districts are dissolved and a new school district is established which comprises the territory formerly contained in the two or more separate school districts.

### **230:40-7-81. Consolidation elections**

Any consolidation of school districts shall include the opportunity for the qualified electors in the school districts involved to approve the proposed consolidation. [70:7-105] A proposed consolidation shall be approved by a majority vote of the school electors in each school district involved. Consolidation elections are called by the State Board of Education.

### **230:40-7-82. General laws apply**

Consolidation elections shall be conducted according to the general election laws of Oklahoma, in the same manner as any other school election.

### **230:40-7-83. Determination of number of school district electors**

It shall be the responsibility of the Board of Education of a school district or of the State Board of Education to determine the number of qualified electors within a school district. The Secretary of the County Election Board shall provide the school district's Board of Education or the State Board of Education with any information requested, such as information concerning the precincts contained within the school district, the number of registered voters in those precincts, and voter turnout in past elections in the district.

### **230:40-7-84. Role of State Board of Education**

The State Board of Education shall serve as the authorizing entity for a consolidation election.

### **230:40-7-85. Certification**

The County Election Board shall certify the results of the election to the State Board of Education. However, it shall not be the responsibility of the County Election Board to determine whether a lawful majority of votes was obtained.

### **230:40-7-86. Expenses**

The County Election Board shall submit both the Pre-Election Expense Claim for School Elections and the Record of Expense for the balance of election expenses to the Boards of Education of the school districts involved in the consolidation election. Each school district involved shall be responsible for the costs of the consolidation election that are directly attributable to it.

## **PART 21. FILLING VACANCIES [REVOKED]**

### **230:40-7-91. Methods of filling vacancies [REVOKED]**

[Source: Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-92. Elections to fill vacancies [REVOKED]**

[Source: Amended at 9 Ok Reg 405, eff 11-25-91 (emergency); Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 10 Ok Reg 53, eff 10-9-92 (emergency); Amended at 10 Ok Reg 2745, eff 7-1-93; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **PART 23. MULTI-COUNTY SCHOOL DISTRICTS**

### **230:40-7-97. Multi-county school districts**

A multi-county school district is a school district which includes within its boundaries territory located in two or more counties. Most technology center districts are multi-county school districts. Independent and elementary school districts may be multi-county districts.

[Source: Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 20 Ok Reg 487, eff 1-2-03 (emergency); Amended at 20 Ok Reg 1108, eff 7-1-03]

### **230:40-7-97.1. Elections for technology center districts serving 70 or more school districts [REVOKED]**

[Source: Added at 27 Ok Reg 611, eff 12-3-09 (emergency); Added at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-98. Supervision**

Elections for multi-county school districts shall be conducted by the County Election Board in the county in which supervision of the school district is located. The supervision of a multi-county school district is usually, but not always, located in the county in which the district's administrative offices are located. If there is a question about the location of the supervision of the district, school district personnel shall be responsible for making the determination.

### **230:40-7-99. Designation of County Election Boards**

The County Election Board in the county in which supervision of a multi-county school district is located shall be designated as the "control(parent)" County Election Board. The County Election Boards in other counties in which part of the school district is located shall be designated as "affected" County Election Boards. A County Election Board may be control(parent)" for some school districts and "affected" for other school districts.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13; Amended at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-100. Receipt of resolutions**

Resolutions calling for elections in multi-county school districts shall be delivered to the Secretary of the control(parent) County Election Board by the Board of Education.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13]

### **230:40-7-101. Filing**

Candidates for member of the Board of Education may file Declarations of Candidacy with the Secretary of the control(parent) County Election Board or with

the Secretary of the County Election Board in the county where the candidate resides. [26:13A-105] If a candidate files a Declaration of Candidacy with the Secretary of an affected County Election Board, that Secretary immediately shall notify the Secretary of the control(parent) County Election Board of the filing and shall transmit a copy of the Declaration of Candidacy to the control(parent) County Election Board. The control(parent) County Election Board shall enter the candidate's information into MESA.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-102. Notification of affected County Election Boards**

The Secretary of the control(parent) County Election Board shall notify the affected County Election Boards of an election immediately upon receipt of the resolution. The notification shall be in writing and shall include a copy of the resolution.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-103. Ballots and related materials [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-104. Absentee voting**

Requests for absentee ballots for multi-county school district elections shall be processed by the Secretary of the County Election Board of the county wherein the voter is registered.

##### **230:40-7-104.1. Provisional voting**

Voters who cast provisional ballots in a multi-county school district must cast the ballot in the correct precinct in the county in which they reside.

[Source: Added at 22 Ok Reg 1909, eff 7-1-05]

#### **230:40-7-105. Precincts in affected counties**

All appropriate precinct polling places in the affected counties of multi-county school districts shall be open for all elections in the district, except as outlined in 230:40-7-50 through 230:40-7-50.3. Precincts in affected counties shall be administered by the Secretary of the affected County Election Board.

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92]

#### **230:40-7-106. Board meetings shall be scheduled**

The County Election Board in each affected county shall schedule a meeting to canvass returns on the night of the election. The control(parent) County Election Board shall schedule a meeting to canvass returns on election night. Another meeting shall be scheduled after 5 p.m. on Friday following the election for the affected County Election Board to certify the final results of the election to the control(parent) County Election Board. The control(parent) County Election Board also shall schedule a meeting after 5 p.m. on Friday following the election to certify the complete and final election results to the Board of Education.

[Source: Amended at 23 Ok Reg 1301, eff 7-1-06; Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-107. Reporting results to control (parent) County Election Board**

Affected County Election Boards shall meet on the night of the election to canvass election results. The affected county's unofficial results are reported to the control (parent) County Election Board through MESA on election night. The affected County Election Board shall meet again on Friday following the election to count provisional ballots, if necessary. The affected county Secretary shall finalize the election results in the tabulation system. The affected County Election Board shall certify the results in its county after 5 p.m. After all affected counties have finalized the election results in the tabulation system, the control (parent) County Election Board Secretary can print Official Certification Reports that include all affected county results. The affected County Election Board Secretary shall not be required to provide an original signed and sealed Official Certification Report to the control (parent) county unless the entity that called the election requires such original reports.

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 23 Ok Reg 1301, eff 7-1-06; Amended at 30 Ok Reg 1707, eff 7-15-13; Amended at 34 Ok Reg 1135, eff 9-11-17]

#### **230:40-7-108. Contests of election**

A petition contesting the results of a multi-county election, whether requesting a recount or alleging irregularities or fraud, must be filed with the parent County Election Board no later than 5:00 p.m. on the Friday following the election. The petition must be accompanied by a deposit in the appropriate amount for the type of contest being filed. A deposit must be posted for each county in the multi-county district that is affected by the contest petition. See 230:45.

#### **230:40-7-109. Certification by control(parent) County Election Board**

The parent County Election Board shall meet on election night to canvass returns from precincts within the control(parent) county and results reported by affected counties through MESA. The Board shall meet again after 5 p.m. on Friday following the election to certify the final results of the election. See 230:40-7-42.

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 22 Ok Reg 1909, eff 7-1-05; Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-110. Expenses**

The control(parent) County Election Board shall receive claims for expenses for the multi-county election, including claims from the affected County Election Boards for expenses incurred within their counties. The control(parent) County Election Board shall file a claim for the total expenses of the election, including those incurred by affected County Election Boards, with the Board of Education.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-111. Reimbursement from Board of Education**

Reimbursement from the Board of Education for expenses of the election shall be deposited by the Secretary of the control(parent) County Election Board in the Special Depository Account. The Secretary then shall pay the expenses incurred for the election, including affected counties.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13]

#### **230:40-7-112. Reimbursement to affected counties**

When reimbursing affected counties for the expenses of the election, the Secretary of the control(parent) County Election Board shall make one lump sum payment to each affected County Election Board. The Secretary of each affected County Election Board shall deposit the payment in their respective Special Depository Accounts and shall pay expenses in their counties accordingly.

[Source: Amended at 30 Ok Reg 1707, eff 7-15-13]

## **PART 25. STATISTICAL REPORTS [REVOKED]**

### **230:40-7-117. Report on Annual School Elections [REVOKED]**

[Source: Amended at 12 Ok Reg 2243, eff 7-1-95]

### **230:40-7-118. Report on Analysis of Annual School Elections or of special elections [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 30 Ok Reg 1707, eff 7-15-13]

## **SUBCHAPTER 9. SCHOOL UNION ELECTIONS**

### **PART 1. SCHOOL UNION ELECTIONS**

#### **230:40-9-1. School union elections**

- (a) A school union election is an election in which certain employees of a school district choose an organization to represent them in collective bargaining. Only the employees of the school district are eligible to vote in the school union election.
- (b) Voting devices shall not be used in a school union election. Ballots cast in a school union election shall be counted manually.

[Source: Amended at 18 Ok Reg 1877, eff 7-1-01]

### **PART 3. VERIFICATION**

#### **230:40-9-6. Sealed packet from Board of Education**

The Secretary of the County Election Board shall not accept the sealed packet from the Board of Education containing the petition and the list of eligible employees in the bargaining unit. The sealed packet must be delivered to the District Court Judge for verification. In the event that the packet is hand delivered by a Board of Education representative to the Secretary of the County Election Board, the Secretary shall refuse the packet and direct the Board of Education's representative to the office of the District Court Judge. In the event that the sealed packet is received by mail, the Secretary shall not open the packet and immediately shall contact a representative of the Board of Education and arrange to return the packet so that it can be delivered properly to the District Court Judge for verification.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

#### **230:40-9-7. Secretary shall notify Board of Education [REVOKED]**

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Revoked at 18 Ok Reg 1874, eff 7-1-01]

#### **230:40-9-8. Person designated to verify signatures [REVOKED]**

[Source: Revoked at 18 Ok Reg 1874, eff 7-1-01]

**230:40-9-9. Designee notifies County Election Board and Board of Education  
[REVOKED]**

[Source: Revoked at 18 Ok Reg 1874, eff 7-1-01]

**PART 5. PREPARATION FOR SCHOOL UNION ELECTION**

**230:40-9-14. Notification from Board of Education of school union election**

If no agreement can be reached by the bargaining unit and the Board of Education, the local Board of Education shall notify the County Election Board to conduct a secret ballot election. The notification shall contain the following information:

- (1) A list of all the polling places for the election. The list shall include every middle school or junior high school and the central administration office in the district.
- (2) A list of names of all the persons eligible to vote in the election. The list shall be in alphabetical order and duplicated in such a number that there shall be one list for each polling place, plus an additional five copies.
- (3) The names of each organization entitled to have its name appear on the ballot.
- (4) The date of the election, which shall be on a Tuesday. The election shall not be scheduled on any special election date specified by law. See 230:40-3-1.1.

[Source: Amended at 16 Ok Reg 2438, eff 7-1-99; Amended at 18 Ok Reg 1874, eff 7-1-01]

**230:40-9-15. Ballot printing for school union election**

Ballots for school union elections shall be designed to be counted manually. The State Election Board shall provide a model school union election ballot format which can be delivered to the printer. The Secretary shall contact the County Purchasing Agent to obtain bids. Absentee ballots are not authorized for this election. The names of the organizations shall be listed on the ballot in the order in which said names are furnished to the County Election Board by the Board of Education. [70:509.2] The option specifying that no organization shall represent the employee bargaining unit shall be listed last on the ballot, in such language as may be specified by the Board of Education. [70:509.2]

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 18 Ok Reg 1874, eff 7-1-01]

**230:40-9-16. Supplies for school union election**

The County Election Board shall furnish ballot boxes and voting booths. No official election board forms shall be used. Voting devices shall not be used. The Secretary shall provide each Inspector with a copy of the list of names of all persons eligible to vote in the school union election described in 230:40-9-14(2). This list shall be provided at the time when the Inspector receives ballots and other supplies. The Secretary also shall provide the Inspector with instructions for counting the ballots and completing the tally sheets.

[Source: Amended at 9 Ok Reg 2415, eff 7-1-92; Amended at 18 Ok Reg 1874, eff 7-1-01]

**230:40-9-17. Selection of Precinct Officials for school union election**

The Secretary shall select and notify from among the duly appointed Precinct Officials in the county those who shall work in the election. Precinct

Officials shall receive the usual rate of compensation and mileage reimbursement. See 230:35-3-30 and 230:35-3-31.1.

[Source: Amended at 16 Ok Reg 2438, eff 7-1-99; Amended at 18 Ok Reg 1874, eff 7-1-01]

## **PART 7. PROCEDURE FOR SCHOOL UNION ELECTION**

### **230:40-9-22. General election laws do not apply to school union election**

The general election laws do not apply to school union elections unless specified in this subchapter.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

### **230:40-9-23. Time for school union election**

Polling places shall be open from 7:00 a.m. to 7:00 p.m. on the day of the school union election. Any eligible person who presents himself to vote no later than 7:00 p.m. shall be entitled to vote. [70:509.2]

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

### **230:40-9-24. Procedure for school union election**

The following procedure shall be observed at the polling place during a school union election:

- (1) Eligible voters may receive a ballot and vote after signing their signatures beside their names on the list of names of all the persons eligible to vote in the election. No person whose name is not on the list shall be entitled to vote.
- (2) The voter shall place his voted ballot in the ballot box in the presence of the Inspector.
- (3) Each organization whose name appears on the ballot shall be permitted to appoint one challenger at each polling place by notifying the County Election Board Secretary no later than 5 p.m. on the day before the election. Each challenger shall be identified properly as such and shall be limited to asking the voter's name, address, job classification and work site. If a voter is challenged, the Judge shall inform the voter. The voter shall be allowed to vote, but the Judge shall write the words "Challenged by (name of person challenging voter)" beside the voter's signature.
- (4) After the polls are closed, the Precinct Officials shall count and tally the votes on unofficial tally sheets. Two copies of the School Union Election Vote Totals form shall be completed by the Precinct Officials. One copy of this form shall be posted on the door of the polling place. The second copy shall be returned to the County Election Board office with other election materials.
- (5) After the count is completed, the Inspector shall return the tally sheets, the ballots, the list of eligible employees and other supplies to the County Election Board office.

[Source: Amended at 14 Ok Reg 2639, eff 7-1-97; Amended at 18 Ok Reg 1874, eff 7-1-01]

### **230:40-9-25. Certification of school union election results**

The County Election Board shall hold a special meeting the day after the school union election to canvass and certify the results to the Board of Education. Open meeting laws shall be observed. See 230:10-7-4 through 230:10-7-9. Certification shall be typed on letterhead stationery and signed by the members of



the County Election Board.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

#### **230:40-9-26. No contests in school union election**

No contest of the results of a school union election may be filed with the County Election Board.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

#### **230:40-9-27. Retention of materials used in school union election**

All materials used in conducting a school union election, including ballots, shall be retained by the County Election Board for 24 months after the date of the election.

[Source: Amended at 12 Ok Reg 2243, eff 7-1-95; Amended at 18 Ok Reg 1874, eff 7-1-01]

### **PART 9. SCHOOL UNION ELECTION EXPENSES**

#### **230:40-9-32. School union election expenses**

As soon as practicable following a school union election, the Secretary shall submit to the Board of Education an itemized list of all costs of holding the election. Such costs shall include compensation for Precinct Officials and County Election Board members and compensation for the Secretary and staff, in addition to all other necessary and reasonable costs. For school union elections only, election day payment of Precinct Officials shall not apply.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

#### **230:40-9-33. Compensation of County Election Board Secretary and staff for school union election**

The County Election Board Secretary and staff shall be compensated for conducting the school union election by the Board of Education at an hourly rate of pay equal to the regular pay schedule for any hours worked in addition to regular office hours. The Board of Education shall not be billed for work performed by the Secretary or staff during regular office hours.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

#### **230:40-9-34. Payment of school union election expenses**

All payments from the Board of Education for the school union election shall be deposited immediately in the Special Depository Account, and expenses of the election shall be paid from the Special Depository Account.

[Source: Amended at 18 Ok Reg 1874, eff 7-1-01]

## **CHAPTER 45. CONTESTS OF ELECTION**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **230:45-1-1. Purpose**

The rules in this Chapter provide procedures for the County Election Board to receive petitions requesting recounts; procedures for conducting recounts; and

procedures for receiving petitions alleging fraud and/or irregularities and for establishing the date and time for hearings. These rules also establish procedures for conducting manual recounts of ballots originally counted by electronic optical scanning voting devices.

## **SUBCHAPTER 3. RECOUNTS**

### **PART 1. RECOUNTS FOR COUNTY OFFICE**

#### **230:45-3-1. Filing for recount; petition, deposit required [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 15 Ok Reg 2588, eff 7-1-98; Amended at 17 Ok Reg 2364, eff 7-1-00; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-2. Procedure for Secretary**

(a) At least one week prior to an election, the Secretary of the County Election Board shall consult with the other two members of the County Election Board to set a tentative date and time for a recount hearing to be held if necessary. The Secretary also shall consult with the county's District Judge concerning the tentative date and time of a recount hearing.

(b) Upon receipt of a recount petition, the Secretary shall observe the following procedure:

- (1) Contact the District Judge or Associate District Judge of the county to verify the time that the recount can begin in the District Courtroom.
- (2) Enter the appropriate information about the recount in MESA. Write the cause number assigned to the recount by MESA on the recount petition.
- (3) Issue an order setting the date, time and place of the recount. See 230:45-3-3. Provide a sufficient number of copies of the order to the contestant to have served on the other candidate or candidates involved in the recount. See 230:45-3-4.
- (4) Notify other members and/or alternate members of the County Election Board.
- (5) If a manual recount has been requested, select and train a sufficient number of Counters to conduct the recount.
  - (A) Regular Precinct Inspectors, Judges or Clerks may serve as Counters for a manual recount. Employees of the County Election Board also may serve as Counters.
  - (B) At least two different political parties shall be represented among the Counters for a manual recount. [26:8-114(B)]
  - (C) Counters at a manual recount shall be registered voters in the county. [26:8-114(B)]
  - (D) Counters at a manual recount may not be employed by nor related within the third degree by either consanguinity or affinity to a candidate involved in the recount. Counters also may not be related by either consanguinity or affinity to any member of the County Election Board.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-3. Written order required [REVOKED]**

[Source: Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-4. Service of notice [REVOKED]**

[Source: Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-5. Sheriff to provide security for ballots [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 23 Ok Reg 1306, eff 7-1-06; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-6. District Judge's duties [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-7. County Election Board assumes jurisdiction [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-8. Candidate may appoint agent [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-9. Conducting the recount [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 23 Ok Reg 1306, eff 7-1-06; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-10. All ballots must be counted [REVOKED]**

[Source: Amended at 23 Ok Reg 1306, eff 7-1-06; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-11. Stopping the recount [REVOKED]**

[Source: Revoked at 30 Ok Reg 1722, eff 7-15-13]

##### **230:45-3-11.1. Securing the ballots [REVOKED]**

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-12. When the recount is finished**

When the recount is complete, the County Election Board shall recess its meeting and shall reconvene in the County Election Board office. The Secretary shall follow the instructions provided by the State Election Board to cause the recounted results to be entered manually in MESA so that Official Certification Reports of the recounted results can be printed. When these reports have been printed and proofread, the County Election Board members shall certify the recounted election results as outlined in 230:35-3-91. [26:8-115]

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13; Amended at 36 Ok Reg 1563, eff 9-16-19]

##### **230:45-3-12.1. Recount results in tie [REVOKED]**

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-3-13. Deposits to be kept**

Deposits for recounts, except those posted during a recount under the jurisdiction of the State Election Board or of another County Election Board, shall be deposited in the County Election Board's Special Depository Account.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93]

### **230:45-3-14. Expenses of recount [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 13 Ok Reg 3177, eff 6-18-96 (emergency); Amended at 14 Ok Reg 2641, eff 7-1-97; Amended at 16 Ok Reg 539, eff 1-1-99 (emergency); Amended at 16 Ok Reg 2441, eff 7-1-99; Amended at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-15. Paying the costs**

If only one person files a recount petition and he is successful, the county bears the entire expense of the recount. If the petitioner is successful in the case of municipal or school district elections, the municipality or school district bears said cost. If said petitioner is not successful, the expenses of the recount shall be deducted from his deposit, and the remainder returned to him. If two candidates seek recounts in the same race, the expenses are borne by the losing candidate. In the event that the winner of the election requests the recount and the recounted results do not change the outcome of the election, the winner assumes the cost of the recount. If the petitioner was required to post an additional deposit, as required by Title 26, Section 8-111, expenses of the recount may be deducted from the additional deposit if the primary deposit is depleted, but no part of the additional deposit shall be refunded to the petitioner.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 34 Ok Reg 1137, eff 9-11-17]

### **230:45-3-16. Open Meeting Act applies**

Whenever the County Election Board meets to conduct a recount, that meeting is covered by the guidelines listed in the Oklahoma Open Meeting Act. The Secretary has the following responsibilities.

- (1) Notify the County Clerk of the meeting in the manner prescribed in 230:10-7-4.
- (2) Provide notice to persons who have requested it as outlined in 230:10-7-5.
- (3) Post an agenda in the manner prescribed in 230:10-7-7.
- (4) Record minutes of the meeting in the manner prescribed in 230:10-7-15.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93]

## **PART 3. RECOUNTS FOR DISTRICT, STATE OFFICE**

### **230:45-3-22. Recounting responsibility delegated**

In cases of recounts involving state offices, petitions are filed with the Secretary of the State Election Board. A deposit, as outlined in 230: 45-3-1(c), is required for each county in which either regular ballots or absentee ballots are to be recounted. The State Election Board shall delegate the responsibility for actual conduct of the recount to the appropriate County Election Board. Such recounts are held as detailed in 230:45-3-7 through 230:45-3-12.1. A written claim for expenses as outlined in 230:45-3-14 shall be filed by the County Election Board Secretary with the State Election Board as soon as possible after the conclusion of the recount, along with any deposits that have been filed during the recount.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 34 Ok Reg 1137, eff 9-11-17]

## **PART 5. RECOUNTS FOR MULTI-COUNTY ELECTIONS**

### **230:45-3-27. Filing for recount in multi-county election**

In the case of a recount involving an entity such as a multi-county school district or a multi-county municipality, the petition is filed with the Secretary of the control(parent) County Election Board. A deposit, as outlined in 230:45-3-1(c), for each county in the multi-county entity in which either regular ballots or absentee ballots are to be recounted must accompany the petition.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-28. Recounting responsibility delegated**

Upon receipt of a recount petition in a multi-county election, the Secretary of the control (parent) County Election Board shall delegate the responsibility for actual conduct of the recount to the appropriate affected County Election Board. Such recounts are held as outlined in 230:45-3-7 through 230:45-3-12.1. A written claim for expenses as outlined in 230:45-3-14 shall be filed immediately with the control (parent) County Election Board. Any deposits that have been filed during the recount in the affected county shall be sent to the control (parent) county.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13; Amended at 34 Ok Reg 1137, eff 9-11-17]

## **PART 7. RECOUNTS FOR QUESTION ELECTIONS**

### **230:45-3-33. Recounts for question elections [REVOKED]**

[Source: Amended at 15 Ok Reg 2588, eff 7-1-98; Revoked at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-34. Types of elections affected**

Recounts on questions are authorized for elections conducted by the County Election Board for counties, municipalities, school districts and any other entity authorized to call elections, except statewide question elections. Recounts are not allowed in state question elections. [26:8-111(B)(2)]

### **230:45-3-35. Petition required**

(a) An individual who is a registered voter and who [26:8-111(B)(2)] voted in the election may request a recount in the election for a question or issue by filing a petition with the Secretary of the County Election Board as outlined in 230:45-3-1. [26:8-109; 8-111(B)(2)] In the case of a multi-county election, the petition shall be filed with the control(parent) County Election Board. The petition must meet the following requirements:

- (1) The petition must be signed by 150 registered voters who voted in the election if the total number of votes cast for and against the question was 15,000 or more. [26:8-111(B)(2)]
- (2) The petition must be signed by a number of registered voters who voted in the election equal to 1% or more of the total votes cast if the total number of votes cast for and against the question was 14,999 or fewer. [26:8-111(B)(2)]

(b) The number of signatures required is the same whether the question requires only a majority or more than a majority for approval.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 15 Ok Reg 2588, eff 7-1-98; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-36. Petitions presumed valid [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Revoked at 20 Ok Reg 493, eff 1-2-03 (emergency); Revoked at 20 Ok Reg 1114, eff 7-1-03]

#### **230:45-3-36.1. Petitions verified**

Within 24 hours of receiving a petition requesting a recount of the results of a question election, the Secretary of the County Election Board shall determine whether the petition contains a sufficient number of valid signatures. 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 the petition pages and use the photocopy during the verification process.
- (2) Determine the minimum number of valid signatures required. See 230:45-3-35.
- (3) Count the total signatures on the petition. Note the total number of signatures in the upper left corner of the first page.
- (4) Use MESA to verify that each person who signed the petition is a registered voter. Write the voter ID number and precinct number beside the voter's name on the petition.
  - (A) 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 on the photocopy.
  - (B) If the signer's name is found in the Central File or in the restricted records status file, note the voter ID number and the precinct number beside the name on the petition.
- (5) Refer to the appropriate Precinct Registry to verify that the voter voted in the election.
  - (A) If the voter did not sign the Precinct Registry, check absentee voting records to determine whether the voter cast an absentee ballot in the election.
  - (B) If the voter did not vote in the election strike through the name on the petition.
- (6) After verifying each signature on the petition as outlined in steps (4) and (5), count the number of valid signatures.
  - (A) If there are at least the minimum required number of valid signatures, the petition is valid. Proceed with arrangements for the recount.
  - (B) If there are fewer than the minimum required number of valid signatures, the petition is not valid. Notify the person who filed the petition that it has been determined to be invalid and that the recount cannot be conducted.

[Source: Added at 20 Ok Reg 493, eff 1-2-03 (emergency); Added at 20 Ok Reg 1114, eff 7-1-03; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-37. Deposits required [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-38. Petitioner may commission agent and Watcher [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 11 Ok Reg 1593, eff 6-1-94; Revoked at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-39. All ballots must be counted**

All ballots, including absentee ballots and any counted provisional ballots, cast in the election in the county shall be recounted. If the election was a multi-county election, the petitioner may specify that all the ballots cast in all the counties affected by the election be recounted, or the petitioner may specify that ballots in only certain counties affected by the election be recounted. In no event shall the petitioner designate a recount of fewer than all the ballots cast in the election in any one county. A recount of a question election may not be halted until all ballots cast in the election in the designated county have been recounted. [26:8-116]

[Source: Amended at 23 Ok Reg 1306, eff 7-1-06]

### **230:45-3-40. Certification of question election**

After the election results have been accumulated on election night as outlined in 230:35-3-87, the members of the County Election Board shall canvass the results of question elections. The County Election Board shall certify the final question results after 5 p.m. on Friday following the election as outlined in 230:35-3-91 unless a recount is requested.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 15 Ok Reg 2588, eff 7-1-98; Amended at 25 Ok Reg 1931, eff 7-1-08]

## **PART 9. RECOUNTS WITH ELECTRONIC VOTING DEVICES**

### **230:45-3-45. Manual recount may be requested [REVOKED]**

[Source: Revoked at 10 Ok Reg 2751, eff 7-1-93]

### **230:45-3-46. Deposit for manual recount [REVOKED]**

[Source: Revoked at 10 Ok Reg 2751, eff 7-1-93]

### **230:45-3-47. Deposit for electronic recount [REVOKED]**

[Source: Revoked at 10 Ok Reg 2751, eff 7-1-93]

### **230:45-3-48. Voting devices shall be tested [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 14 Ok Reg 2641, eff 7-1-97; Revoked at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-49. Law shall apply [REVOKED]**

[Source: Revoked at 10 Ok Reg 2751, eff 7-1-93]

### **230:45-3-50. Voting devices, ballot boxes and ballots delivered to Courtroom**

The voting device or devices to be used to conduct an electronic recount shall be prepared for the recount in advance of the recount hearing and shall be delivered to the District Courtroom at the time that the recount hearing is to begin. One ballot box for each device also shall be delivered to the Courtroom.

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-3-51. Operation of voting device during an electronic recount**

The Secretary of the County Election Board shall designate an employee of the County Election Board or a Precinct Official to operate each voting device used during an electronic recount.

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13; Amended at 36 Ok Reg 1563, eff 9-16-19]

### **230:45-3-52. Preparation of voting device**

When it is time to begin the recount, the person designated to operate the voting device shall follow the appropriate instructions to prepare the voting device to accept and count ballots. See 230:35-5-32 or the Election Day Reference and Problem Solver section of the Precinct Official Notebook.

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Amended at 34 Ok Reg 1137, eff 9-11-17]

### **230:45-3-53. Instructions for electronic recount**

(a) **Preparing to count.** When the Judge rules that the ballots have been properly preserved and that the recount can be performed, the Secretary shall break the seal on each ballot transfer box from the first precinct to be recounted. In the event that a ballot transfer box contains ballots from more than one entity, the Secretary shall assign each opened ballot transfer case to a County Election Board employee or to a Precinct Official to sort and separate the ballots containing the race or question to be recounted. All other ballots for that precinct shall be replaced in the ballot transfer box. Ballots from a large precinct may be divided between two or more voting devices if necessary to speed the recount process. The Secretary shall break the seal on the ballot transfer box for the next precinct to be recounted as soon as all the ballots from the first precinct have been sorted and shall assign the opened transfer case to a County Election Board employee or a Precinct Official to sort and separate the ballots containing the race or question to be recounted. This process shall be repeated as necessary until all the ballots to be recounted have been sorted and separated for counting.

(b) **Counting the ballots.** After the preparations described in (a) of this Section have been completed, the Secretary shall transfer the ballots to the person assigned to operate the voting device to begin processing the ballots one at a time through the voting device. If the voting device returns a ballot, the operator shall accept the ballot and continue. See 230:35-5-162. A Watcher may object in writing to actions taken by the person operating the voting device. After all the ballots for the first precinct have been processed through the voting device, the person operating the voting device shall close the polls on the device and shall remove the election results storage medium from the voting device, verify the storage medium is properly labeled for the precinct just recounted, and secure the storage medium. The operator shall remove the recounted ballots from the ballot box and replace them in the original ballot transfer case for that precinct. The ballots shall be secured as described in (d) of this section. The operator then shall accept ballots for the next precinct from the Secretary and shall prepare the voting device to count that precinct. When the device is ready, the operator shall begin processing the ballots.

(c) **Concluding the recount.** When all the ballots for all precincts included in the recount have been recounted, the operator of each voting device used shall ensure that all ballots have been removed from the ballot box of each voting device used. The County Election Board meeting shall be recessed and the members and employees of the County Election Board immediately shall return to the County Election Board office to update the election results and print Official Certification



Reports, and then to certify the results of the recounted race or question.

(d) **Securing the ballots.** After all the ballots containing the race or question being recounted have been scanned, the ballots shall be replaced in the original ballot transfer box or boxes for that precinct. The County Election Board members and the operator each shall sign a short turquoise State Election Board seal. The members of the County Election Board, including the Secretary, shall sign the seal. The Secretary shall check the "Other" box on the seal and shall indicate in the space provided that the box was resealed after a recount. The ballots shall be returned to the County Election Board office to be stored with other election materials as required by law. However, if any ballots will be involved in another recount at a later time, the ballot transfer box or boxes containing those ballots shall be returned to the custody of the County Sheriff until time for the next recount to begin.

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Amended at 11 Ok Reg 321, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1593, eff 6-1-94; Amended at 30 Ok Reg 1722, eff 7-15-13; Amended at 36 Ok Reg 1563, eff 9-16-19]

## **SUBCHAPTER 5. INSTRUCTIONS FOR COUNTERS FOR MANUAL RECOUNT**

### **PART 1. GENERAL GUIDELINES**

#### **230:45-5-1. Location and materials for Counters**

Tables shall be provided in the District Courtroom for the Counters. The following materials shall be arranged on each counting table. A complete set of these materials shall be provided for each group of Counters.

- (1) Two Tally Sheets for each type of ballot.
- (2) Four pencils.
- (3) One pencil sharpener.
- (4) Paper clips.
- (5) Instructions for Counters for Manual Recount.
- (6) Two erasers.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-5-1.1. Number of Counters required**

The number of Counters required to conduct a manual recount shall be determined by the number of ballots to be recounted. However, the number of Counters employed for the recount should not exceed the amount of the recount deposit.

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Amended at 36 Ok Reg 1563, eff 9-16-19]

#### **230:45-5-2. Designation of Counters' duties**

In each group of four Counters, one Counter shall be designated as Caller and one shall be designated as Stacker. The Caller and Stacker shall be of different political parties. The other two Counters each shall be designated as Tallyers. The Tallyers each shall be of different political parties. These assignments may be rotated between counts.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93]

#### **230:45-5-3. More than four Counters authorized [REVOKED]**

[Source: Revoked at 10 Ok Reg 2751, eff 7-1-93]

#### **230:45-5-4. Watchers [REVOKED]**

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

#### **230:45-5-5. County Election Board to make decision**

In the event that the Counters cannot agree on how to count a ballot, the Counters shall consult the County Election Board members. The County Election Board members shall make the decision. If the Board members also are unable to agree, the ballot shall not be counted. The County Election Board alone shall decide how to count any ballot challenged by a Watcher. [26:8-114]

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 34 Ok Reg 1137, eff 9-11-17]

### **PART 3. PROCEDURE FOR COUNTING**

#### **230:45-5-11. Preparing to count**

(a) The Secretary shall break the seal on each ballot transfer box from their first precinct to be recounted. In the event that a ballot transfer box from a precinct contains ballots from more than one entity or more than one party in a primary election, the Secretary shall assign each opened ballot transfer box from that precinct to a County Election Board employee or to a Precinct Official to sort and separate the ballots containing the race or question to be recounted. All other ballots shall be replaced inside the ballot transfer box.

(b) The Secretary shall assign ballots from the first precinct to a team of four Counters. [26:8-114(B)] If only one team of four Counters is used, all the ballots for one precinct shall be recounted before ballots for the next precinct are assigned to the Counters.

(c) When absentee ballots are being recounted in a candidate race or for a question, the Secretary shall break the seal on the first box of absentee ballots and assign the box to a County Election Board employee or to a Precinct Official to sort the ballots by precinct and by entity or party, if necessary. Ballots containing the race or question being recounted shall be set aside and all other ballots shall be returned to the same ballot transfer box. Under no circumstance shall mail and nursing home absentee ballots be commingled with in-person absentee ballots. All absentee ballots shall be recounted and recorded by source (mail/nursing home and in-person absentee) and by precinct.

(d) During a recount, the Counters shall record both overvotes and undervotes in the race or question being recounted.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 11 Ok Reg 321, eff 11-1-93 (emergency); Amended at 11 Ok Reg 1593, eff 6-1-94; Amended at 30 Ok Reg 1722, eff 7-15-13; Amended at 34 Ok Reg 1137, eff 9-11-17]

#### **230:45-5-12. Instructions for counting**

After the preparations described in 230:45-5-11 have been completed, the Counters shall begin to count the ballots. The following procedure shall be observed to count the ballots.

(1) The Caller and Stacker shall examine each ballot.

(2) The ballot shall be examined for each party, the office to be recounted and the name of the candidate voted upon. The caller shall announce the vote recorded on the ballot. For example, the Caller shall say "One vote for John Doe."

- (3) The Stacker shall agree with the Caller, or the ballot cannot be counted for that candidate.
- (4) The first Tallyer shall repeat the name of the candidate and the number (from one to five) of the vote that is being recorded for that candidate.
- (5) The second Tallyer shall agree with the first Tallyer, or the recording shall stop and shall not continue until the Tallyers are in agreement. candidate.
- (6) If more than one candidate has been marked in a "vote for one" race being recounted, the Caller shall announce an overvote in the race. If more than the designated number of candidates has been marked in a race allowing multiple votes, the Caller shall announce an overvote in the race.
- (7) The Tallyers shall record an overvote in the space provided on the Tally Sheet for overvotes when one is announced by the Caller.
- (8) If no candidate has been marked in the race being recounted, the Caller shall announce an undervote.
- (9) The Tallyers shall record an undervote in the space provided on the Tally Sheet for undervotes when one is announced by the Caller.
- (10) In recording the votes, the Tallyers shall use the tally method; i.e., votes shall be recorded in segments of five, from one to five, or from one to "tally." The fifth vote shall be shown by a slash line through the other four votes.
- (11) When a ballot has been counted, the Caller shall hand the ballot to the Stacker, who shall stack the ballots in the appropriate ballot transfer box.
  - (A) The Stacker shall stack ballots that cannot be counted in a ballot transfer box.
  - (B) The Stacker shall stack all counted ballots in a separate ballot transfer box.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 26 Ok Reg 2538, eff 7-15-09; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-5-12.1. Breaks in counting**

Counters shall be entitled to take breaks from counting periodically during the recount to prevent fatigue. When it is necessary for Counters to break, the Caller shall designate the end of the count and the Stacker shall write "End of first count" on the back of the last ballot in each stack. Thereafter, a similar notation shall be made for the end of the second, third count, and so on. At the end of each count and before the Counters leave the courtroom, the Tallyers shall verify that their totals are in agreement. If their totals do not agree, no additional ballots shall be counted when they return from their break until the Tallyers' totals are in agreement. When Counters break from counting, the members of the County Election Board and the County Sheriff or Deputy shall remain in the District Courtroom to protect the ballots until all Counters have returned and resumed the count.

[Source: Added at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-5-13. Stopping the recount [REVOKED]**

[Source: Revoked at 10 Ok Reg 2751, eff 7-1-93]

### **230:45-5-14. Completing the count**

(a) **Totals.** The Tallyers shall total the Tally Sheets on which the count has been recorded as outlined in 230:45-5-12. The Tallyers shall verify that their totals are in agreement.

(b) **Signing Tally Sheets.** Each Tally Sheet shall be signed by all four of the Counters in the group.

(c) **Securing the ballots.** The Counters shall replace all the ballots in the ballot transfer box.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93]

## **PART 5. RULES FOR COUNTING**

### **230:45-5-19. Counters shall observe rules**

When manually recounting ballots that were originally counted by electronic voting devices, the law concerning the counting of ballots by voting devices shall be applied to the manual count. Counters shall observe the following rules in counting all ballots:

(1) Ballots must be marked in blue or black ink or in pencil. If not, they cannot be counted.

(2) Any marking in the voting target shall be a valid marking. The voting target is the rectangle that appears to the left of each candidate's name, each option on a question, and each party emblem in the "straight party" voting option.

(3) If there is any writing on the ballot, the ballot still can be counted for any office or question thereon.

(4) Any mark extending outside the voting target into another voting target cannot be counted.

(5) Marks used to designate the intention of the voter shall not be counted if they are not located in the voting target. [26:7-127(3)]

(6) Failure to vote for any candidate for a particular office shall not invalidate valid markings for candidates or other offices on the same ballot. [26:7-127(5)]

(7) A valid marking in the voting target beside the emblem of a political party shall be counted as a vote for each candidate of that party on the ballot. [26:7-127(6)]

(8) If a valid marking is marked in the voting target beside emblems of two or more parties, then the ballot cannot be counted for any partisan candidate on that ballot. [26:7-127(6)]

(9) If a valid marking is marked in the voting target beside the emblem of Political Party A, and a valid marking is marked in the voting target beside the name of a candidate of Political Party B, then one vote shall be recorded for each candidate of Political Party A except for the office in which the vote was recorded for the individual candidate of Political Party B. [26:7-127(6)] That individual candidate of Political Party B shall receive one vote. Such a ballot is valid because a vote for the candidate shall supersede the vote for the party.

(10) If valid markings are made in the voting targets beside the names of two candidates for the same office, the ballot cannot be counted for any candidate for that office. An overvote shall be recorded for this race. However, the ballot may be counted for candidates for other offices which are validly marked.

(11) If a ballot has not been marked for any candidate in a particular race or question, no vote shall be counted for any candidate in the race and an undervote shall be recorded for the race. If a ballot is completely blank and no votes have been marked for any race or question, no votes shall be recorded for any race or question on the ballot. An undervote shall be recorded for every race and question on the ballot.

(12) Ballots that have been torn shall be counted if it is possible to determine how the voter marked the ballot.

[Source: Amended at 10 Ok Reg 2751, eff 7-1-93; Amended at 30 Ok Reg 1722, eff 7-15-13]

### **230:45-5-20. Examples of counting ballots [REVOKED]**

[Source: Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **SUBCHAPTER 7. FRAUD AND IRREGULARITIES**

### **230:45-7-1. Allegations of fraud**

(a) **Petition to be filed.** Any candidate may, by 5 p.m. Friday following an election, file a written petition alleging fraud with the Secretary of the County Election Board. Said petition must be accompanied by a bond in the amount of \$5,000.

[26:8-119] Petitions alleging fraud shall not be accepted in question elections.

[26:8-109]

(b) **Procedure for Secretary.** Upon receiving a petition and bond as described in (a), the Secretary of the County Election Board shall issue an order setting a date for a hearing following the same procedure and guidelines outlined in Sections 230:45-3-3 and 230:45-3-4. The procedure for service of copies of the petition and order shall be the same as contained in Section 230:20-5-6. The Secretary shall deliver the original petition and order along with the bond to the District Court Clerk in his county. The County Election Board has no further responsibilities than those that may be assigned by the District Court Judge.

### **230:45-7-2. Allegations of irregularities**

(a) **Petition to be filed.** Any candidate may, by 5 p.m. Friday following an election, file a petition alleging irregularities in that election with the Secretary of the County Election Board. Said petition must be accompanied by a cashier's check or certified check in the amount of \$250. [26:8-120] Petitions alleging irregularities shall not be accepted in question elections. [26:8-109]

(b) **Procedure for Secretary.** When a petition and deposit as described in (a) are filed, the Secretary of the County Election Board shall follow the procedure outlined in 230:45-7-1(b). However, the Secretary shall retain the cashier's or certified check to be used to defray the costs of the hearing. The Secretary also shall retain a copy of the petition and order for his records.

### **230:45-7-2.1. Allegations of fraud or irregularities involving two or more counties**

(a) **Petitions filed with State Election Board.** When a petition alleging fraud or irregularities in two or more counties in an election for a state, legislative, or Congressional office is filed with the Secretary of the State Election Board, the Secretary shall notify the Supreme Court. The Supreme Court shall assign a single judge to hear the petition and to determine the issue for all the counties affected by the petition. [26:8-121.1]

**(b) Petitions filed with County Election Board.** When a petition alleging fraud or irregularities in two or more counties in an election for a multi-county school district or municipality is filed with the Secretary of the parent County Election Board, the Secretary shall schedule the hearings for all the counties affected by the petition. [26:8-121.1] See 230:45-7-1(b) and 230:45-7-2(b).

[Source: Added at 15 Ok Reg 2588, eff 7-1-98]

### **230:45-7-13. New election possible**

**(a) Judge must notify Secretary.** In the event the presiding District Judge determines that it is impossible to determine the winner of an election, or the names that should appear on a Runoff Primary Election ballot, he shall notify the Secretary of the County Election Board. [26:8-122]

**(b) Secretary to notify Governor.** When the Secretary receives a notice from the presiding District Judge, as set forth in (a), he shall notify the Governor of the ruling in order that the Governor can call a new election. [26:8-122]

## **APPENDIX A. CORRECTLY MARKED BALLOT [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **APPENDIX B. STRAIGHT PARTY [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **APPENDIX C. BALLOT MARKED OUTSIDE VOTING TARGET, EXAMPLE 1 [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked and reenacted at 18 Ok Reg 1880, eff 7-1-01; Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **APPENDIX D. WRITING ON BALLOT [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **APPENDIX E. SPLIT TICKET [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **APPENDIX F. BALLOT MARKED OUTSIDE VOTING TARGET, EXAMPLE 2 [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

## **APPENDIX G. UNUSUAL MARKING INSIDE VOTING TARGET [REVOKED]**

[Source: Revoked and reenacted at 10 Ok Reg 2751, eff 7-1-93; Revoked at 30 Ok Reg 1722, eff 7-15-13]

# **CHAPTER 50. AUTOMATED SYSTEMS**

[Authority: 26 O.S., § 2-107]

[Source: Codified 12-30-91]

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **230:50-1-1. Purpose**

The rules in this Chapter provide specifications for proprietary election administration software and for voting devices.

[Source: Amended at 30 Ok Reg 1737, eff 7-15-13]

## **230:50-1-2. Definitions [REVOKED]**

[Source: Revoked at 30 Ok Reg 1737, eff 7-15-13]

# **SUBCHAPTER 3. VOTING DEVICES AND DATA PROCESSING**

## **PART 1. USE OF VOTING DEVICES [REVOKED]**

## **230:50-3-1. Specifications for voting devices [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-2. Programming [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-3. Testing [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-4. Printing [REVOKED]**

[Source: Amended at 9 Ok Reg 2421, eff 7-1-92; Revoked at 10 Ok Reg 2767, eff 7-1-93]

## **230:50-3-5. Before the polls open [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-6. Manner of voting [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-7. After the polls close [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-8. Training [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-9. Voting instruction [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-10. Absentee voting [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-11. Emergency situations [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-12. Sample ballot cards [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **230:50-3-13. Spoiled ballot cards [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

### **230:50-3-14. Maintenance key [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **PART 3. EXPERIMENTAL USE OF VOTING MACHINES [REVOKED]**

### **230:50-3-21. Experimental use valid [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **PART 5. ELECTRONIC DATA PROCESSING [REVOKED]**

### **230:50-3-26. Computer use authorized [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

## **PART 7. ELECTION MANAGEMENT**

### **230:50-3-31. Oklahoma Election Management System authorized [REVOKED]**

[Source: Amended at 12 Ok Reg 2245, eff 7-1-95; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-31.1. Modern Election Support Application**

(a) The Modern Election Support Application is a software system developed for the Oklahoma State Election Board for use by the County Election Boards in the administration of voter registration and elections and the performance of various election-related duties. The abbreviation "MESA" shall be used to refer to the software in the rules of the State Election Board. MESA software may be installed on personal computers in the possession of the County Election Board. All County Election Board employees, at the discretion of the Secretary of the County Election Board, may become authorized users of MESA.

(b) County Election Boards are required to use the MESA software in the performance of their official duties. .

[Source: Added at 26 Ok Reg 2539, eff 7-15-09; Amended at 27 Ok Reg 1146, eff 6-1-10; Amended at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-32. Use of MESA required**

The Secretary of the County Election Board shall be required to use MESA to perform the administrative functions of the County Election Board included in MESA.

[Source: Amended at 27 Ok Reg 1146, eff 6-1-10; Amended at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-33. OEMS Hardware, software use restricted [REVOKED]**

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-33.1. MESA software use restricted**

MESA software shall be used only for the administrative functions of the County Election Board. MESA software shall be used only by trained and authorized County Election Board personnel. No modifications or alterations of the MESA software shall be made by County Election Board personnel unless



specifically authorized by the Secretary of the State Election Board.

[Source: Added at 27 Ok Reg 1146, eff 6-1-10]

#### **230:50-3-34. County Election Board shall maintain data**

The Secretary of the County Election Board shall be responsible for maintaining in MESA all required records and information for the county. The Secretary shall be responsible for the accuracy of the data entered into MESA. The Secretary shall be responsible for providing accurate, up-to-date data to the State Election Board as required.

[Source: Amended at 27 Ok Reg 1146, eff 6-1-10; Amended at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-35. Training for County Election Board personnel**

The Secretary of the State Election Board shall provide training for County Election Board personnel in all aspects of the use of MESA. Training shall include use of all MESA software components. Only persons who have completed a training program approved by the State Election Board shall be authorized to use MESA.

[Source: Amended at 27 Ok Reg 1146, eff 6-1-10; Amended at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-35.1. Instructions for OEMS software [REVOKED]**

[Source: Added at 11 Ok Reg 1595, eff 6-1-94; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-35.2. Instructions for MESA software**

The Secretary of the State Election Board shall prepare and distribute appropriate instructions to enable County Election Board personnel to use the MESA software.

[Source: Added at 27 Ok Reg 1146, eff 6-1-10]

#### **230:50-3-36. Turning on OEMS hardware components [REVOKED]**

[Source: Revoked at 11 Ok Reg 1595, eff 6-1-94]

#### **230:50-3-37. Username and password security in MESA**

Usernames and passwords are security features of MESA. The County Election Board Secretary, Assistant Secretary, or Chief Clerk, and other County Election Board employees authorized by the Secretary to use MESA each will have unique usernames and passwords. Each user of MESA shall be required to keep his or her password secret at all times. Under no circumstances shall a username or password be made available to an unauthorized person. Usernames and passwords shall not be displayed in any location or recorded in any manner where they can be viewed by unauthorized persons. Passwords in MESA will expire after 30 days of use. Each authorized user shall be responsible for creating and maintaining his or her own passwords as prompted by the software.

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Amended at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-38. OEMS morning routine [REVOKED]**

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-39. OEMS system backups [REVOKED]**

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-39.1. System backups for computers using MESA software and storing MESA reports**

It shall be the responsibility of the Secretary of the County Election Board to ensure that system backups of all personal computers in the possession of the County Election Board which contain MESA software and which store MESA reports are conducted on a regular basis. The State Election Board shall not be responsible for the maintenance of any data stored on a computer owned by the County Election Board.

[Source: Added at 27 Ok Reg 1146, eff 6-1-10]

### **230:50-3-40. Conducting daily OEMS backups [REVOKED]**

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-41. Conducting weekly OEMS backups [REVOKED]**

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-3-41.1. Election backups in OEMS [REVOKED]**

[Source: Added at 11 Ok Reg 1595, eff 6-1-94; Amended at 27 Ok Reg 1146, eff 6-1-10; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-42. Turning OEMS hardware components on and off [REVOKED]**

[Source: Amended at 11 Ok Reg 1595, eff 6-1-94; Revoked at 30 Ok Reg 1737, eff 7-15-13]

## **PART 9. ELECTION PROGRAMMING [REVOKED]**

### **230:50-3-52. Election programming [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-53. Time for election programming [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-54. Election programming for statewide elections [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-55. Election programming for elections that are not statewide elections [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-56. Model elections [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-57. Election programming procedures checklists [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-58. Burning voting device memory packs [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Amended at 16 Ok Reg 2442, eff 7-1-99; Revoked at 30 Ok Reg 1737, eff 7-15-13]

## **PART 11. VOTING DEVICE TESTING [REVOKED]**

### **230:50-3-64. Testing voting devices and memory packs required [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Amended at 13 Ok Reg 579, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2491, eff 7-1-96; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-65. Testing Procedures Checklist [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-66. Testing mechanical function of voting device [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 13 Ok Reg 579, eff 11-22-95 (emergency); Revoked at 13 Ok Reg 2491, eff 7-1-96]

### **230:50-3-67. Testing memory packs [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Revoked at 13 Ok Reg 579, eff 11-22-95 (emergency); Revoked at 13 Ok Reg 2491, eff 7-1-96]

### **230:50-3-68. Testing voting devices for an election [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 13 Ok Reg 579, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2491, eff 7-1-96; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-3-69. Preparing test deck of ballots [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 13 Ok Reg 579, eff 11-22-95 (emergency); Amended at 13 Ok Reg 2491, eff 7-1-96; Revoked at 36 Ok Reg 1565, eff 9-16-19]

### **230:50-3-70. Retention of testing materials [REVOKED]**

[Source: Added at 9 Ok Reg 2421, eff 7-1-92; Amended at 11 Ok Reg 1595, eff 6-1-94; Amended at 12 Ok Reg 2245, eff 7-1-95; Amended at 16 Ok Reg 2442, eff 7-1-99; Revoked at 36 Ok Reg 1565, eff 9-16-19]

## **SUBCHAPTER 5. INSTRUCTIONS FOR MARKTRONICS MARK SENSE VOTING DEVICE [REVOKED]**

### **230:50-5-1. Preparation of voting device [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

### **230:50-5-2. Problems with the voting device [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

### **230:50-5-3. Emergency ballot box [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-5-4. Securing the voting device [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

### **SUBCHAPTER 7. INSTRUCTIONS FOR OPTECH III VOTING DEVICE [REVOKED]**

#### **230:50-7-1. Preparation of voting device [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-2. Processing voters [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-3. Responding to messages [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-4. Override button [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-5. Problems with the voting device [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-6. Emergency compartment ballot box [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-7. Removing ballots from emergency compartment of ballot box [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

#### **230:50-7-8. Securing the voting device [REVOKED]**

[Source: Revoked at 9 Ok Reg 2421, eff 7-1-92]

### **SUBCHAPTER 9. TELEPHONE VOTING SYSTEM [REVOKED]**

#### **230:50-9-1. Purpose of telephone voting system [REVOKED]**

[Source: Added at 23 Ok Reg 3120, eff 7-13-06 (emergency); Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-9-2. Use of telephone voting system [REVOKED]**

[Source: Added at 23 Ok Reg 3120, eff 7-13-06 (emergency); Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-9-3. Telephone voting procedure [REVOKED]**

[Source: Added at 23 Ok Reg 3120, eff 7-13-06 (emergency); Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

#### **230:50-9-4. Procedure when telephone is not available at polling place [REVOKED]**

[Source: Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-9-5. Procedure when voter is referred from polling place without telephone [REVOKED]**

[Source: Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-9-6. Telephone Voting System Aide responsibilities [REVOKED]**

[Source: Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-9-7. Telephone Voting System Precinct Log [REVOKED]**

[Source: Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-9-8. Receiving telephone ballots by fax from State Election Board [REVOKED]**

[Source: Added at 24 Ok Reg 1502, eff 7-1-07; Revoked at 30 Ok Reg 1737, eff 7-15-13]

### **230:50-9-9. Counting telephone voting system ballots [REVOKED]**

[Source: Added at 24 Ok Reg 1502, eff 7-1-07; Amended at 25 Ok Reg 359, eff 11-5-07 (emergency); Amended at 25 Ok Reg 1931, eff 7-1-08; Amended at 26 Ok Reg 2539, eff 7-15-09; Revoked at 30 Ok Reg 1737, eff 7-15-13]

## **CHAPTER 55. HELP AMERICA VOTE ACT PROCEDURES [EXPIRED]**

[Authority: 26 O.S., § 2-107]

### **SUBCHAPTER 1. GENERAL PROVISIONS [EXPIRED]**

#### **230:55-1-1. Purpose [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-1-1 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.*

#### **230:55-1-2. Definitions [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-1-2 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.*

### **SUBCHAPTER 3. PROVISIONAL VOTING [EXPIRED]**

#### **PART 1. PROVISIONAL VOTING AUTHORIZED [EXPIRED]**

#### **230:55-3-1. Provisional voting in federal elections only [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-1 was no longer effective. For the official text of the emergency*

rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-2. Voters who may cast a provisional ballot [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-2 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-3. Provisional Voting Officer authorized [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-3 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-4. Supplies for provisional voting [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-4 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

## **PART 3. PROVISIONAL VOTING PROCEDURES AT THE POLLING PLACE [EXPIRED]**

### **230:55-3-9. Routine for Judge [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-9 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-10. Voter whose name is not in Precinct Registry---Challenged Voter Procedure [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-10 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-11. Person who applied for voter registration but has not received voter identification card---Valid Application Affidavit procedure [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-11 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-12. Military/Overseas Affidavit procedure [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-12 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-13. Voter who disputes the political affiliation indicated in Precinct Registry [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-13 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-14. Filling out a Provisional Ballot Voucher [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-14 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-15. Procedure for Provisional Voting Officer [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 (emergency); Added at 21 Ok Reg 3152, eff 7-22-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-15 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-21-04, see 21 Ok Reg 561. For the official text of the emergency rule that was effective from 7-22-04 through 7-14-05, see 21 Ok Reg 3152.

### **230:55-3-16. Inspector returns to the County Election Board office [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-16 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

## **PART 5. RECEIVING, VERIFYING, AND COUNTING PROVISIONAL BALLOTS [EXPIRED]**

### **230:55-3-21. Assembly line required for receiving returns and materials from Inspectors [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-21 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-22. Determining number of signatures on Provisional Ballot Rosters [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-22 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-23. Handling provisional ballot affidavit envelopes [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-23 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-24. Criteria for verification of provisional ballot affidavit information [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-24 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-25. Provisional ballot verification procedure for voter not in Precinct Registry [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-25 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-26. Provisional ballot verification procedure for voter without required identification [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-26 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-27. Provisional ballot verification procedure for voter who disputes political affiliation [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-27 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-3-28. Extension of provisonal ballot verification period [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-28 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.



### **230:55-3-29. Opening provisional ballot affidavit envelopes and counting provisional ballots [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 (emergency); Added at 21 Ok Reg 3152, eff 7-22-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-29 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-21-04, see 21 Ok Reg 561. For the official text of the emergency rule that was effective from 7-22-04 through 7-14-05, see 21 Ok Reg 3152.*

### **230:55-3-30. Obtaining provisional ballot results [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-30 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.*

### **230:55-3-31. Certifying county results of federal elections [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 (emergency); Added at 21 Ok Reg 3152, eff 7-22-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-31 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-21-04, see 21 Ok Reg 561. For the official text of the emergency rule that was effective from 7-22-04 through 7-14-05, see 21 Ok Reg 3152.*

### **230:55-3-32. Voter may learn of disposition of own provisional ballot [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-32 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.*

### **230:55-3-33. Retention of provisional ballot materials [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-3-33 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.*

## **SUBCHAPTER 5. VOTER IDENTIFICATION REQUIREMENTS [EXPIRED]**

### **230:55-5-1. Some voters required to present identification when voting for first time in election for federal office [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

***EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-5-1 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.*

## **230:55-5-2. Identification required [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-5-2 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

## **SUBCHAPTER 7. POSTING VOTER INFORMATION [EXPIRED]**

### **230:55-7-1. Public posting of voting information on election day [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-7-1 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

## **SUBCHAPTER 9. COMPLAINTS [EXPIRED]**

### **230:55-9-1. Purpose [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-1 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-9-2. Complaints [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-2 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-9-3. Receiving complaints [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-3 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-9-4. Investigation of complaint [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-4 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

### **230:55-9-5. Hearing [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-5 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

## **230:55-9-6. Resolution of complaint [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-6 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-14-05, see 21 Ok Reg 561.

## **230:55-9-7. Alternative dispute resolution for complaint [EXPIRED]**

[Source: Added at 21 Ok Reg 561, eff 2-3-04 (emergency); Added at 21 Ok Reg 3152, eff 7-22-04 through 7-14-05 (emergency)<sup>1</sup>]

**EDITOR'S NOTE:** <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-05 (after the 7-14-05 expiration of the emergency action), Section 230:55-9-7 was no longer effective. For the official text of the emergency rule that was effective from 2-3-04 through 7-21-04, see 21 Ok Reg 561. For the official text of the emergency rule that was effective from 7-22-04 through 7-14-05, see 21 Ok Reg 3152.