

CS for SB 1494

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THE STATE SENATE
Wednesday, March 1, 2006

Committee Substitute for
Senate Bill No. 1494

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1494 - By: WILSON of the Senate and WALKER of the House.

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.

1 No printed material other than that provided by the election board
2 shall be publicly placed or exposed within three hundred (300) feet
3 of any ballot box, while an election is in progress.

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

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

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

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

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

7 1. The dates of the election or elections;

8 2. The offices to be filled or the questions to be voted upon
9 at such election or elections;

10 3. Qualifications for such offices;

11 4. Designation of which offices shall be filled by voting by
12 ward and which offices shall be filled by voting at large;

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

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

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

19 ~~7.~~ 8. Any other information necessary for conducting said
20 election or elections.

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

1 Section 13A-105. Candidates for member of the board of
2 education of every school district or technology center school
3 district shall file declarations of candidacy in the same place and
4 with the same officials as candidates for county office. The
5 declaration of candidacy to be signed by the candidate shall have an
6 attachment to be signed by the candidate listing the requirements of
7 a candidate for election or reelection to a school board as set
8 forth in Sections 13A-106 and 5-105a of this title and Sections 5-
9 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and
10 the candidate shall swear or affirm that he or she is eligible to
11 run for the office or serve in the office if elected. Candidates
12 shall file on the first Monday in December through the following
13 Wednesday. For school districts and technology center school
14 districts located in more than one county, filing ~~may~~ shall be
15 ~~either~~ in the county wherein supervision of the district is located
16 ~~or in the county where the candidate resides.~~

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

19 Section 13-107. It shall be the mandatory duty of the governing
20 board of each municipality to provide to the county election board
21 or boards of the county or counties wherein said municipality is
22 located a current map of said municipality when filing a resolution
23 calling a regular or special election. Said map must clearly define

1 the municipal limits and ward boundaries of said municipality.
2 Should any changes ~~be made~~ in the municipal limits or ward
3 boundaries of any municipality become effective after a resolution
4 calling an election is submitted to the County Election Board but
5 not less than thirty (30) days before the election, the governing
6 board of said municipality shall immediately provide the appropriate
7 county election board or boards with a ~~complete revised map of the~~
8 ~~municipality~~ copy of the ordinance that changed the boundaries and a
9 map showing the new boundaries.

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

11 SECTION 7. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-27-06
16 - DO PASS, As Amended and Coauthored.