

CS for SB 942

THE STATE SENATE
Monday, February 14, 2005

Committee Substitute for
Senate Bill No. 942

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 942 - By: COFFEE of the Senate and LIOTTA of the House.

An Act relating to elections; amending 26 O.S. 2001, Sections 1-102, as amended by Section 2, Chapter 162, O.S.L. 2003, 1-108, as last amended by Section 6, Chapter 53, O.S.L. 2004, 3-101, as amended by Section 5, Chapter 485, O.S.L. 2003, 4-119, as amended by Section 7, Chapter 485, O.S.L. 2003, 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004, 5-110, as last amended by Section 8, Chapter 53, O.S.L. 2004, 5-119, 5-122, Section 8, Chapter 545, O.S.L. 2004, 8-103, 8-106, as amended by Section 12, Chapter 545, O.S.L. 2004, 8-108, 8-109, 11-106, as amended by Section 16, Chapter 545, O.S.L. 2004, 12-101, as amended by Section 1, Chapter 380, O.S.L. 2002, 12-103, as last amended by Section 3, Chapter 369, O.S.L. 2004, 12-106, 12-108, as last amended by Section 4, Chapter 369, O.S.L. 2004, 12-111, as amended by Section 12, Chapter 447, O.S.L. 2002, 12-113, as last amended by Section 5, Chapter 369, O.S.L. 2004, 14-104, Section 9, Chapter 485, O.S.L. 2003, as amended by Section 21, Chapter 545, O.S.L. 2004, 14-116, as amended by Section 14, Chapter 485, O.S.L. 2003, 14-120, as amended by Section 18, Chapter 485, O.S.L. 2003, and 14-125 (26 O.S. Supp. 2004, Sections 1-102, 1-108, 3-101, 4-119, 5-105, 5-110, 7-116.1, 8-106, 11-106, 12-101, 12-103, 12-108, 12-111, 12-113, 14-104.1, 14-116, and 14-120), which relate to primary elections, formation of political parties, election schedules, change of political affiliation, registration, filing period, time for filing contest, date for hearing contest, provisional ballots, certificates of elections, time for issuing certificates, certificates to be issued, time for filing contest, certification, vacancies in Congress, dates for filing period, vacancies in the Legislature, dates, vacancies in county offices, dates for special elections, return of ballot to election board, runoff primary election, uniformed and overseas voters, return of ballots, and counting procedure; modifying date

1 for certain election; modifying date for formation of new
2 political party; modifying date for filing and circulation
3 of certain petition; modifying schedule of special
4 elections; modifying date for change of political
5 affiliation; adding federal office candidates to certain
6 voter registration period requirements; modifying voter
7 registration requirements for certain candidates; modifying
8 schedule of filing period; modifying day for filing contest
9 of election; reducing number of days for certain hearing;
10 providing time period for counting of provisional ballots;
11 stating day for certificate of election; prohibiting certain
12 lists to be issued before certain date and time; allowing
13 certain persons to request a recount of ballots from certain
14 overseas voters under certain circumstances; modifying date
15 of certification; stating date for certain elections for
16 vacancies in Congress; modifying dates for filing period for
17 certain special elections; providing date for certain
18 special elections in the Legislature; modifying dates for
19 proclamation for certain elections; modifying dates for
20 special elections for certain vacancies in certain county
21 offices; modifying dates for proclamation for certain
22 special election; providing certain time period for overseas
23 absentee ballots to be accepted and counted; modifying
24 absentee ballot procedures for certain persons; and
25 providing an effective date.

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

27 SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-102, as
28 amended by Section 2, Chapter 162, O.S.L. 2003 (26 O.S. Supp. 2004,
29 Section 1-102), is amended to read as follows:

30 Section 1-102. A Primary Election shall be held on the ~~last~~
31 second Tuesday in ~~July~~ June of each even-numbered year, at which
32 time each political party recognized by the laws of Oklahoma shall
33 nominate its candidates for the offices to be filled at the next
34 succeeding General Election, unless otherwise provided by law. No
35 candidate's name shall be printed upon the General Election ballot

1 unless such candidate shall have been nominated as herein provided,
2 unless otherwise provided by law; provided, further, that this
3 provision shall not exclude the right of a nonpartisan candidate to
4 have his or her name printed upon the General Election ballots. No
5 county, municipality or school district shall schedule an election
6 on any date during the twenty (20) days immediately preceding the
7 date of any such primary election.

8 SECTION 2. AMENDATORY 26 O.S. 2001, Section 1-108, as
9 last amended by Section 6, Chapter 53, O.S.L. 2004 (26 O.S. Supp.
10 2004, Section 1-108), is amended to read as follows:

11 Section 1-108. A group of persons may form a recognized
12 political party at any time except during the period between ~~June~~
13 March 1 and November 15 of any even-numbered year if the following
14 procedure is observed:

15 1. Notice of intent to form a recognized political party must
16 be filed in writing with the Secretary of the State Election Board
17 at any time except during the period between March 1 and November 15
18 of any even-numbered year.

19 2. After such notice is filed, petitions seeking recognition of
20 a political party, in a form to be prescribed by the Secretary of
21 the State Election Board, shall be filed with such Secretary,
22 bearing the signatures of registered voters equal to at least five
23 percent (5%) of the total votes cast in the last General Election

1 either for Governor or for electors for President and Vice
2 President. Each page of such petitions must contain the names of
3 registered voters from a single county. Petitions may be circulated
4 a maximum of one (1) year after notice is filed, provided that
5 petitions shall be filed with such Secretary no later than ~~May~~ March
6 1 of an even-numbered year. Such petitions shall not be circulated
7 between ~~May~~ March 1 and November 15 of any even-numbered year.

8 3. Within thirty (30) days after receipt of such petitions, the
9 State Election Board shall determine the sufficiency of such
10 petitions. If such Board determines there are a sufficient number
11 of valid signatures of registered voters, the party becomes
12 recognized under the laws of the State of Oklahoma with all rights
13 and obligations accruing thereto.

14 SECTION 3. AMENDATORY 26 O.S. 2001, Section 3-101, as
15 amended by Section 5, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2004,
16 Section 3-101), is amended to read as follows:

17 Section 3-101. A. No election required to be conducted by any
18 county election board shall be scheduled for a day other than
19 Tuesday.

20 B. Except as otherwise provided by law, no special election
21 shall be held by any county, school district, technology center
22 school district, municipality or other entity authorized to call
23 elections except on the second Tuesday of January, February, May,

1 June, July, August, September, October, November and December and
2 the first Tuesday in March and April in odd-numbered years and the
3 second Tuesday of January, February, ~~March~~, May, and December, the
4 first Tuesday in March and April, the ~~last~~ second Tuesday in ~~July~~
5 June, the fourth Tuesday in August, and the first Tuesday after the
6 first Monday in November of any even-numbered year; except, in
7 ~~February 2004~~ any year when a Presidential Preferential Primary
8 Election is held in February, the date for the special elections
9 shall be ~~the fourth Tuesday~~ the same date as the Presidential
10 Preferential Primary Election.

11 C. In the event that a regular or special election date occurs
12 on an official state holiday, the election shall be scheduled for
13 the next following Tuesday.

14 SECTION 4. AMENDATORY 26 O.S. 2001, Section 4-119, as
15 amended by Section 7, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2004,
16 Section 4-119), is amended to read as follows:

17 Section 4-119. Any registered voter may make application under
18 oath to change political affiliation by executing a form prescribed
19 by the Secretary of the State Election Board at any time. The
20 county election board secretary in the applicant's county of
21 residence shall process and approve any such application for
22 political affiliation change upon receipt, except as provided in
23 Section 4-110.1 of ~~Title 26 of the Oklahoma Statutes~~ this title and

1 except during the period from ~~June 1~~ March 15 through August 31,
2 inclusive, in any even-numbered year. The secretary shall process
3 and approve such applications for change of political affiliation
4 received or postmarked from ~~June 1~~ March 15 through August 31 in any
5 even-numbered year after August 31.

6 SECTION 5. AMENDATORY 26 O.S. 2001, Section 5-105, as
7 amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2004,
8 Section 5-105), is amended to read as follows:

9 Section 5-105. A. To file as a candidate for nomination by a
10 political party to any federal, state, or county office, a person
11 must have been a registered voter of that party for the six-month
12 period immediately preceding the first day of the filing period
13 prescribed by law and, under oath, so state. ~~Except, however, to~~
14 ~~file as a candidate for nomination by a political party to any state~~
15 ~~or county office in 2004, a person must have been a registered voter~~
16 ~~of that party no later than December 21, 2003.~~ Provided, this
17 requirement shall not apply to a candidate for the nomination of a
18 political party which attains recognition less than six (6) months
19 preceding the first day of the filing period required by law.
20 However, the candidate shall be required to have registered with the
21 newly recognized party within fifteen (15) days after such party
22 recognition.

1 B. To file as an independent candidate for any federal, state,
2 or county office, a person must have been registered to vote as an
3 independent for the six-month period immediately preceding the first
4 day of the filing period prescribed by law and, under oath, so
5 state. ~~Except, however, to file as an independent candidate for any~~
6 ~~state or county office in 2004, a person must have been registered~~
7 ~~to vote as an independent no later than December 21, 2003.~~

8 SECTION 6. AMENDATORY 26 O.S. 2001, Section 5-110, as
9 last amended by Section 8, Chapter 53, O.S.L. 2004 (26 O.S. Supp.
10 2004, Section 5-110), is amended to read as follows:

11 Section 5-110. Declarations of Candidacy provided herein must
12 be filed with the secretary of the appropriate election board no
13 earlier than 8:00 a.m. on the ~~first Monday~~ last Thursday in ~~June~~
14 March of any even-numbered year and no later than 5:00 p.m. on the
15 next succeeding ~~Wednesday~~ Saturday. Such Declarations of Candidacy
16 may be transmitted by United States mail, but in no event shall the
17 secretary of any election board accept such Declarations after the
18 time prescribed by law.

19 SECTION 7. AMENDATORY 26 O.S. 2001, Section 5-119, is
20 amended to read as follows:

21 Section 5-119. Said petition must be filed no later than 5:00
22 p.m. on the ~~second day~~ Tuesday next following the close of the
23 filing period.

1 SECTION 8. AMENDATORY 26 O.S. 2001, Section 5-122, is
2 amended to read as follows:

3 Section 5-122. When such a petition is properly filed, the
4 secretary of the appropriate election board shall set the matter
5 down for a hearing, said hearing to be not fewer than ~~three (3)~~ two
6 (2) days from the date of filing of said petition.

7 SECTION 9. AMENDATORY Section 8, Chapter 545, O.S.L.
8 2004 (26 O.S. Supp. 2004, Section 7-116.1), is amended to read as
9 follows:

10 Section 7-116.1 A. Provisional ballots shall be available for
11 all elections conducted by the county election board. Provisional
12 ballots shall include all offices, candidates and questions and
13 shall be identical to the regular ballots for each precinct. The
14 Secretary of the State Election Board shall promulgate rules and
15 shall prescribe materials necessary for the implementation of
16 provisional ballots.

17 B. Persons who are not listed in the precinct registry, but who
18 claim to be registered voters in the precinct and eligible to vote
19 in the election, shall be entitled to vote a provisional ballot upon
20 execution of an affidavit prescribed by the Secretary of the State
21 Election Board. Registered voters required to show identification
22 before voting for the first time in a federal election, as described
23 in Section ~~7 of the act~~ 7-115.2 of this title and who are unable to

1 show one of the acceptable forms of identification described in said
2 section, shall be entitled to cast a provisional ballot. Persons
3 identified in Section 14-121 of ~~Title 26 of the Oklahoma Statutes~~
4 this title shall be entitled to vote a provisional ballot upon
5 execution of an affidavit prescribed by the Secretary of the State
6 Election Board. Persons who are listed in the precinct registry for
7 a partisan primary election, but who dispute the political
8 affiliation indicated by said precinct registry, shall be entitled
9 to vote a provisional ballot for a party other than the one
10 indicated. However, such provisional ballot shall be counted only
11 if evidence is found by the secretary of the county election board
12 of the voter's valid voter registration in the party for which the
13 provisional ballot was cast.

14 C. Provisional ballots shall be segregated from the regular
15 ballots cast in the precinct in the manner prescribed by the
16 Secretary of the State Election Board and shall not be inserted in
17 the precinct voting device. Information provided by a person who
18 votes a provisional ballot shall be investigated by the secretary of
19 the county election board after the election. A provisional ballot
20 shall be counted only if it is cast in the precinct of the voter's
21 residence and if evidence of the provisional voter's valid voter
22 registration, or of the voter's identity, is found, except a

1 provisional ballot cast by a voter identified in Section 14-121 of
2 ~~Title 26 of the Oklahoma Statutes~~ this title shall be counted.

3 D. No information concerning provisional ballots, except the
4 number of provisional ballots cast in the county, shall be made
5 public by any election official prior to 1:00 p.m. on Friday
6 following the election. The county sheriff shall secure sealed
7 ballot transfer cases containing provisional ballots that have been
8 counted after 1:00 p.m. on Friday following the election until 5:00
9 p.m. on Tuesday next succeeding the election or, in the event a
10 recount contest is filed, until such times as said transfer cases
11 are delivered to the district courtroom.

12 E. In the event that the secretary of any county election board
13 is unable to complete the investigation and verification of
14 provisional ballots by 1:00 p.m. on Friday following the election,
15 the Secretary of the State Election Board shall be authorized to
16 extend the period for the investigation and verification of
17 provisional ballots until 5:00 p.m. on Monday next following the
18 election. When such an extension is required by any county for a
19 statewide election, the extension shall apply statewide. The
20 Secretary shall promulgate rules establishing procedures for
21 requesting and granting such extensions.

22 F. All materials used for procuring and casting a provisional
23 ballot shall be retained by the secretary of the county election

1 board for a period of twenty-four (24) months after the day of the
2 election.

3 SECTION 10. AMENDATORY 26 O.S. 2001, Section 8-103, is
4 amended to read as follows:

5 Section 8-103. The county election board shall certify a list
6 of successful candidates for county offices and shall provide
7 Certificates of Election to the same following the General Election,
8 except that Certificates of Election may be issued to unopposed
9 candidates after ~~5 p.m.~~ 5:00 p.m. on the ~~second day~~ Tuesday next
10 following the close of the filing period. The State Election Board
11 shall certify a list of successful candidates for offices for which
12 the Board accepts filings of Declarations of Candidacy and shall
13 provide Certificates of Election to the same following the General
14 Election, except that Certificates of Election may be issued to
15 unopposed candidates after ~~5 p.m.~~ 5:00 p.m. on the ~~second day~~
16 Tuesday next following the close of the filing period.

17 SECTION 11. AMENDATORY 26 O.S. 2001, Section 8-106, as
18 amended by Section 12, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004,
19 Section 8-106), is amended to read as follows:

20 Section 8-106. No lists or certificates provided for in Section
21 8-103 of this title shall be issued either by the county election
22 board before 5:00 p.m. on Tuesday next succeeding the election or by

1 the State Election Board before 5:00 p.m. on the second Friday ~~next~~
2 following a Primary, Runoff Primary or General Election.

3 SECTION 12. AMENDATORY 26 O.S. 2001, Section 8-108, is
4 amended to read as follows:

5 Section 8-108. If no contest shall be filed by 5:00 p.m. ~~Friday~~
6 Tuesday next following an election, the county election boards and
7 State Election Board shall declare the result of such election and
8 shall issue the appropriate lists or certificates to the successful
9 party as provided by law. Provided, however, that no such lists or
10 certificates shall be issued until the total of all returns has been
11 verified, and a complete tabulation thereof made.

12 SECTION 13. AMENDATORY 26 O.S. 2001, Section 8-109, is
13 amended to read as follows:

14 Section 8-109. A. Any candidate whose name appeared on a
15 Primary, Runoff Primary or General Election ballot, or any
16 individual authorized to request a recount pursuant to Section 8-111
17 of this title may, at any time before 5:00 p.m. Friday next
18 following an election, contest the correctness of the announced
19 results of said election by filing a written petition with the
20 appropriate election board. Contests alleging irregularities or
21 fraud shall not be permitted in any election except those in which
22 candidates are seeking office. Nothing in this section shall be
23 construed to prohibit any proceedings in district court, which are

1 otherwise authorized by law, alleging irregularities or fraud in an
2 election.

3 B. Any candidate in a race where the results may be affected by
4 the counting of absentee ballots from overseas uniformed services
5 and civilian voters identified in Section 14-116 of this title shall
6 be entitled to request a recount or to file a petition alleging
7 irregularities or fraud until 5:00 p.m. on Tuesday next succeeding
8 the election.

9 SECTION 14. AMENDATORY 26 O.S. 2001, Section 11-106, as
10 amended by Section 16, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004,
11 Section 11-106), is amended to read as follows:

12 Section 11-106. If a Declaration of Candidacy is filed, an
13 election held, and no contest thereto is filed, the State Election
14 Board shall certify the result to the Secretary of State ~~by~~ no later
15 than 5:00 p.m. ~~Tuesday next~~ on the second Friday following the
16 General Election. If a contest is filed, the result shall be
17 certified to the Secretary of State either when the contest is
18 determined or when it has been abandoned. If a decision by a
19 majority of those voting thereon is that the officer shall not be
20 retained in office, the Secretary of State shall immediately notify
21 the Governor and the Chair of the Judicial Nominating Commission of
22 the decision, stating the name and office of the officer, and that a
23 vacancy has occurred or is certain to occur, as is appropriate.

1 SECTION 15. AMENDATORY 26 O.S. 2001, Section 12-101, as
2 amended by Section 1, Chapter 380, O.S.L. 2002 (26 O.S. Supp. 2004,
3 Section 12-101), is amended to read as follows:

4 Section 12-101. A. Except as otherwise provided by law,
5 whenever a vacancy shall occur in the office of a member of the
6 United States Senate or United States House of Representatives from
7 Oklahoma, such vacancy shall be filled at a Special Election to be
8 called by the Governor within thirty (30) days after such vacancy
9 occurs.

10 B. No special election shall be called if the vacancy occurs
11 after ~~March~~ January 1 of any even-numbered year if the term of the
12 office expires the following year. In such case, the candidate
13 elected to the office at the regular General Election shall be
14 appointed by the Governor to fill the remainder of the unexpired
15 term.

16 SECTION 16. AMENDATORY 26 O.S. 2001, Section 12-103, as
17 last amended by Section 3, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
18 2004, Section 12-103), is amended to read as follows:

19 Section 12-103. The proclamation required by Section 12-102 of
20 this title shall contain the following facts:

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

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

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

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

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

14 SECTION 17. AMENDATORY 26 O.S. 2001, Section 12-106, is
15 amended to read as follows:

16 Section 12-106. A. Whenever a vacancy shall occur in the
17 office of a member of the State Senate or the State House of
18 Representatives, the vacancy shall be filled at a Special Election
19 to be called by the Governor within thirty (30) days after the
20 vacancy occurs; provided, no special election shall be called if the
21 vacancy occurs after ~~March~~ January 1 of any even-numbered year if
22 the term of the office expires the same year.

1 B. If in an even-numbered year an incumbent State Senator with
2 two (2) or more years remaining in the term for which elected shall
3 file with the Oklahoma Secretary of State before ~~June~~ March 1 a
4 resignation in writing which states that the resignation will not
5 become effective immediately, but rather will become effective on
6 some date certain that is after the General Election but before the
7 convening of the next session of the Legislature, the vacancy shall
8 be filled by a special election which shall be held in that even-
9 numbered year on the same dates as the regular Primary Election,
10 Runoff Primary Election and General Election. The filing period for
11 the special election shall be the regular filing period prescribed
12 in Section 5-110 of this title. The person elected in the General
13 Election of the special election shall take office on the date the
14 resignation of the incumbent becomes effective and shall serve the
15 remainder of the unexpired term.

16 SECTION 18. AMENDATORY 26 O.S. 2001, Section 12-108, as
17 last amended by Section 4, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
18 2004, Section 12-108), is amended to read as follows:

19 Section 12-108. Such proclamation shall contain the following
20 facts:

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

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

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

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

10 SECTION 19. AMENDATORY 26 O.S. 2001, Section 12-111, as
11 amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2004,
12 Section 12-111), is amended to read as follows:

13 Section 12-111. A. Whenever a vacancy shall occur in the
14 office of a county commissioner, the vacancy shall be filled at a
15 special election to be called by the Governor within thirty (30)
16 days after the vacancy occurs. Provided, no special election shall
17 be called if the vacancy occurs after ~~March~~ January 1 of any even-
18 numbered year if the term of the office expires the following year.
19 In such case, the candidate elected to the office at the Primary
20 Election, runoff Primary Election, or the regular General Election
21 shall be appointed by the Governor as soon as practical after the
22 applicable election to fill the unexpired term.

1 B. Whenever a vacancy shall occur in any elective county office
2 of any county in this state having a population of more than the
3 population figure specified in subsection B of Section 10 of Title
4 51 of the Oklahoma Statutes, the vacancy shall be filled at a
5 special election to be called by the Governor within thirty (30)
6 days after the vacancy occurs. Provided, no special election shall
7 be called if the vacancy occurs after ~~March~~ January 1 of any even-
8 numbered year if the term of the office expires the following year.
9 In such case, the candidate elected to the office at the Primary
10 Election, runoff Primary Election, or the regular General Election
11 shall be appointed by the Governor as soon as practical after the
12 applicable election to fill the remainder of their unexpired term.

13 SECTION 20. AMENDATORY 26 O.S. 2001, Section 12-113, as
14 last amended by Section 5, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
15 2004, Section 12-113), is amended to read as follows:

16 Section 12-113. Such proclamation shall contain the following
17 facts:

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

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

1 3. The date of the Special General Election, not less than
2 twenty (20) days after the date of the Special Primary Election.

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

8 SECTION 21. AMENDATORY 26 O.S. 2001, Section 14-104, is
9 amended to read as follows:

10 Section 14-104. Absentee ballots shall be returned to the
11 secretary of each county election board no later than 7:00 p.m. the
12 day of the election except absentee ballots returned by overseas
13 absentee voters identified in Section 14-116 of this title.
14 Absentee ballots from overseas absentee voters shall be accepted and
15 counted after election day as provided in Section 14-104.1 of this
16 title.

17 SECTION 22. AMENDATORY Section 9, Chapter 485, O.S.L.
18 2003, as amended by Section 21, Chapter 545, O.S.L. 2004 (26 O.S.
19 Supp. 2004, Section 14-104.1), is amended to read as follows:

20 Section 14-104.1 Absentee ballots cast no later than the day of
21 the ~~federal election~~ Primary, Runoff Primary or General Election or
22 a Presidential Preferential Primary Election by voters identified
23 pursuant to Section 14-116 of this title who are absent from the

1 United States and who made timely applications for absentee ballots
2 in the ~~Runoff Primary Election~~ election, and that are received by
3 the secretary of the county election board ~~by~~ no later than 5:00
4 p.m. on the ~~fourteenth day~~ Monday next following the ~~Runoff Primary~~
5 ~~Election~~ election shall be accepted as validly cast ballots and
6 shall be tabulated and included in the final election results for
7 federal offices. However, the Secretary of the State Election Board
8 or the county election board shall not be prevented from declaring
9 the successful candidate in a ~~Runoff Primary Election for a federal~~
10 ~~office~~ any race or the result of any question on the ballot if the
11 total number of the ballots sent to overseas absentee voters
12 ~~identified pursuant to Section 14-116 of this title who are absent~~
13 ~~from the United States~~ and still outstanding at 5:00 p.m. on Friday
14 following the election is mathematically insufficient to affect the
15 outcome of the election.

16 SECTION 23. AMENDATORY 26 O.S. 2001, Section 14-116, as
17 amended by Section 14, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2004,
18 Section 14-116), is amended to read as follows:

19 Section 14-116. Any qualified elector covered by the federal
20 Uniformed and Overseas Citizens Absentee Voting Act of 1986, as
21 amended, and the eligible spouse or dependent of the elector may
22 make written application to the secretary of the county election
23 board in the county of the residence of the elector for absentee

1 ballots and shall be entitled, without being registered to vote, to
2 receive absentee ballots for all elections in which the elector is
3 eligible to participate that occur both during the remainder of the
4 calendar year in which the application is received and during the
5 subsequent calendar year without requiring further application.
6 Voter registration in the county shall not be required for a
7 qualified elector covered by the federal Uniformed and Overseas
8 Citizens Absentee Voting Act of 1986, as amended, although the
9 elector must be eligible to be registered to vote as provided by
10 Section 4-101 of this title.

11 SECTION 24. AMENDATORY 26 O.S. 2001, Section 14-120, as
12 amended by Section 18, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2004,
13 Section 14-120), is amended to read as follows:

14 Section 14-120. The voter shall be required to mark the voter's
15 ballots in ink or other manner as prescribed by the Secretary of the
16 State Election Board, seal the ballots in the plain opaque envelope,
17 fill out completely and sign the affidavit, seal the plain opaque
18 envelope inside the envelope bearing the affidavit, and return both
19 envelopes, sealed inside the return envelope, by United States mail
20 or by a private mail service, provided such service has delivery
21 documentation or by facsimile device as provided in Section 14-118.1
22 of this title.

1 SECTION 25. AMENDATORY 26 O.S. 2001, Section 14-125, is
2 amended to read as follows:

3 Section 14-125. A. On the day of the election at such time as
4 the secretary of the county election board may prescribe, the county
5 election board shall meet at the county courthouse or at the offices
6 of the county election board if located elsewhere to count absentee
7 ballots in the following manner:

8 The ballot box containing the plain opaque envelopes shall be
9 shaken to mix the envelopes, after which the box shall be opened,
10 the envelopes removed, and the ballots counted by a voting device
11 assigned to count absentee ballots and operated by persons appointed
12 by the secretary of the county election board.

13 B. The procedure described in this section shall be repeated as
14 is necessary until all ballots have been counted. In no event shall
15 fewer than twelve ballot cards be counted at any time, unless fewer
16 than twelve ballot cards are received in total or after the first
17 count is made. The results of said absentee ballots shall not be
18 announced earlier than 7:00 p.m. on the day of the election.

19 C. The procedure described in this section shall be repeated as
20 necessary to count absentee ballots that are received from overseas
21 absentee voters identified in Section 14-116 of this title no later
22 than 5:00 p.m. on the Monday next succeeding the election.

1 SECTION 26. This act shall become effective November 1, 2005.
2 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-7-05 -
3 DO PASS, As Amended and Coauthored.