

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1461

By: Dank and Reese of the
House

and

Hendrick of the Senate

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 6-105 and 6-106, which relate to ballots; removing reference to separate ballots on ballot cards; removing political party emblems from ballots; amending 26 O.S. 1991, Sections 7-119 and 7-127, which relate to voting and counting of votes; eliminating straight-party voting; amending 26 O.S. 1991, Section 22-102, which relates to ballots for a declared election emergency; removing political party emblems from ballots; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 6-105, is amended to read as follows:

Section 6-105. At the General Election, each ballot card shall contain ~~a separate ballot for~~ the following offices and questions:

(1) Electors for President and Vice President; (2) United States Senators and United States Representatives; (3) state officers; (4)

Justices of the Supreme Court, Judges of the Court of Criminal Appeals and Judges of the Court of Appeals; (5) district judges and associate district judges; (6) state questions; and (7) State Senators, State Representatives, district attorneys and county officers.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 6-106, is amended to read as follows:

Section 6-106. The official ballot card for the General Election shall be printed so that the nominees of the various political parties and nonpartisan candidates will appear in columns. For each ~~ballot~~ office for which there are partisan candidates, the candidates of the Democratic party shall be printed in the first position, those of the Republican party in the second position and those of other parties as the State Election Board may direct, giving preference to the party which had the largest number of registered voters in the latest January 15 report, followed by candidates who filed as Independents. ~~Each political party shall have the right to select an emblem to be used in designating its candidates on the ballot; provided, however, that no party shall be allowed to use the coat of arms or seal of Oklahoma or of the United States, or the respective flags thereof. Until changed by resolution of a political party, in state convention, the emblem of the Democratic party shall be a rooster and that of the Republican party an eagle. Change in a party emblem shall be authorized by the Secretary of the State Election Board only after receipt of written notice of said change by said Secretary from the state central committee of a party. At the top of each ballot on which there are partisan candidates shall appear the name of each recognized party with the emblem of said party. The name and emblem of the Democratic party shall be printed in the first position, the Republican party in the second position and the other parties as the State Election Board may direct, giving preference to the party~~

~~which had the largest number of registered voters in the latest registration report. Below said name and emblems shall be a line extending across the entire ballot.~~ The name of the office entitled to the first place in the column, preceded by the word "for," shall ~~next~~ appear in bold type, as "For Governor". Immediately after same shall be the names of the nominees for such office printed with the name of the nominee's party followed by candidates who file as Independents for such office printed with the word "Independent". The list shall be continued down each column, naming the officers in the order in which they are set out by the Constitution and statutes, until all the nominees are given space. The columns shall be setoff with well defined lines.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 7-119, is amended to read as follows:

Section 7-119. The voter shall vote by marking the ballot as prescribed by the Secretary of the State Election Board ~~for the party of his choice or~~ for the candidates of his choice or for the answer he desires to select on each question.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 7-127, is amended to read as follows:

Section 7-127. The following rules shall govern the counting and recounting of votes:

1. If the name of any person is written on a ballot, said name shall not be counted;

2. Any mark prescribed by the Secretary of the State Election Board made by voters indicating the voter's choice of party, candidate or issue on a ballot shall be valid. Such marking shall be hereinafter referred to as "valid markings". Such valid markings located otherwise on the ballot shall not be counted;

3. Marks used to designate the intention of the voter, other than those herein defined as valid markings, shall not be counted;

4. Failure to properly mark a ballot as to one or more candidates or questions shall not of itself invalidate the entire ballot if the same has been properly marked as to other candidates or questions;

~~5. A valid marking marked for a political party shall be counted as a vote for each of said political party's candidates on that ballot, except that a valid marking marked for a candidate's name shall take precedence, for that office, over a valid marking for a political party. Provided, further, that if valid markings are marked for more than one political party on a ballot, said ballot shall not be counted for any party offices thereon; and~~

~~6.~~ Any ballot or part of a ballot on which it is impossible to determine the voter's choice of candidate shall be void as to the candidate or candidates thereby affected.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 22-102, is amended to read as follows:

Section 22-102. In a declared election emergency the Secretary of the State Election Board shall declare that either this section or Section 6-106 of this title shall govern General Election ballot printing. The official ballot for the General Election shall be printed so that the nominees of the various political parties and nonpartisan candidates will appear in columns, a column being given to the nominees of each party, and a column being given to nonpartisan candidates. The candidates of the Democratic party shall be printed in the first column, those of the Republican party in the second position column and those of other parties as the State Election Board may direct, giving preference to the party which had the largest number of registered voters in the latest January 15 report. ~~Each political party shall have the right to select an emblem to be used in designating its candidates on the ballot; provided, however, that no party shall be allowed to use the coat of arms or seal of Oklahoma or of the United States, or the~~

~~respective flags thereof. Until changed by resolution of a political party, in state convention, the emblem of the Democratic party shall be a rooster and that of the Republican party an eagle. Change in a party emblem shall be authorized by the Secretary of the State Election Board only after receipt of written notice of said change by said Secretary from the state central committee of a party. At the top of the column shall appear the name of the recognized party; directly below the name of the party the emblem of said party; and directly below said emblem a circle at least one-half (1/2) inch in diameter. The name of the office entitled to the first place in the column, preceded by the word "for", shall next appear in bold type, as "For Governor". Immediately after same shall be the names of the party's nominees for such office, preceded by a square one-fourth (1/4) inch in size. The initial or the first letter of the name of a candidate shall have only the space of an "em" between it and this square, and there shall be no line between the name of an office and that of such candidate; but there shall be a line following the name of a candidate and the name of the next office in order down the column. The list shall be continued down each column, naming the officers in the order in which they are set out by the Constitution and statutes, until all the nominees are given space. No party's list of candidates shall occupy more than one column, and the columns shall be set off with well-defined lines. At the top of the column designated for nonpartisan candidates, except in the case of judicial officers, shall appear the word "Independent"; provided further, that no party emblem and no circle shall appear between the word "Independent" and the line below same. Each type of ballot may be printed on a different color of paper, said color to be designated by the Secretary of the State Election Board.~~

SECTION 6. This act shall become effective November 1, 1997.

46-1-6392

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