

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1291

By: Roach

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 1991, Sections 14-114, 14-115 and 14-115.5, as last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 2000, Sections 14-115.4 and 14-115.5), which relate to absentee voting; providing voting procedure for persons residing in assisted living centers; providing travel reimbursement for certain member of absentee voting board; amending 26 O.S. 1991, Sections 7-119 and 7-127, which relate to conduct of elections; eliminating straight-party voting; amending 26 O.S. 1991, Sections 10-101, 10-101.1, 10-101.2, 10-103, 10-105 and 10-107, which relate to Presidential Electors; providing for two at-large Presidential Electors; providing for congressional district electors; providing residency requirement; providing method of selection; providing for designation on ballots; providing for casting of votes; repealing 26 O.S. 1991, Sections 20-101, 20-102, 20-103, 20-104 and 20-105), which relate to the Presidential Preference Primary; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 14-114, is amended to read as follows:

Section 14-114. If the secretary of a county election board receives such a request from an incapacitated elector confined to a nursing home ~~or~~, convalescent hospital, or assisted living center, as defined in Section 1-890.2 of Title 63 of the Oklahoma Statutes, outside the county of his jurisdiction, the secretary shall provide ballots and materials in the manner hereinbefore prescribed.

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

Section 4-115. If the secretary of a county election board receives a request from an incapacitated elector confined to a

nursing home ~~or~~, convalescent hospital, or assisted living center,
as defined in Section 1-890.2 of Title 63 of the Oklahoma Statutes,
within the county of his jurisdiction, the secretary shall cause to
be implemented the following procedures:

1. On the Friday, Saturday or Monday preceding the election,
the absentee voting board shall deliver to each registered voter who
is confined to a nursing home ~~or~~, convalescent hospital, or assisted
living center and who requested ballots for an incapacitated voter
said ballots and materials as may be necessary to vote same.

2. The voter must mark his ballots in the manner hereinbefore
provided in the presence of the absentee voting board, but in such a
manner as to make it impossible for any person other than the voter
to ascertain how said ballots are marked. Insofar as is possible,
the voting procedure shall be the same as if the voter were casting
his vote in person at a precinct.

3. The voter shall then seal said ballots in the plain opaque
envelope and shall seal said plain opaque envelope in the envelope
bearing an affidavit. The voter must complete said affidavit, and
his signature on same must be witnessed by both members of the
absentee voting board.

4. The envelope bearing an affidavit then must be sealed in the
return envelope, which shall be returned by the absentee voting
board to the secretary of the county election board on the same day
said affidavit was executed.

5. Ballots cast in said manner shall be counted in the same
manner as regular mail absentee ballots.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 14-115.5, as
last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp.
1999, Section 14-115.5), is amended to read as follows:

Section 14-115.5 To carry out the provisions of Section 14-115
of this title and Section 14-115.4 of this title, the secretary of
the county election board shall designate one or more absentee

voting boards, to be composed of two (2) members each, with each member to be of a different political affiliation. No later than August 1 in each even-numbered year, the chairmen of the county central committees of the two political parties having the highest number of registered voters in the county shall each submit a list of ten names to the secretary. Said lists shall contain names of registered voters of the county, who may be members of the county election board, except the secretary, or precinct election boards or counters. The secretary shall be confined to said list in designating membership on the absentee voting board or boards, unless all persons on said lists are ineligible or unwilling to serve. In the event the chairman of the county central committee of a political party fails to submit a list as herein provided, the secretary shall appoint membership to said board or boards from the ranks of registered voters of said party within the county. Provided further, that in the event the list of names of either or both parties is exhausted and additional absentee voting boards are needed, the secretary shall appoint additional members to said boards from the ranks of said party or parties in the county. Members of an absentee voting board shall be reimbursed for their expenses at the rate of Forty Dollars (40.00) per day. One member of each such board serving a nursing home ~~or~~ convalescent hospital, or assisted living center shall be allowed mileage reimbursement at the rate prescribed for travel by state employees according to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 4. 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 voter's choice of candidates ~~of his~~

~~choice~~ or for the answer ~~he~~ the voter desires to select on each question.

SECTION 5. 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; 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 6. AMENDATORY 26 O.S. 1991, Section 10-101, is amended to read as follows:

Section 10-101. A. The nominees for Presidential Electors of any recognized political party shall be selected at a statewide convention of said party in a manner to be determined by said party. One nominee for Presidential Elector shall be selected from each congressional district and two nominees for Presidential Elector shall be chosen at large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected. The nominees for Presidential Electors shall be certified by said party's chairman to the Secretary of the State Election Board no fewer than ninety (90) days nor more than one hundred eighty (180) days from the date of the General Election at which candidates for Presidential Electors shall appear on the ballot. Failure of a political party to properly certify the names of its nominees for Presidential Electors within the time specified shall bar such party from placing any candidates for Presidential Electors on the ballot at said election.

B. Candidates for Presidential Electors seeking to appear on the ballot as uncommitted shall be entitled to have their names placed upon the ballot at a General Election by observing the following procedure:

1. No later than July 15 of a presidential election year, petitions seeking ballot access for said uncommitted candidates for Presidential Electors, in a form to be prescribed by the Secretary of the State Election Board, shall be filed with said Secretary, bearing the signatures of registered voters equal to at least three percent (3%) of the total votes cast in the last General Election for President. Each page of said petitions must contain the name of registered voters from a single county.

2. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions. If said Board determines there are a sufficient number of valid signatures of registered voters, the nominees for

Presidential Electors are entitled to appear on the ballot at the next following General Election at which candidates for Presidential Electors shall appear on the ballot.

3. One nominee for Presidential Elector shall be chosen from each congressional district and two nominees for Presidential Elector shall be chosen at large. The two uncommitted candidates with petitions containing the two largest numbers of valid signatures shall be the at-large nominees. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 10-101.1, is amended to read as follows:

Section 10-101.1 A. The names of a slate of candidates for the office of Presidential Elector pledged to an Independent candidate for President of the United States shall be printed on the ballot only by observing the following procedure:

1. No later than July 15 of a presidential election year, petitions signed by a number of registered voters supporting the candidacy of said candidate for President of the United States equal to at least three percent (3%) of the total votes cast in the last General Election for President shall be filed with the Secretary of the State Election Board. The form of said petitions shall be prescribed by the Secretary. Each page of said petitions must contain the names of registered voters from a single county.

2. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions.

3. If the petitions are found to be sufficient, the Independent candidate for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board the names of the nominees for Presidential Elector pledged to him and the name of his Vice Presidential running mate. Each candidate

for Presidential Elector so nominated shall subscribe to an oath stating that, if elected, he will cast his ballot for the candidate who nominated him and for said candidate's Vice Presidential running mate. Said oath shall be filed with the Secretary of the State Election Board no later than September 15.

B. One nominee for Presidential Elector shall be chosen from each congressional district and two nominees for Presidential Elector shall be chosen at large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected.

SECTION 8. AMENDATORY 26 O.S. 1991, Section 10-101.2, is amended to read as follows:

Section 10-101.2 A. The names of a slate of candidates for the office of Presidential Elector pledged to the nominee of a political party not recognized under the laws of the State of Oklahoma for President of the United States shall be printed on the ballot only by observing the following procedure:

1. No later than July 15 of a presidential election year, petitions signed by a number of registered voters supporting the candidacy of said nominee for President of the United States equal to at least three percent (3%) of the total votes cast in the last General Election for President shall be filed with the Secretary of the State Election Board. Notice of intention to circulate petitions shall be filed with the Secretary of the State Election Board before such petitions may be circulated. The form of said petitions shall be prescribed by the Secretary. Each page of said petitions must contain the names of registered voters from a single county.

2. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions.

3. If the petitions are found to be sufficient, the nominee for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board the names of the nominees for Presidential Elector pledged to him and the name of his Vice Presidential running mate. Each candidate for Presidential Elector so nominated shall subscribe to an oath stating that, if elected, he will cast his ballot for the candidate who nominated him and for said candidate's Vice Presidential running mate. Said oath shall be filed with the Secretary of the State Election Board no later than September 15.

B. One nominee for Presidential Elector shall be chosen from each congressional district and two nominees for Presidential Elector shall be chosen at large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected.

SECTION 9. AMENDATORY 26 O.S. 1991, Section 10-103, is amended to read as follows:

Section 10-103. On the first Tuesday after the first Monday in November in each year next preceding the expiration of the term of office of each President of the United States, the registered voters of this state shall elect a number of electors for President and Vice President equal to the number of United States Senators and United States Representatives which the state is entitled to elect. Said electors shall be elected in the same manner as is provided for state officers. Receipt by the Presidential Electors of a party or uncommitted electors of the highest number of votes statewide shall constitute election of the two at-large Presidential Electors of that party or of the uncommitted electors. Receipt by the Presidential Electors of a party or uncommitted electors of the highest number of votes in a congressional district shall constitute election of the congressional district Presidential Elector of that party or of the uncommitted electors.

SECTION 10. AMENDATORY 26 O.S. 1991, Section 10-105, is amended to read as follows:

Section 10-105. At any General Election in which Presidential Electors are to be elected, the State Election Board shall provide ballots on which the names of the Presidential Electors of each political party shall be bracketed adjacent to the names of said party's candidates for President and Vice President. The names of the Independent nominees for Presidential Electors shall be bracketed adjacent to the names of the candidates for President and Vice President for whom they have subscribed an oath to cast their ballots or bracketed adjacent to the word "Uncommitted" in the event said nominees are uncommitted. The ballots shall indicate whether the elector is an at-large Presidential Elector or a congressional district Presidential Elector. Said ballots shall, in all other respects, have the appearance of ballots used for state officers.

SECTION 11. AMENDATORY 26 O.S. 1991, Section 10-107, is amended to read as follows:

Section 10-107. Persons chosen as Presidential Electors shall meet at 10:00 a.m. in the Governor's office at the time appointed by the laws of the United States and cast their votes in the manner therein provided and perform such duties as may be required by law. The at-large Presidential Electors shall cast their votes for the Presidential and Vice Presidential candidates who received the highest number of votes in the state. Each congressional district Presidential Elector shall cast a vote for the Presidential and Vice Presidential candidates who received the highest number of votes in the congressional district that the Presidential Elector represents. Each such Elector shall receive mileage reimbursement at the rate as provided for state employees, said reimbursement to be paid from funds appropriated to the Office of the Governor.

SECTION 12. REPEALER 26 O.S. 1991, Sections 20-101, 20-102, 20-103, 20-104 and 20-105, are hereby repealed.

SECTION 13. This act shall become effective November 1, 2001.

48-1-6627 SD 6/12/15