

ENROLLED SENATE
BILL NO. 314

BY: FISHER of the SENATE

and

BENSON of the HOUSE

AN ACT RELATING TO ELECTIONS; PROVIDING PROCEDURES FOR SECURITY OF VOTING DEVICES AND BALLOT BOXES; DEFINING TERMS; STATING PROCEDURES FOR ELECTION OFFICIALS PREPARING VOTING DEVICES AND BALLOT BOXES; PROVIDING FOR ELECTRONIC CERTIFICATION OF VOTING RESULTS; PROVIDING FOR TRANSFER OF CERTAIN VOTING DEVICES AFTER ELECTION RESULTS ARE PRINTED; STATING CERTAIN ELECTION MATERIALS SHALL BE ENCLOSED IN A TRANSFER CASE AND RETURNED TO THE COUNTY ELECTION BOARD; PROVIDING PROCEDURES FOR COUNTING BALLOTS IN CASE OF VOTING DEVICES MALFUNCTION; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-121.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

In counties using voting devices, there shall be one voting device and one ballot box for each precinct. Each voting device shall be equipped with an opening through which a ballot may be inserted, counted and deposited into an attached ballot box which must be constructed in such a manner that the box must be unlocked before the ballots can be removed.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-102.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

As used in this title, the following definitions shall apply to counties using voting devices:

1. "Ballot card" means a card upon which votes may be marked;
2. "Ballot" means a category of offices or measures, one or more of which can appear on a ballot card;
3. "Count" means the process by which votes marked on a ballot card are examined manually or electronically by a voting device and a determination is made as to whom or for what the votes are cast;
4. "Results" means the manual or electronic tabulation of the votes counted for a candidate or issue;
5. "Seal" means a device or devices prescribed by the Secretary of the State Election Board to permit detection of opening or tampering with contents of voting devices, ballot boxes, transfer cases and vote data packs;
6. "Transfer case" means a container, prescribed by the Secretary of the State Election Board, which can be closed and sealed and is constructed so as to, when sealed, prevent accidental

opening or opening by any other reasonable means, except by removing, breaking, tearing or otherwise damaging the seal so if opened by any means it would be obvious in the normal situation that the container had been subject to tampering;

7. "Vote data pack" means the apparatus which contains electronic instructions for a voting device and in which electronic results are stored; and

8. "Voting device" means an optical scanning apparatus that electronically counts votes marked on ballot cards and produces printed results.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-107.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

In counties using voting devices, when all else is in readiness for the opening of the polls, the inspector shall, in view of the judge, clerk and any registered voters at the polling place, confirm that the ballot box is empty and locked and shall cause the voting device to print out a paper tape to verify that no votes have been counted. This tape shall remain attached to the voting device and in evidence throughout the voting process. The key used for obtaining printed totals shall be retained by the inspector.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-132.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

In counties using voting devices, after the last voter has voted, the Inspector shall insert the key in the voting device and obtain a number, prescribed by the Secretary of the State Election Board, of printouts of results from the vote data pack. The inspector, judge and clerk shall each sign all printouts which shall be certificates that the results are true and correct. The printed certificate of vote and electronic results of the vote data pack shall be the official results of the precinct. The inspector shall cause one copy of each certificate to be posted on the door or entrance of the polling place and shall cause one copy of each certificate to be transmitted forthwith to the Secretary of the State Election Board.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-132.2 of Title 26, unless there is created a duplication in numbering, reads as follows:

In counties using voting devices, after vote data pack results have been printed, the voting device shall be unlocked and the seal removed from the vote data pack compartment. The vote data pack shall be removed and prepared for transfer to the county election board as prescribed by the Secretary of the State Election Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-133.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

In counties using voting devices, after certificates of vote have been printed, the ballot box shall be unlocked and all ballot cards and a copy of the signed certificate of vote shall be placed in a transfer case. Said transfer case shall be sealed, and the inspector shall return it, along with all other election materials and a copy of the certificate of vote, forthwith to the county election board.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-134.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

In counties using voting devices, if on election night the uncounted ballot cards in a precinct exceed two percent (2%) of the total number of persons voting in the precinct or if the voting

device has malfunctioned in such a way that there are no totals on the printout or if the printout is illegible, the county election board is authorized to open the transfer case and recount the ballots on a preassigned voting device in public view and in the presence of a representative of the sheriff's office. Upon completion of the recount the transfer case shall be resealed by members of the county election board.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of February, 1991.

President of the Senate

Passed the House of Representatives the 20th day of February, 1991.

Speaker of the House of Representatives