

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1412

By: Pettigrew

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Section 1-109, which relates to political parties; modifying circumstances for which a political party ceases to be recognized; 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; 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; prohibiting certain acts; amending 26 O.S. 2001, Section 16-102, which relates to penalties for illegal voting; adding prohibited act; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-109, is amended to read as follows:

Section 1-109. A. Any recognized political party whose nominee for Governor or nominees for electors for President and Vice President fail to receive at least ~~ten percent (10%)~~ eight percent (8%) of the total votes cast for said offices in any General Election shall cease to be a recognized political party. Said party may regain recognition only by following the procedure prescribed for formation of new political parties. The State Election Board shall proclaim the fact of a party's failure to receive a sufficient number of votes and shall order that said party cease to be recognized.

B. Any recognized political party that ceases to be recognized under provisions of this section shall be designated as a political organization. Such political organization designation shall

terminate four (4) years from the date that the political party ceases to be recognized or when the political organization regains recognition as a political party, whichever is earlier.

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.~~

SECTION 3. 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 4. 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:

No person who has transferred voter registration pursuant to Section 4-116 or 4-118 of Title 26 of the Oklahoma Statutes shall vote or attempt to vote in the precinct in which the person was registered prior to the transfer of registration.

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. This act shall become effective November 1, 2003.

49-1-5080 SD 01/19/03