STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 942 By: Coffee

COMMITTEE SUBSTITUTE

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 for certain election; modifying date for formation of new political party; modifying date for filing and circulation of certain petition; modifying schedule of special elections; modifying date for change of political affiliation; adding federal office candidates to certain voter registration period requirements; modifying voter registration requirements for certain candidates; modifying schedule of filing period; modifying day for filing contest of election; reducing number of days for certain hearing; providing time period for

counting of provisional ballots; stating day for certificate of election; prohibiting certain lists to be issued before certain date and time; allowing certain persons to request a recount of ballots from certain overseas voters under certain circumstances; modifying date of certification; stating date for certain elections for vacancies in Congress; modifying dates for filing period for certain special elections; providing date for certain special elections in the Legislature; modifying dates for proclamation for certain elections; modifying dates for special elections for certain vacancies in certain county offices; modifying dates for proclamation for certain special election; providing certain time period for overseas absentee ballots to be accepted and counted; modifying absentee ballot procedures for certain persons; and providing an effective date.

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

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

Section 1-102. A Primary Election shall be held on the ~~last~~ second Tuesday in ~~July~~ June of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate its candidates for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless such candidate shall have been nominated as herein provided, unless otherwise provided by law; provided, further, that this provision shall not exclude the right of a nonpartisan candidate to have his or her name printed upon the General Election ballots. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

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

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

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

2. After such notice is filed, petitions seeking recognition of a political party, in a form to be prescribed by the Secretary of the State Election Board, shall be filed with such Secretary, bearing the signatures of registered voters equal to at least five percent (5%) of the total votes cast in the last General Election either for Governor or for electors for President and Vice President. Each page of such petitions must contain the names of registered voters from a single county. Petitions may be circulated a maximum of one (1) year after notice is filed, provided that petitions shall be filed with such Secretary no later than ~~May~~ March 1 of an even-numbered year. Such petitions shall not be circulated between ~~May~~ March 1 and November 15 of any even-numbered year.

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

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

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

B. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call elections except on the second Tuesday of January, February, May, June, July, August, September, October, November and December and the first Tuesday in March and April in odd-numbered years and the second Tuesday of January, February, ~~March,~~ May, and December, the first Tuesday in March and April, the ~~last~~ second Tuesday in ~~July~~ June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year; except, in ~~February 2004~~ any year when a Presidential Preferential Primary Election is held in February, the date for the special elections shall be ~~the fourth Tuesday~~ the same date as the Presidential Preferential Primary Election.

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

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

Section 4-119. Any registered voter may make application under oath to change political affiliation by executing a form prescribed by the Secretary of the State Election Board at any time. The county election board secretary in the applicant's county of residence shall process and approve any such application for political affiliation change upon receipt, except as provided in Section 4-110.1 of ~~Title 26 of the Oklahoma Statutes~~ this title and except during the period from ~~June 1~~ March 15 through August 31, inclusive, in any even-numbered year. The secretary shall process and approve such applications for change of political affiliation received or postmarked from ~~June 1~~ March 15 through August 31 in any even-numbered year after August 31.

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

Section 5-110. Declarations of Candidacy provided herein must be filed with the secretary of the appropriate election board no earlier than 8:00 a.m. on the ~~first Monday~~ last Thursday in ~~June~~ March of any even-numbered year and no later than 5:00 p.m. on the next succeeding ~~Wednesday~~ Saturday. Such Declarations of Candidacy

may be transmitted by United States mail, but in no event shall the secretary of any election board accept such Declarations after the time prescribed by law.

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

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

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

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

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

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

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

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

C. Provisional ballots shall be segregated from the regular ballots cast in the precinct in the manner prescribed by the Secretary of the State Election Board and shall not be inserted in the precinct voting device. Information provided by a person who votes a provisional ballot shall be investigated by the secretary of the county election board after the election. A provisional ballot shall be counted only if it is cast in the precinct of the voter's residence and if evidence of the provisional voter's valid voter registration, or of the voter's identity, is found, except a provisional ballot cast by a voter identified in Section 14-121 of ~~Title 26 of the Oklahoma Statutes~~ this title shall be counted.

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

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

F. All materials used for procuring and casting a provisional ballot shall be retained by the secretary of the county election board for a period of twenty-four (24) months after the day of the election.

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

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

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

Section 8-106. No lists or certificates provided for in Section 8-103 of this title shall be issued either by the county election board before 5:00 p.m. on Tuesday next succeeding the election or by the State Election Board before 5:00 p.m. on the second Friday ~~next~~ following a Primary, Runoff Primary or General Election.

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

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

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

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

B. Any candidate in a race where the results may be affected by the counting of absentee ballots from overseas uniformed services and civilian voters identified in Section 14-116 of this title shall be entitled to request a recount or to file a petition alleging

irregularities or fraud until 5:00 p.m. on Tuesday next succeeding the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. If in an even-numbered year an incumbent State Senator with two (2) or more years remaining in the term for which elected shall

file with the Oklahoma Secretary of State before ~~June~~ March 1 a resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain that is after the General Election but before the convening of the next session of the Legislature, the vacancy shall be filled by a special election which shall be held in that even-numbered year on the same dates as the regular Primary Election, Runoff Primary Election and General Election. The filing period for the special election shall be the regular filing period prescribed in Section 5-110 of this title. The person elected in the General Election of the special election shall take office on the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 22. 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 election~~ Primary, Runoff Primary or General Election or a Presidential Preferential Primary 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~~ election, and that are received by the secretary of the county election board ~~by~~ no later than 5:00 p.m. on the ~~fourteenth day~~ Monday next following the ~~Runoff Primary~~

~~Election~~ 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 or the county election board shall not be prevented from declaring the successful candidate in ~~a Runoff Primary Election for a federal office~~ any race or the result of any question on the ballot if the total number of the ballots sent to overseas absentee voters ~~identified pursuant to Section 14-116 of this title who are absent from the United States~~ and still outstanding at 5:00 p.m. on Friday following the election is mathematically insufficient to affect the outcome of the election.

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

Section 14-116. Any qualified elector covered by the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, and the eligible spouse or dependent of the elector may make written application to the secretary of the county election board in the county of the residence of the elector for absentee ballots and shall be entitled, without being registered to vote, to receive absentee ballots for all elections in which the elector is eligible to participate that occur both during the remainder of the calendar year in which the application is received and during the subsequent calendar year without requiring further application. Voter registration in the county shall not be required for a qualified elector covered by the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, although the elector must be eligible to be registered to vote as provided by Section 4-101 of this title.

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

Section 14-120. The voter shall be required to mark the voter's ballots 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, 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 <u>or by facsimile device as provided in Section 14-118.1 of this title</u>.

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

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

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

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

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

SECTION 26. This act shall become effective November 1, 2005.

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