

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1962

By: Liotta

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Section 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2004, Section 5-105), which relates to requirements for filing as a candidate for office; expanding scope of requirement to include candidates for federal office; requiring voting machines to have certain capabilities; amending Section 9, Chapter 485, O.S.L. 2003, as amended by Section 21, Chapter 545, O.S.L. 2004 (26 O.S. Supp 2004, Section 14-104.1), which relates to absentee ballots; expanding scope of provisions relating to uniformed and overseas voters; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2004, Section 5-105), is amended to read as follows:

Section 5-105. A. To file as a candidate for nomination by a political party to any federal, state or county office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. ~~Except, however, to file as a candidate for nomination by a political party to any state or county office in 2004, a person must have been a registered voter of that party no later than December 21, 2003.~~ Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the

newly recognized party within fifteen (15) days after such party recognition.

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-132.3 of Title 26, unless there is created a duplication in numbering, reads as follows:

No voting machine shall be used in this state unless the machine is capable of generating printouts.

SECTION 3. AMENDATORY Section 9, Chapter 485, O.S.L. 2003, as amended by Section 21, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004, Section 14-104.1), is amended to read as follows:

Section 14-104.1 Absentee ballots cast no later than the day of ~~the federal~~ an election by voters identified pursuant to Section 14-116 of this title who are absent from the United States and who made timely applications for absentee ballots in the Runoff Primary Election, and that are received by the secretary of the county election board by 5:00 p.m. on the fourteenth day following the Runoff Primary Election shall be accepted as validly cast ballots and shall be tabulated and included in the final election results for federal offices. However, the Secretary of the State Election Board shall not be prevented from declaring the successful candidate in a Runoff Primary Election for ~~a federal~~ an office if the total number of the ballots sent to absentee voters identified pursuant to Section 14-116 of this title who are absent from the United States is mathematically insufficient to affect the outcome of the election.

SECTION 4. 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.

50-1-6333          SD          01/20/05