

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1412

By: Pettigrew of the House

and

Reynolds of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to elections; prohibiting certain acts; amending 26 O.S. 2001, Section 5-113, as amended by Section 9, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 5-113), which relates to filing fees of candidates; eliminating filing fee refunds; providing for distribution of certain candidate filing fees; amending 26 O.S. 2001, Section 12-108, which relates to dates for certain special elections; adding Special Runoff Primary Elections for special elections for certain offices; amending 26 O.S. 2001, Section 14-108, as amended by Section 15, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 14-108), which relates to return of absentee ballots; prohibiting certain persons from notarizing absentee ballots; amending 26 O.S. 2001, Sections 16-102 and 16-105, which relate to election law crimes; modifying prohibition; requiring that certain information be posted; amending 26 O.S. 2001, Section 20-102, which relates to the Presidential Preference Primary; eliminating refund of filing fee; providing for distribution of filing fees; amending 74 O.S. 2001, Section 4258, which relates to the Ethics Commission Fund; expanding sources of revenue for the fund; providing for codification; and providing an effective date.

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 4-120.10 of Title 26, unless there is created a duplication in numbering, reads as follows:

Any person whose voter registration has been transferred and the transfer has been completed by the appropriate election board pursuant to Section 4-116 or 4-118 of Title 26 of the Oklahoma Statutes shall not vote or attempt to vote in the precinct in which the person was registered prior to the transfer of registration.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-113, as amended by Section 9, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 5-113), is amended to read as follows:

Section 5-113. A. A candidate's filing fee shall be forfeited to the election board with which it was filed ~~unless the candidate is unopposed in the Primary Election, becomes a candidate in the Runoff Primary Election or receives more than fifteen percent (15%) of the votes cast for the office for which the candidate is a candidate at the first election wherein the candidate's name appears on a ballot, in which case the full amount of the candidate's filing fee shall be returned to the candidate immediately.~~

B. ~~Upon becoming eligible for a filing fee refund, a candidate shall provide to the secretary of the election board who received the filing fee any additional information needed to process the refund. Any candidate who fails to provide the additional information within six (6) months of becoming eligible for a filing fee refund shall forfeit the refund to the appropriate election board~~ One-half (1/2) of any filing fee that is forfeited to the State Election Board shall be retained by the State Election Board. One-half (1/2) of any filing fee that is forfeited to the State Election Board shall be deposited in the Ethics Commission Fund.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 12-108, is amended to read as follows:

Section 12-108. Said proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of said proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; ~~and~~

3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Special Primary Election; and

4. The date of the Special General Election, not less than twenty (20) days after the date of the Special Runoff Primary Election.

Should such a vacancy occur between March 1 and July 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-108, as amended by Section 15, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2002, Section 14-108), is amended to read as follows:

Section 14-108. A. The voter shall be required to mark ~~his or her~~ the ballot in ink or other manner 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, such signature to be notarized at no charge by a notary public; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail or by a private mail service, provided such service has delivery documentation, to the county election board.

B. The ballot shall not be notarized by any person whose name appears on the ballot as a candidate or by any campaign chairperson or campaign treasurer for a candidate whose name appears on the ballot.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 16-102, is amended to read as follows:

Section 16-102. Any person who votes more than once at any election, who votes in a precinct after having transferred voter registration to a new precinct, or who, knowing that he is not

eligible to vote at an election, willfully votes at said election shall be deemed guilty of a felony.

SECTION 6. AMENDATORY 26 O.S. 2001, Section 16-105, is amended to read as follows:

Section 16-105. A. Any person who knowingly perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election, shall be deemed guilty of a felony.

B. At every precinct there shall be posted information, provided by the State Election Board, which states the penalties for voter fraud and states that, if voter fraud is suspected, complaints should be reported to the State Election Board.

C. The State Election Board shall, upon receiving the complaint:

1. Document such complaint and request the name and mailing address of the person making the complaint;

2. Send a letter to the person making the complaint, stating the penalties for voter fraud and the option of contacting the district attorney in the county where such fraud is suspected; and

3. Provide the district attorney's name and phone number.

D. All information relating to voter complaints shall remain confidential until after the complaint has resulted in a conviction or a plea of guilty or nolo contendere.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 20-102, is amended to read as follows:

Section 20-102. A. Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board. Said candidates shall be members of political parties recognized under the laws of the State of Oklahoma and shall have filed a statement of candidacy with the Federal Election

Commission and shall have raised and expended not less than Five Thousand Dollars (\$5,000.00) for said office. The candidates shall be required to swear an oath or affirm that they meet the aforementioned qualifications, and their signatures shall be witnessed by a notary public. Said filing beginning at 8:00 a.m. on the second Monday in January and ending at 5:00 p.m. on the next succeeding Wednesday, or at a time prescribed by the State Election Board for a Presidential Preferential Primary to be held on a date other than the second Tuesday in March. A statement of candidacy must be accompanied by a petition supporting a candidate's filing signed by one percent (1%) of the registered voters in each congressional district eligible to vote for a candidate or one thousand (1,000) registered voters in each congressional district eligible to vote for a candidate, whichever is less, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). Said check shall be forfeited ~~unless a candidate receives more than fifteen percent (15%) of the votes east.~~ One-half (1/2) of the forfeited amount shall be retained by the State Election Board. One-half (1/2) of the forfeited amount shall be deposited in the Ethics Commission Fund. The State Election Board shall cause the names of all candidates who have filed within the proper time to be printed on the official ballots. The ballots shall be prepared as provided for by law. ~~Voters~~ Each voter shall be restricted to one vote for ~~the~~ a candidate ~~of his~~ choice of the political party in which the voter is registered.

B. Each page of a petition supporting a candidate's filing shall identify the county and the congressional district, and shall contain the names of registered voters in only one congressional district and in only one county.

C. Each page of a petition supporting a candidate's filing shall be verified. Verification shall be made in substantial

compliance with the provisions of Section 6 of Title 34 of the Oklahoma Statutes.

SECTION 8. AMENDATORY 74 O.S. 2001, Section 4258, is amended to read as follows:

Section 4258. There is hereby created in the State Treasury a revolving fund for the Ethics Commission to be designated the "Ethics Commission Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all copying fees received by the Commission and candidate filing fees as directed by Section 5-113 and Section 20-102 of Title 26 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for any expenses incurred in the implementation of ~~this act~~ Sections 4249 through 4257 of this title. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 9. This act shall become effective November 1, 2003.

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