

1 ENGROSSED HOUSE
2 BILL NO. 1999

By: Wright (Harold) of the
House

3 and

4 Schulz of the Senate
5
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7 An Act relating to elections; amending 26 O.S. 2001,
8 Section 8-114, as amended by Section 14, Chapter 545,
9 O.S.L. 2004 (26 O.S. Supp. 2008, Section 8-114),
10 which relates to certifications and contests;
11 providing that the county election board have certain
12 authority in recounts; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 26 O.S. 2001, Section 8-114, as
16 amended by Section 14, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2008,
17 Section 8-114), is amended to read as follows:

18 Section 8-114. A. If a recount is to be conducted using
19 electronic voting devices, the devices used shall be tested for
20 accuracy by the county election board, giving all contestants, or
21 their agents, an opportunity to view the testing procedure. In
22 conducting a recount using electronic voting devices, the county
23 election board shall open the transfer cases containing regular
24 ballots and counted provisional ballots from each requested precinct
or for absentee ballots individually and shall assign said ballot

1 cards to one or more voting devices operated by persons appointed by
2 the secretary of the county election board. The county election
3 board shall supervise such counting and its decision shall be final
4 in all cases. The county election board shall have the authority to
5 determine if a ballot is valid and if the ballot should be counted.
6 Each contestant is entitled to have a watcher present at each place
7 where a voting device is being used. Said watcher shall be limited
8 to a challenge, in writing, of any action taken by operators of the
9 voting devices. Such challenge shall be made immediately to the
10 county election board, whose decision on said challenge shall be
11 final.

12 B. In conducting a manual recount of ballots, the county
13 election board shall open the transfer cases containing regular
14 ballots and counted provisional ballots from each requested precinct
15 or for absentee ballots individually and shall assign said ballot
16 cards to a group of counters appointed by the secretary of the
17 county election board. Counters shall then conduct the recount in
18 the same manner as provided by law for counting ballots in Primary,
19 Runoff Primary and General Elections. The county election board
20 shall supervise such counting and its decision shall be final in all
21 cases. The county election board shall have the authority to
22 determine if a ballot is valid and if the ballot should be counted.
23 Each candidate affected by or individual petitioning for the recount
24 is entitled to have a watcher present at each place where a count is

1 being made. Said watcher shall be limited to a challenge, in
2 writing, of any decision made by the counters with regard to
3 counting of a ballot. Such challenge shall be made immediately to
4 the county election board, whose decision on said challenge shall be
5 final. Each group of counters shall have representation of at least
6 two political parties, where possible. Said counters shall be
7 appointed from among the registered voters of the county and shall
8 meet such qualifications as may be imposed for a precinct inspector,
9 judge or clerk. Counters shall be paid on the same basis as
10 precinct judges and clerks are paid for Primary, Runoff Primary or
11 General Elections.

12 SECTION 2. This act shall become effective November 1, 2009.

13 Passed the House of Representatives the 17th day of February,
14 2009.

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Presiding Officer of the House of
Representatives

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19 Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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