

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 1494

By: Wilson

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2001, Sections 7-108, 9-100, as amended by Section 15, Chapter 545, O.S.L. 2004, 13-102, as amended by Section 19, Chapter 545, O.S.L. 2004, 13A-105, as amended by Section 7, Chapter 369, O.S.L. 2004, and 13-107 (26 O.S. Supp. 2005, Sections 9-100, 13-102 and 13A-105), which relate to electioneering, experimental voting devices, declaration of candidacy, notice of elections, filing of declaration of candidacy, and provision of maps; prohibiting certain persons from interfering with certain elections; authorizing the Secretary of the State Election Board to promulgate rules for use of certain types of voting equipment for certain persons; adding certain information to notice of election; deleting certain place for filing for board of education; setting time frame for municipalities to provide updated maps; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 7-108, is amended to read as follows:

Section 7-108. No person shall be allowed to electioneer, which includes solicitors, voters, and/or persons circulating petitions, within three hundred (300) feet of any ballot box while an election is in progress, nor shall any person or persons, except election officials and other persons authorized by law, be allowed within fifty (50) feet of any ballot box while an election is in progress. No printed material other than that provided by the election board shall be publicly placed or exposed within three hundred (300) feet of any ballot box, while an election is in progress.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 9-100, as amended by Section 15, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2005, Section 9-100), is amended to read as follows:

Section 9-100. A. The Secretary of the State Election Board ~~shall be~~ is authorized to allow for the experimental use of one or more vote counting devices or other equipment in one or more election precincts in one or more counties, without a formal purchase thereof. The experimental use of such vote counting device or other equipment in any election shall be as valid for all purposes as if it had been purchased.

B. The Secretary of the State Election Board is authorized to promulgate rules concerning the use of voting equipment intended to provide accessibility for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access, participation, privacy and independence, as for other voters as required by the federal Help America Vote Act of 2002.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 13-102, as amended by Section 19, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2005, Section 13-102), is amended to read as follows:

Section 13-102. Not fewer than fifteen (15) days before the filing period for any regular municipal election, or in the event of a special election, not fewer than sixty (60) days before such election, the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting such election. Such resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at such election or elections;
3. Qualifications for such offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;

5. Indication of whether the election will be partisan or nonpartisan;

6. A current and accurate map of the municipalities boundaries, including ward boundaries;

7. For charter cities where the charter is silent, indication of any portion of state law which will apply; and

~~7.~~ 8. Any other information necessary for conducting said election or elections.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 13A-105, as amended by Section 7, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2005, Section 13A-105), is amended to read as follows:

Section 13A-105. Candidates for member of the board of education of every school district or technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an attachment to be signed by the candidate listing the requirements of a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and the candidate shall swear or affirm that he or she is eligible to run for the office or serve in the office if elected. Candidates shall file on the first Monday in December through the following Wednesday. For school districts and technology center school districts located in more than one county, filing ~~may~~ shall be ~~either~~ in the county wherein supervision of the district is located ~~or in the county where the candidate resides.~~

SECTION 5. AMENDATORY 26 O.S. 2001, Section 13-107, is amended to read as follows:

Section 13-107. It shall be the mandatory duty of the governing board of each municipality to provide to the county election board or boards of the county or counties wherein said municipality is

located a current map of said municipality when filing a resolution calling a regular or special election. Said map must clearly define the municipal limits and ward boundaries of said municipality. Should any changes ~~be made~~ in the municipal limits or ward boundaries of any municipality become effective after a resolution calling an election is submitted to the County Election Board but not less than thirty (30) days before the election, the governing board of said municipality shall immediately provide the appropriate county election board or boards with a ~~complete revised map of the municipality~~ copy of the ordinance that changed the boundaries and a map showing the new boundaries.

SECTION 6. This act shall become effective July 1, 2006.

SECTION 7. 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.

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