

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 718

By: Barrington and Gumm of the
Senate

6 and

7 Holland of the House
8
9
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11 COMMITTEE SUBSTITUTE

12 An Act relating to elections; amending 26 O.S. 2001,
13 Section 1-105, which relates to substitute
14 candidates; modifying time period for selection of
15 substitute candidate upon death of nominee;
16 clarifying language; amending 26 O.S. 2001, Sections
17 2-118, as last amended by Section 1, Chapter 83, 2nd
18 Extraordinary Session, O.S.L. 2006, 7-130, as amended
19 by Section 7, Chapter 307, O.S.L. 2004, 14-107 and
20 14-121, as last amended by Section 23, Chapter 545,
21 O.S.L. 2004 (26 O.S. Supp. 2008, Sections 2-118, 7-
22 130 and 14-121), which relate to county election
23 board secretaries, conduct of elections, declarations
24 of candidacy, absentee ballots and voter
registration; providing that certain compensation be
considered minimum; providing that certain provisions
not preclude additional compensation from certain
sources; deleting obsolete language; deleting
provision relating to charges for certification of
absentee ballot; requiring certain notice to
accompany absentee ballot; modifying time period in
which return of certain persons from overseas
entitles such persons to vote provisional ballots at
subsequent election; amending 49 O.S. 2001, Section
5, as last amended by Section 2, Chapter 101, O.S.L.
2004 (49 O.S. Supp. 2008, Section 5), which relates
to notaries public; prohibiting charging of fee for

1 notarization of official absentee ballot affidavit;
2 and declaring an emergency.

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

5 SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-105, is
6 amended to read as follows:

7 Section 1-105. A. In the event of the death of a political
8 party's nominee for office prior to the date of the General
9 Election, the name of a substitute candidate will be ~~permitted to~~
10 ~~have his name~~ placed on the General Election ballot as follows:

11 1. If the deceased nominee was a candidate for county office,
12 the political party's central committee of ~~said~~ the county shall
13 notify the secretary of the county election board of the name of an
14 alternative candidate to be placed on the General Election ballot.
15 Such notice shall be submitted in writing, within ~~five (5)~~ fifteen
16 (15) days after ~~said~~ the death has occurred and shall be signed by
17 at least two duly authorized members of the political party's county
18 central committee; and

19 2. If the deceased nominee was a candidate who filed ~~his~~ a
20 Declaration of Candidacy with the State Election Board, the state
21 central committee of the party affected shall notify the Secretary
22 of the State Election Board of the name of an alternative candidate
23 to be placed on the General Election ballot. Such notice shall be
24 submitted in writing, within ~~five (5)~~ fifteen (15) days after ~~said~~

1 the death has occurred and shall be signed by at least two duly
2 authorized members of the political party's state central committee.

3 ~~3.~~ B. If ~~said~~ the death of a candidate should occur five (5) or
4 more days ~~or more~~ following the Runoff Primary Election date, a
5 special General Election shall be called by the Governor and shall
6 be conducted according to the laws governing such elections, Section
7 12-101 et seq. of this title, except that there shall be no filing
8 period or special Primary Election and the candidates in the special
9 General Election shall be the substitute candidate named by the
10 central committee and the nominee of other political parties elected
11 in the Primary or Runoff Primary, and any previously filed
12 independent candidates.

13 ~~B.~~ C. In the event of the death of a candidate who was
14 unopposed for election, a Special Election shall be called by the
15 Governor. ~~Said Special Election~~ and shall be conducted according to
16 the laws governing such elections, Section 12-101 et seq. of this
17 title.

18 SECTION 2. AMENDATORY 26 O.S. 2001, Section 2-118, as
19 last amended by Section 1, Chapter 83, 2nd Extraordinary Session,
20 O.S.L. 2006 (26 O.S. Supp. 2008, Section 2-118), is amended to read
21 as follows:

22 Section 2-118. A. The secretary of each county election board
23 shall be paid ~~an~~ a minimum annual salary to be determined by the
24 ~~following~~ schedule specified in subsection B of this section.

1 However, the salary of a county election board secretary shall not
2 fall below the level of the April 30, 2003, salary, and the salary
3 of any person who is reappointed to the position of county election
4 board secretary shall not fall below the salary received in the
5 immediately preceding term, regardless of the number of active
6 registered voters in the county. A county election board secretary
7 serving on April 30, 2004, shall not receive a salary increase if
8 said secretary is paid an amount greater than the salary indicated
9 in this section according to the number of registered voters in said
10 county. A county election board secretary shall not receive a
11 salary increase while the county is under the administrative
12 supervision of the State Election Board.

13 1. Beginning May 1, 2003 and ending April 30, 2007, the annual
14 salary, payable monthly shall be:

15	Registered Voters	Salary
16	0 to 10,000	\$21,588.28
17	10,001 to 15,000	\$22,388.28
18	15,001 to 17,500	\$26,252.45
19	17,501 to 25,000	\$29,429.93
20	25,001 to 50,000	\$35,846.94
21	50,001 to 75,000	\$45,174.66
22	75,001 to 150,000	\$50,611.26
23	150,001 or more	\$56,043.00

24 2. Beginning May 1, 2007, the

1 B. The minimum annual salary, payable monthly, shall be:

2 Registered Voters	Salary
3 0 to 10,000	\$22,667.69
4 10,001 to 15,000	\$23,507.68
5 15,001 to 17,500	\$27,565.07
6 17,501 to 25,000	\$30,901.43
7 25,001 to 50,000	\$37,639.29
8 50,001 to 75,000	\$47,433.39
9 75,001 to 150,000	\$53,141.82
10 150,001 or more	\$58,845.15

11 ~~B.~~ C. The minimum salary and fringe benefits paid to each
12 secretary shall be paid from county funds on a monthly basis and
13 shall be reimbursed from funds appropriated to the State Election
14 Board by the Legislature for that purpose at a rate of not to exceed
15 one hundred thirty-five percent (135%) of the above-specified
16 minimum salaries. Claims for ~~said~~ the reimbursement shall be filed
17 according to procedures prescribed by the Secretary of the State
18 Election Board and approved by the Director of State Finance. ~~Said~~
19 The claims for reimbursement shall only be paid for actual
20 expenditures made by the county. The number of registered voters,
21 for the purposes of this section, shall be determined by the number
22 of registered voters, excluding inactive voters, in the county on
23 January 1, ~~1979, and every two (2) years thereafter~~ of every odd-
24 numbered year.

1 D. The provisions of this section shall not preclude a county
2 from providing compensation from county funds for the secretary of
3 the county election board in addition to the minimum salary provided
4 by this section; provided, any such additional compensation shall
5 not be reimbursed by the State Election Board.

6 SECTION 3. AMENDATORY 26 O.S. 2001, Section 7-130, as
7 amended by Section 7, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2008,
8 Section 7-130), is amended to read as follows:

9 Section 7-130. Any candidate or any recognized political party
10 shall be entitled to have a watcher present at any place where an
11 official count is being conducted. Such watcher must be
12 commissioned in writing by the candidate, or by the chair of the
13 recognized political party of the county in which the watcher is
14 being authorized. Such commission must be filed with the secretary
15 of the appropriate county election board no later than 5:00 p.m. on
16 Wednesday preceding the election. Watchers must subscribe to an
17 oath to observe all laws and rules prescribed for watchers as
18 hereinafter provided. Such oath must be administered by the
19 inspector of the precinct in which the watcher is authorized.
20 Watchers shall be entitled to observe the voting device both before
21 the polls are opened and after the polls are closed; provided,
22 further, that such watchers shall not be present at the polling
23 place at other times. Watchers may be commissioned to observe
24 voting device testing and to accompany personnel assigned to repair

1 or maintain machines during the period of the election. In such
2 case, the watchers shall be limited to observing the repair or
3 maintenance work being performed and making a written record of such
4 work. Any watcher who violates the law prescribed for watchers
5 shall be deemed guilty of a misdemeanor. ~~Each absentee ballot shall~~
6 ~~state clearly that it is illegal to charge a fee for the use of a~~
7 ~~notary public for certifying an absentee ballot.~~

8 SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-107, is
9 amended to read as follows:

10 Section 14-107. ~~Said~~ Absentee ballots must be accompanied by:

- 11 1. A plain opaque envelope in which voted ballots must be
12 placed by the voter;
- 13 2. An envelope bearing an affidavit stating that the voter is
14 qualified to vote, that ~~he~~ the voter has personally marked the
15 ballots, and has not exhibited the marked ballots to any other
16 person; ~~and~~
- 17 3. A return envelope addressed to the secretary of the county
18 election board; and
- 19 4. A notice that it is illegal for a notary public in this
20 state to charge a fee to notarize an official absentee ballot
21 affidavit.

22 SECTION 5. AMENDATORY 26 O.S. 2001, Section 14-121, as
23 last amended by Section 23, Chapter 545, O.S.L. 2004 (26 O.S. Supp.
24 2008, Section 14-121), is amended to read as follows:

1 Section 14-121. Any person eligible to register, who has been
2 honorably discharged or is on officially authorized leave from the
3 Uniformed Services of the United States, or who has been terminated
4 in such service or employment overseas, or who is the spouse or
5 dependent of a person who has been honorably discharged, is on
6 authorized leave from the Uniformed Services of the United States or
7 who has been terminated in such service or employment overseas, and
8 returned home ~~too late to register at the time when, and at the~~
9 ~~place where, registration is required, to vote at the next ensuing~~
10 ~~election~~ within ninety (90) days preceding an election, shall be
11 entitled to vote a provisional ballot at such election in the
12 precinct for which the person is a qualified elector without being
13 registered. Such person shall be entitled to cast the provisional
14 ballot and to have the provisional ballot counted upon completion of
15 an affidavit as required by Section § 7-116.1 of this ~~act~~ title.

16 SECTION 6. AMENDATORY 49 O.S. 2001, Section 5, as last
17 amended by Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp. 2008,
18 Section 5), is amended to read as follows:

19 Section 5. Every notary shall obtain a notarial seal containing
20 the words "State of Oklahoma" and "Notary Public" and the notary's
21 name. This seal may be either a metal seal which leaves an embossed
22 impression or a rubber stamp used in conjunction with a stamp pad
23 and ink. Each notary shall authenticate all official acts,
24 attestations, and instruments with this seal; and shall add to the

1 notary's official signature, the commission number of the notary and
2 the date of expiration of the commission of the notary. Failure to
3 add the commission number or the date of expiration of the
4 commission shall not affect the recordability of the instrument or
5 the notice given by such recording. This date and commission number
6 may be a part of the stamp or seal. If any notary public shall
7 neglect or refuse to attach to the notary's official signature the
8 date of expiration of the notary's commission, the notary shall be
9 deemed guilty of a misdemeanor, and upon conviction thereof shall be
10 fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum
11 fee a notary may charge and collect for each notarial act is Five
12 Dollars (\$5.00); provided, no fee shall be charged for the
13 notarization of an official absentee ballot affidavit.

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

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