

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2287

BY: DUNLAP

AS INTRODUCED

AN ACT RELATING TO ELECTIONS; PROVIDING FOR WRITE-IN
CANDIDATES; PROVIDING PROCEDURES; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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 23-101 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. A person may become a candidate for office and have a space for a write-in candidate appear on a General Election ballot after the person files a declaration of intent to be a write-in candidate with the proper election board, as provided in Sections 5-102 and 5-103 of Title 26 of the Oklahoma Statutes. Forms to be used for filing declarations of intent to be a write-in candidate shall be prescribed by the Secretary of the State Election Board. A declaration of intent to be a write-in candidate must be filed not later than noon sixty (60) days and not earlier than ninety (90) days before a General Election. The declaration must be subscribed and sworn to before a person authorized to administer oaths. At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

A person may not be a write-in candidate in a contest for nomination.

B. Ballots used in elections in which there is a write-in candidate shall provide a column or row for write-in voting placed to the right of all party and independent columns on the ballot. Write-in votes shall be cast by making a voting mark on or in the square immediately before the space provided for write-in voting and printing the name of the candidate in the space provided for write-in voting.

C. The following provisions govern the counting of write-in votes:

1. Only votes cast for declared write-in candidates shall be counted and certified;

2. The name of a candidate, written on the space reserved for write-in voting, is not considered a distinguishing mark that would invalidate a ballot. However, the name or office of a candidate written in a place on the ballot other than the place reserved for write-in voting may not be counted for that office;

3. A write-in vote for an office is void if the voter attempts to cast the vote by a means other than printing the name of the candidate in ink. The use of stickers, labels, rubber stamps, or other similar device is not permitted;

4. An abbreviation, a misspelling, or other minor variation in the form of the name of a candidate or an office shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained; and

5. Write-in votes for each write-in candidate shall be counted separately using the tally sheets provided by the county election board.

D. The Secretary of the State Election Board may adopt procedures consistent, insofar as practicable, with existing law for implementation of this section.

SECTION 2. This act shall become effective January 1, 1993.

43-2-7509

SCE