

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 653

BY: BROWN of the SENATE

and

PAULK of the HOUSE

AS INTRODUCED

AN ACT RELATING TO ELECTIONS; AMENDING 26 O.S. 1991, SECTIONS 2-111.1, 2-111.2, 4-109, 4-120.5, 6-104, 6-109, 6-112, 6-115, 7-105, 8-115, 11-112 AND 14-117, WHICH RELATE TO ELECTION PROCEDURES; AUTHORIZING CERTAIN PER DIEM FOR STATE ELECTION BOARD MEMBERS FOR CERTAIN MEETINGS; ALLOWING MILEAGE REIMBURSEMENT FOR STATE ELECTION BOARD MEMBERS; MODIFYING TIME OF APPOINTMENT FOR SECRETARY OF COUNTY ELECTION BOARDS; MODIFYING DATE OF ELECTION FOR COUNTY ELECTION BOARD OFFICERS; AUTHORIZING COUNTY ELECTION BOARD TO REIMBURSE STATE ELECTION BOARD FOR COMPUTER SUPPLIES USED BY LOCAL ENTITIES FOR CERTAIN ELECTIONS; PROVIDING FOR REIMBURSEMENT TO BE DEPOSITED IN CERTAIN FUND; STATING PREFERENCE FOR CERTAIN BUILDINGS USED FOR VOTER REGISTRATION; STATING PROCEDURES FOR INCAPACITATED VOTERS; PROVIDING FOR COUNTY TO PRINT CERTAIN BALLOT CARDS; PROVIDING FOR NAMES OF CANDIDATES TO BE ROTATED ON ABSENTEE BALLOTS; ALLOWING SCHOOL ELECTION CANDIDATES NAMES TO BE PRINTED BY LOT; DELETING CERTAIN INFORMATION ON BALLOTS; AUTHORIZING THE SECRETARY OF THE STATE

ELECTION BOARD TO DETERMINE NUMBER OF BALLOTS
PRINTED FOR CERTAIN ELECTIONS; AUTHORIZING
SECRETARY OF COUNTY ELECTION BOARDS TO DETERMINE
NUMBER OF BALLOTS PRINTED FOR CERTAIN ELECTIONS;
MODIFYING TIME FOR DELIVERY OF ELECTION SUPPLIES;
PROVIDING PROCEDURE FOR DETERMINING CERTAIN TIED
ELECTIONS; STATING PROCEDURES FOR ELECTION OF
DISTRICT JUDGES; PROVIDING PROCEDURES FOR ABSENTEE
VOTING BY CERTAIN PERSONS; REPEALING 26 O.S. 1991,
SECTION 6-107, WHICH RELATES TO THE PROCEDURE FOR
PLACING NAMES OF CANDIDATES ON BALLOTS; 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 2-101.9 of Title 26, unless
there is created a duplication in numbering, reads as follows:

Members of the State Election Board shall be paid Fifty Dollars
(\$50.00) per diem for each meeting for the purpose of conducting
hearings required by law, and Thirty-five Dollars (\$35.00) per diem
for other meetings, and shall be allowed mileage reimbursement at
the rate provided by the State Travel Reimbursement Act, Section
500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 2-111.1, is
amended to read as follows:

Section 2-111.1 The State Election Board shall appoint the
secretary of each county election board for a term of two (2) years
beginning ~~May 1, 1983~~ January 1, 1993, and every two (2) years
thereafter; ~~provided, however, that on October 1, 1981, a secretary~~

~~shall be appointed in each county for the balance of a term of two (2) years ending April 30, 1983.~~

SECTION 3. AMENDATORY 26 O.S. 1991, Section 2-111.2, is amended to read as follows:

Section 2-111.2 On the first Monday in ~~June, 1983~~ March 1995 and every four (4) years thereafter, the county election board shall meet upon call of the secretary to elect a chairman and vice-chairman. The secretary can be elected neither chairman nor vice-chairman but shall be a voting member of the county election board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-108.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

County election boards are hereby authorized to reimburse the State Election Board for computer supplies consumed and charged to schools, municipalities and other local entities for the conduct of local elections. Such reimbursement shall be deposited in the State Election Board Revolving Fund.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 4-109, is amended to read as follows:

Section 4-109. The secretary of the county election board shall assign the locations at which voter registrars may conduct registration transactions. Preference shall be given to public libraries, public buildings and other locations with adequate accommodations for a large number of potential voters.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 4-120.5, is amended to read as follows:

Section 4-120.5 The court clerk in each county shall prepare each month a list of all persons who have been adjudged ~~mentally incompetent~~ incapacitated and hold said list for the secretary of the county election board. The secretary shall cancel the registration of each registered voter included on said list, and such person shall be ineligible for registration until he has been

~~declared mentally competent~~ adjudged no longer incapacitated by a court of competent jurisdiction.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 6-104, is amended to read as follows:

Section 6-104. Each county election board shall cause ballots to be printed on ballot cards ~~provided by the State Election Board~~ for county, municipal, school or other local elections not held in conjunction with statewide elections at such time as to insure distribution of said ballots to the several precinct election boards within each county prior to election day. Said board shall cause ballots to be printed for offices in the order they appear in the statutes. The county election board shall cause a sufficient number of ballots to be printed for each precinct, taking into account the highest percentage of registered voters likely to vote in a given election based on historical experience and other factors, but shall not necessarily require a ballot to be printed for each registered voter.

SECTION 8. AMENDATORY 26 O.S. 1991, Section 6-109, is amended to read as follows:

Section 6-109. On all Primary and Runoff Primary Election ballots, ~~except absentee ballots,~~ the names of the candidates for each office shall be rotated in such a manner that all candidates' names appear in each position on said ballots an equal number of times. Provided, however, the names of candidates for school, city and town offices shall be placed on the ballot according to lot.

SECTION 9. AMENDATORY 26 O.S. 1991, Section 6-112, is amended to read as follows:

Section 6-112. All ballots for Primary, Runoff Primary and General Elections must ~~bear the name of the county and precinct in which said ballots are to be used,~~ or must be designated in such a manner as the Secretary of the State Election Board may prescribe to

achieve the ~~same~~ identification of a ballot for a particular precinct.

SECTION 10. AMENDATORY 26 O.S. 1991, Section 6-115, is amended to read as follows:

Section 6-115. In every Primary, Runoff Primary and General Election, ~~at least one ballot shall be printed for each voter eligible to cast such ballot in each precinct~~ the Secretary of the State Election Board shall determine the number of ballots to be printed for statewide elections and the Secretary of the county election board shall determine the number of ballots to be printed for county, school, municipal and other local elections.

SECTION 11. AMENDATORY 26 O.S. 1991, Section 7-105, is amended to read as follows:

Section 7-105. No later than ~~6:45~~ 6:30 a.m. on the day of the election, the precinct election board shall assemble at the polling place. The inspector shall deliver supplies and ballots required by law for the election at said time.

SECTION 12. AMENDATORY 26 O.S. 1991, Section 8-115, is amended to read as follows:

Section 8-115. When all the ballots have been counted, the county election board shall tabulate the votes and shall certify the results. In the event of a tie involving candidates, the tie shall be decided immediately by a drawing conducted by the secretary of the county election board substantially as prescribed in Section 8-105 of this title. In the case of county office, said certification shall be used to issue appropriate lists and certificates. In the case of state or district office, copies of said certification shall be transmitted immediately to the State Election Board, whose duty it shall be to retabulate all pertinent county returns and issue appropriate lists and certificates.

SECTION 13. AMENDATORY 26 O.S. 1991, Section 11-112, is amended to read as follows:

Section 11-112. 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, 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 receives a majority of votes cast for that office at the Primary Election.

SECTION 14. AMENDATORY 26 O.S. 1991, Section 14-117, is amended to read as follows:

Section 14-117. Said electors may apply for absentee ballots by using Standard Form 76, Post Card Application for Absentee Ballot, as provided for in the ~~Federal Voting Assistance Act of 1955~~ Federal Uniformed and Overseas Citizens Voting Act of 1986, as amended, or by letter setting forth substantially the same facts. Said application shall be transmitted by United States mail to the secretary of the county election board of the elector's residence.

SECTION 15. REPEALER 26 O.S. 1991, Section 6-107, is hereby repealed.

SECTION 16. 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.

43-2-1633

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