

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 883

By: Fisher of the Senate  
and  
Paulk of the House

( elections - changes in party affiliation - deleting  
exception to state election law - effective date -  
emergency )

AUTHORS: Add the following House Coauthors: Deutschendorf and Kirby

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

“( elections - changes in party affiliation -  
deleting exception to state election law -  
effective date -  
emergency )

SECTION 1. AMENDATORY 11 O.S. 1991, Section 51-108, as amended by Section 1, Chapter 139, O.S.L. 1994 (11 O.S. Supp. 1999, Section 51-108), is amended to read as follows:

Section 51-108. A. 1. The arbitration board acting through its ~~chairman~~ chair shall call a hearing to be held within ten (10) days after the date of the appointment of the ~~chairman~~ chair and shall, acting through its ~~chairman~~ chair, give at least seven (7) days' notice in writing to each of the other two arbitrators, the bargaining agent and the corporate authorities of the time and place of such hearing.

2. At least seven (7) days before the date of the hearing the corporate authorities and the bargaining agent shall submit to each

other and to the arbitration board members a written arbitration statement listing all contract terms which the parties have resolved and all contract issues which are unresolved. Each arbitration statement shall also include a final offer on each unresolved issue. The terms and offers contained in the arbitration statements shall be known collectively as each parties' last best offer.

3. The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination. A hearing shall be concluded within twenty (20) days from the time of commencement.

4. Within seven (7) days after the conclusion of the hearing, a majority of the arbitration board members shall select one of the two last best offers as the contract of the parties. The criteria to be used by the board in determining which offer to select shall be limited to paragraphs 1 through 5 of Section 51-109 of this title. The arbitration board may not modify, add to or delete from the last best offer of either party. Written notice of the selection decision shall be mailed or delivered to the bargaining agent and the corporate authorities.

B. If the city's last best offer is not selected by the arbitration board, that party may submit the offers which the parties submitted to the arbitration board to the voters of the municipality for their selection by requesting a special election for that purpose. The request for an election must be filed with the clerk of the municipality within ten (10) days of the date of the written decision of the arbitration board. Written notice of the filing of the request shall be given to the bargaining agent.

If a request for an election is not filed in a timely manner, the board's selection decision shall be final, and the last best offer it selected shall constitute the agreement of the parties.

C. Upon receiving a request for an election pursuant to the provisions of this section, the clerk shall notify the mayor and governing body of the request. Within ten (10) days of such notification the municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections ~~except that only a minimum of thirty (30) days' notice shall be required to be given to the county election board conducting said election. Only residents of the municipality shall be eligible to vote in said election.~~ The ballot shall inform the voters that they must choose either the last best offer of the bargaining agent or the last best offer of the corporate authorities. The last best offer receiving a majority of the votes shall become the agreement of the parties.

D. Concerning issues relating to money, such ballot shall clearly state the total dollar amount of the offer from the corporate authority and the total dollar amount of the offer from the bargaining agent. Such ballot shall also disclose the percentage of increase or decrease both offers have over or under the last contract of the two parties.

E. Agreements which are reached as a result of selection by the arbitration board or by election shall be effective on the first day of the fiscal year involved regardless of the date of the final selection.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 1-110, as amended by Section 2, Chapter 88, O.S.L. 1999 (26 O.S. Supp. 1999, Section 1-110), is amended to read as follows:

Section 1-110. A. ~~The secretary of each county election board~~ Secretary of the State Election Board shall, within sixty (60) days after such proclamation by the State Election Board, change to

Independent the party affiliation in the Oklahoma Election Management System of each registered voter of a political party which ceases to be a recognized political party.

B. The Secretary of the State Election Board shall change to Independent the party affiliation in the Oklahoma Election Management System of each registered voter of a political organization which ceases to be a political organization.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 2-111, as amended by Section 3, Chapter 316, O.S.L. 1993 (26 O.S. Supp. 1999, Section 2-111), is amended to read as follows:

Section 2-111. The State Election Board shall appoint two members of each county election board, and two alternates, to serve terms of four (4) years each. No later than April 15, 1975, and every four (4) years thereafter, the county central committees of the two political parties with the largest number of registered voters in the state, based upon the latest January 15 registration report, shall each submit to the State Election Board a nominee for membership on the county election board and a nominee to serve as the alternate. Said nominations must be submitted in writing and signed by at least two members of each county central committee. The State Election Board shall be confined to said nominees in making appointments, one from each party, to the county election board and one from each party to serve as the alternate. Said appointments shall be made no later than May 1, 1975, and every four (4) years thereafter. If a county central committee fails to submit nominees by April 15, the State Election Board shall notify the state central committee in writing of the failure of the county central committee to submit nominees and the state central committee shall appoint a member and alternate to the county election board from the ranks of such party within the county. Alternates shall serve on the county election board at any meeting that the member for whom the person is an alternate is unable to attend. In the

event of a vacancy, the State Election Board shall, within sixty (60) days after such vacancy occurs, appoint a member of the same party to fill the unexpired term, based on a nomination submitted by said party's county central committee in the manner hereinbefore provided within thirty (30) days after said vacancy occurs. Should a county central committee fail to submit a nominee within the prescribed period of time, the State Election Board shall appoint a member of the county election board from the ranks of said party within the county. Vacancies shall occur when a member fails to attend five consecutive meetings of the board or when a member changes his party affiliation. It shall be the duty of the other two members of the board to notify the Secretary of the State Election Board should such vacancy occur. Said vacancy shall be filled in the manner hereinbefore provided.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 2-115, is amended to read as follows:

Section 2-115. The ~~chairman~~ chair and ~~vice-chairman~~ vice-chair of each county election board shall be paid ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00) per diem in lieu of subsistence for each meeting of the county election board and shall be allowed mileage reimbursement at the rate prescribed for travel by state employees. Said per diem and mileage reimbursement shall be paid by the State Election Board, except for meetings chargeable to other governmental units as provided by law; provided, the State Election Board shall not pay such reimbursement for more than forty meetings per fiscal year.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 2-129, as last amended by Section 5, Chapter 357, O.S.L. 1998 (26 O.S. Supp. 1999, Section 2-129), is amended to read as follows:

Section 2-129. The inspector shall be paid Seventy-five Dollars (\$75.00) for each election and shall be allowed mileage reimbursement at the rate provided by the State Travel Reimbursement

Act for mileage incurred to receive or return ballots and materials for the election. Judges, clerks and counters shall be paid Sixty-five Dollars (\$65.00) for each election. Precinct officials assigned to work a polling place ten (10) miles or more ~~outside their precinct~~ from their home, shall be allowed mileage reimbursement at the rate provided by the State Travel Reimbursement Act for mileage incurred from their home to and from their assigned polling place. An additional Two Dollars (\$2.00) per election shall be paid to each inspector, judge, clerk and counter of a precinct from the funds of the county. Compensation provided herein shall be paid for any state, county, municipal or school district election; provided, however, that compensation for elections conducted concurrently shall not exceed in total the amount herein prescribed. Said compensation shall be paid by the State Election Board for all regular Primary, Runoff Primary and General Elections, all statewide special elections and all special elections for United States Representatives or United States Senators and State Senators or State Representatives.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 3-111, as amended by Section 4, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1999, Section 3-111), is amended to read as follows:

Section 3-111. In each even-numbered year, the Secretary of the State Election Board shall cause to be conducted a training program in each county for precinct inspectors, judges, and clerks. Persons attending such training programs shall be paid Twenty-five Dollars (\$25.00) by the state, after completing such training, through a procedure prescribed by the Secretary of the State Election Board that conforms as nearly as practicable with Section 3-105.1 of this title 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~~ to be paid from county funds. The Secretary shall prescribe procedures for training of

motor license agents, officials of voter registration agencies and others responsible for voter registration activities.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 4-119, as amended by Section 18, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1999, Section 4-119), is amended to read as follows:

Section 4-119. Any registered voter may change his or her political affiliation by executing a form prescribed by the Secretary of the State Election Board at any time prescribed by law for registration transactions except during the period from 5:00 p.m. on July 1 through 5:00 p.m. on September 30 in any even-numbered year. Information given by the voter shall be under oath. The county election board secretary in the applicant's county of residence shall ~~reject~~ hold any such application for political affiliation change received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as part of a driver's license or identification card application after 5:00 p.m. July 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is postmarked after 5:00 p.m. July 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is received without a postmark more than five (5) days after July 1 through 5:00 p.m. on September 30 in any even-numbered year.

SECTION 8. AMENDATORY 26 O.S. 1991, Section 7-101, is amended to read as follows:

Section 7-101. Every corporation, firm, association or individual hereinafter referred to as "employer" who, on election day, has a registered voter employed or in his service, shall grant said employee two (2) hours of time during the period when the election is open in which to vote, and if such employee be in the county or at such distance from the voting place that more than two (2) hours are required in which to attend such elections, then he

shall be allowed a sufficient time in which to cast his ballot. No such employee shall be entitled to such time to vote unless he notifies orally or in writing an employer's representative of his intention to be absent, on the day preceding the election day. Upon proof of voting, such employee shall not be subject to any loss of compensation or other penalty for such absence. Such employer shall select the hours which such employees are to be allowed in which to attend such elections, and shall notify each of the employees which hours they are to have in which to vote. This section shall not apply to an employee whose work day begins three (3) hours or more subsequent to the time of opening of the polls, or ends three (3) hours or more prior to the time of closing the polls. The employer may change the work hours to allow such three (3) hours before the beginning of work or after the work hours. ~~This act shall not apply to school board or bond elections.~~ Any employer who fails to comply with this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

SECTION 9. AMENDATORY 26 O.S. 1991, Section 8-105, is amended to read as follows:

Section 8-105. A. When a tie vote ~~occurs~~ is certified in the nomination or election of any candidate in any Runoff Primary, General Election or any Primary Election, the election board which is authorized by law to issue the certified list or certificate of election shall, at a public meeting of the board and in the presence of the candidates involved or their designee, if they or any of them desire to be present, select the nominee or electee by lot.

B. When a nominee or electee is to be selected by lot pursuant to the provisions of this section, the following procedures shall be observed:

1. The secretary of the appropriate election board shall, on or before the seventh day following the election, notify each of the

tying candidates for which the vote was tied. The notice shall include the time, date and location of the selection, shall be made in writing by registered or certified mail and shall be postmarked not fewer than five (5) days prior to the meeting;

2. A candidate may designate one person as a witness to attend the meeting on the candidate's behalf. The designation shall be made in writing, signed by the candidate and presented to the secretary of the appropriate election board;

3. The secretary of the appropriate election board shall, in full view of those present at the meeting, clearly write or print the name of each tied candidate on separate pieces of paper measuring approximately equal size. The names of the candidates shall be written or printed on the same color and type of paper. The papers shall be folded in half one time so that the written names are not visible and shall be placed into a container selected by the secretary of the appropriate election board;

4. The secretary shall draw, or may designate a person other than the candidates, witnesses or other person directly interested in the election to draw, one paper, and the name of the nominee or electee appearing on the first drawn paper shall be declared the winner. The secretary shall then expose the other name or names not drawn to all witnesses present; and

5. The meeting shall be held on a weekday, holidays excepted, between the hours of 7:00 a.m. and 7:00 p.m.

C. When there are three (3) or more candidates and a tie for first place occurs for the nomination of a candidate at a Primary Election for which a Runoff Primary will be held, the names of the tied candidates shall be placed on the Runoff Primary ballot.

SECTION 10. AMENDATORY 26 O.S. 1991, Section 8-118, is amended to read as follows:

Section 8-118. In the event a candidate contests the correctness of the announced results of an election by alleging

either fraud or any other irregularities, the secretary of the election board receiving the petition shall set a hearing in the same manner as provided for recounts. Provisions for service of notice shall be the same as for recounts.

The district judge conducting the hearing or such other judge as may be assigned by the Supreme Court shall have the authority to issue subpoenas and compel the attendance of witnesses and the production of evidence.

SECTION 11. AMENDATORY 26 O.S. 1991, Section 13-108, is amended to read as follows:

Section 13-108. ~~Only registered voters who reside within the municipal limits of any municipality shall be permitted to vote in any election held for said municipality~~ To be eligible to vote in a municipal election a person must be registered with the county election board at an address located within the geographical boundaries of the municipality.

SECTION 12. AMENDATORY 26 O.S. 1991, Section 14-113.2, as last amended by Section 12, Chapter 357, O.S.L. 1998 (26 O.S. Supp. 1999, Section 14-113.2), is amended to read as follows:

Section 14-113.2 The voter shall be responsible for marking the ballots or directing a person chosen by the voter to mark the ballots in accordance with the provisions of Section 7-123.3 of this title and as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit or direct a person chosen by the voter to sign the affidavit, such signature to be witnessed by two persons, who did not sign the affidavit, whose signature and address shall appear on the affidavit; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail to the county election board.

SECTION 13. AMENDATORY 70 O.S. 1991, Section 509.2, as last amended by Section 28, Chapter 1, O.S.L. 1995 (70 O.S. Supp. 1999, Section 509.2), is amended to read as follows:

Section 509.2 A. The local board of education shall recognize an employee organization designated by an election of the employees in an appropriate bargaining unit as the exclusive representative of all the employees in such unit. The members of an employee organization shall be employees as defined in paragraphs 1, 2 and 3 of this subsection and Section 1-116 of this title. The recognition of such employee organization shall be made by the local board no later than fourteen (14) days after said election. Any person who desires not to be represented by any organization may so state in writing to his or her board of education. Appropriate bargaining units are defined as follows; however, such definition shall not be construed, of itself, as requiring that bargaining units engage in bargaining or act to disengage from bargaining:

1. Employees who are employed and certified as principals and assistant principals and who have responsibilities for the supervision of classroom teachers shall constitute an appropriate unit;

2. All other employees who are required by the position in which employed to be licensed or certified as teachers or entry year teachers as those terms are defined in Section 1-116 of this title and who do not hold supervisory authority with respect to other teachers in the district shall constitute an appropriate unit; and

3. All employees who are not required by their job description to be a principal, licensed or certified teacher, superintendent or other administrator shall constitute a separate bargaining unit.

Provided, if employees categorized according to paragraphs 2 and 3 of this subsection were organized for bargaining as a single unit as of April 14, 1986, or are at any time employed in a district having fewer than seventy-five employees in the two categories taken

together, said employees may, for such time as a majority of the employees in each category indicate by secret ballot vote they share a single community of interest, constitute a single appropriate unit. Further provided, any final judgment of the ~~Oklahoma~~ Supreme Court denying such community of interest in any school district shall have the effect of rendering inappropriate all units, in whatever school districts they exist, which include employees of both categories.

B. 1. Within seven (7) business days of receiving a sealed packet containing an employee petition filed by or on behalf of thirty-five percent (35%) or more of the employees in a unit, such petition calling for an election to determine which, if any, employee organization represents the employees in a bargaining unit, the board shall arrange for verification that there are a sufficient number of correct names to constitute at least thirty-five percent (35%) of the employees in the unit. Such arrangements shall include the transmitting of the sealed packet and a list of employees eligible to be included in the bargaining unit to the individual designated pursuant to the provisions of paragraph 2 of this subsection.

2. The petition calling for the secret ballot election shall contain only the names of employees of the bargaining unit who have signed and dated said petition. Within thirty (30) days of receipt of the sealed packet by the ~~county election board~~ district court judge in and for the county in which the school district has its main office, the sealed packet shall be opened and the petition shall be verified by an individual designated by ~~the election board~~ of the district judge of such court for the county in which the school district has its main office. Upon verification of the number of signatures on the petition, the ~~county election board~~ district court judge shall notify in writing the district board of education and any employee organization that has requested notice of

the verification. Under no circumstances shall the individual so designated reveal the names of employees who signed or did not sign the petition. If an employee has signed more than one petition, the name of the employee shall be removed from each petition.

3. The period of time for signing of a recognition petition shall commence upon receipt of written notification by the local school board from an organization indicating that it intends to circulate a petition and shall cease thirty (30) days thereafter. Provided, if an organization recognized as representative of a unit for bargaining is being challenged for discontinuation of representation as provided in paragraph 8 of subsection C of this section or is being challenged by another organization seeking recognition, the period for signing shall commence on the first day of February and end on the last day of that same February.

C. 1. Not less than ~~thirty (30)~~ forty-five (45) days nor more than ~~forty-five (45)~~ sixty (60) days after receipt of notification that the petition has been verified as sufficient, a secret ballot election shall be held to determine which, if any, employee organization shall represent the unit. No election shall be held for a unit within which a valid election was held in the preceding two (2) years.

The local board shall recognize within ten (10) days an organization which, on the effective date of this act, has obtained signed authorization from a majority of the employees eligible to be included in the unit but has not been recognized. No election shall be held for such unit within two (2) years of recognition. An appropriate election ballot shall be printed for this election, which contains the names of all employee organizations having presented a petition verified as signed by at least thirty-five percent (35%) of the employees eligible to be in the unit to represent or currently recognized as representing the unit; provided, no such organization shall be shown on the ballot unless

the organization pays to the local board a filing fee of Two Hundred Fifty Dollars (\$250.00). The ballot shall also provide an option whereby any employee of the unit may indicate a preference that the unit not be represented by any organization. Every organization that receives at least fifteen percent (15%) of the vote in the election shall be reimbursed the Two Hundred Fifty Dollars (\$250.00) by the local board. The local board shall use any remaining filing fee money to help offset the cost of the validation process of the petition, if any, as well as any election costs incurred.

2. When none of the choices on the ballot receives a majority of the votes, a runoff election shall be conducted on the fourteenth day following the first election between the two choices which received the largest number of votes in the preceding election.

3. The employee organization or organizations and the local school board shall, by agreement, determine the method by which each election shall be conducted. All costs incurred in an election shall be shared equally by all parties involved.

If no agreement can be reached ~~within fourteen (14)~~ by thirty (30) days prior to the election, the local board of education shall notify the county election board of the county in which the board is located of such fact, and the following method for conducting the secret ballot election shall be followed and conducted by the county election board:

a. At the time of such notice, the board of education shall provide to the county election board:

- (1) a list of all the polling places for the election, such list to 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 said election, such list to be in alphabetical order and duplicated in such number

that there shall be one for each polling place,  
plus an additional five copies;

(3) the names of each organization entitled to have  
its name appear on the ballot; and

(4) the date of the election which shall not be a  
special election date specified by subsection B  
of Section 3-101 of Title 26 of the Oklahoma  
Statutes.

- b. Ballots for the election shall be printed by the  
county election board in the same manner as for other  
elections conducted by the county election board,  
insofar as is possible. The names of 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. 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 local board.
- c. The secretary of the county election board shall  
appoint an inspector, judge and clerk for each polling  
place. Said inspector, judge and clerk shall be  
selected from among the regular precinct officials in  
the county.
- d. Polling places shall be open from 7:00 a.m. to 7:00  
p.m. on the day of the election. Any eligible person  
who appears to vote no later than 7:00 p.m. shall be  
entitled to vote.
- e. Eligible voters may vote after signing their  
signatures beside their names on the list of names of  
all the persons eligible to vote in said election.  
The voter shall place his or her ballot in the ballot  
box in the presence of the inspector.

- f. Each organization entitled to have its name appear on the ballot shall be permitted to appoint one challenger at each polling place. Each such challenger shall be properly identified as such, and shall be limited to inquiring of a prospective voter, said prospective voter's name, address, job classification and work site. The challenger may challenge the right of any prospective voter to vote by so informing the judge. Upon being so challenged, the prospective voter may vote if, after being informed by the judge of such a challenge, the voter signs his or her signature beside his or her name on the list of names of all the persons eligible to vote in said election. If same occurs, the judge shall write the words "Challenged by \_\_\_\_\_" beside the voter's signature.
- g. The county election board shall certify in writing the results of the election to the board of education on the day following the election and on the same day shall mail a copy of the certification to all employee organizations that have requested copies of the certification.
- h. Costs of the election shall be paid to the county election board by the board of education. Said costs shall include the regular salaries of the inspector, judge, clerk, in addition to all other necessary and reasonable costs. Such costs shall include compensation for members of the county election board, including the secretary.
- i. Anyone guilty of voting more than one time in said election will be guilty of a misdemeanor and subject

to a fine of Two Hundred Dollars (\$200.00) or thirty (30) days in the county jail.

4. No employee shall use regularly scheduled duty time for campaign purposes.

5. A list of the employees eligible to vote in the election including their names, addresses, phone numbers, job classification and work site shall be provided not less than fourteen (14) days before the election to each organization listed on the official ballot.

~~6. No organization which at the time this act takes effect is representing a bargaining unit as a result of having gained recognition on the basis of signed authorization or secret ballot election and is in the process of collective bargaining for the 1986-87 school year shall be subject to the election provisions of this section until collective bargaining for the 1986-87 school year has ended.~~

~~7.~~ Any local board or organization challenging the results of any election held pursuant to the provisions of this section shall post with the district court a bond of One Thousand Dollars (\$1,000.00) which shall be forfeited if the court finds that the challenge is in bad faith.

~~8.~~ 7. In any February more than two (2) years after recognition of an organization pursuant to the provisions of this section and upon the receipt of a petition calling for discontinuation of representation signed by thirty-five percent (35%) of the employees eligible to be included in the unit, a local board shall call an election to determine whether the members of a unit wish to discontinue being represented for bargaining. If a majority of the votes cast are votes to discontinue representation, efforts to gain recognition by any organization shall be prohibited for a period of two (2) years commencing with the expiration of the contract then in force. The ballots used in such election shall, without reference

to any organization by name, offer the single choice of continued representation or discontinuation of representation.

SECTION 14. This act shall become effective July 1, 2000.

SECTION 15. 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 House of Representatives the 5th day of April, 2000.

\_\_\_\_\_  
Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
President of the Senate