

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

2ND CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1291

By: Roach, Dank, Ferguson,
Ross, Sullivan (John),
Corn, Hilliard, Wilson,
Blackburn, Braddock,
Deutschendorf, Easley,
Liotta, Sweeden and Turner
of the House

and

Williams of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2001, Sections 7-119 and 7-127, which relate to conduct of elections; eliminating straight-party voting; amending 26 O.S. 2001, Section 20-101, which relates to the Presidential Preferential Primary; providing for a Presidential Preferential Primary if requested; requiring written requests by certain political party or parties for Presidential Preferential Primary; requiring notification of other recognized political parties; providing for inclusion of other political parties; requiring written notification by other political parties to be included in the Presidential Preferential Primary; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, 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 voter's choice of candidates ~~of his choice~~ or for the answer ~~he~~ the voter desires to select on each question.

SECTION 2. AMENDATORY 26 O.S. 2001, 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; and

~~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 3. AMENDATORY 26 O.S. 2001, Section 20-101, is amended to read as follows:

Section 20-101. A. A Presidential Preferential Primary for recognized political parties shall be held on the second Tuesday in March, 1988, and on the same weekday in each of the years ~~thereafter~~

in which the President and Vice President of the United States are to be elected, if requested by at least one of the two political parties having the largest number of registered voters in Oklahoma based on the latest January registration report.

~~B. If one or more states having a mutual boundary with this state establish a single date for a regional primary, the State Election Board is authorized to change the date of the Oklahoma primary to the date established for the regional primary. A~~
recognized political party wishing to invoke a Presidential Preferential Primary pursuant to subsection A of this section shall file a written notification, signed by the Chief Executive Officer or Chair of the state party and at least one member of the state party's executive committee, by February 1 of the year prior to the presidential election with the Secretary of the State Election Board, requesting that a Presidential Preferential Primary be held for the party.

C. In the event that a recognized political party has invoked a Presidential Preferential Primary pursuant to this section, the Secretary of the State Election Board shall notify the Chair and/or Executive Director of other recognized political parties that they may participate in the Presidential Preferential Primary. If any other recognized political party wishes to participate in the Presidential Preferential Primary, the party shall file a written notification with the Secretary of the State Election Board signed by the Chief Executive Officer or Chair of the state party and at least one member of the state party's executive committee by April 1 of the year prior to the Presidential Preferential Primary for the party to be included in the Presidential Preferential Primary. Parties which fail to file the required written notification shall not be included in the Presidential Preferential Primary.

D. No county, municipality, school district or other entity authorized by law to call elections shall schedule an election on

any date during the twenty (20) days immediately preceding the date of any such Primary Election. However, this subsection shall not apply to home rule municipalities.

SECTION 4. This act shall become effective November 1, 2002.

48-2-9411 GH 6/12/15