

THE HOUSE OF REPRESENTATIVES
Monday, February 9, 2009

House Bill No. 1999

HOUSE BILL NO. 1999 - By: WRIGHT (HAROLD) of the House.

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

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

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

4 Section 8-114. A. If a recount is to be conducted using electronic voting devices, the
5 devices used shall be tested for accuracy by the county election board, giving all
6 contestants, or their agents, an opportunity to view the testing procedure. In conducting
7 a recount using electronic voting devices, the county election board shall open the
8 transfer cases containing regular ballots and counted provisional ballots from each
9 requested precinct or for absentee ballots individually and shall assign said ballot cards
10 to one or more voting devices operated by persons appointed by the secretary of the
11 county election board. The county election board shall supervise such counting and its
12 decision shall be final in all cases. The county election board shall have the authority to

1 determine if a ballot is valid and if the ballot should be counted. Each contestant is
2 entitled to have a watcher present at each place where a voting device is being used.
3 Said watcher shall be limited to a challenge, in writing, of any action taken by operators
4 of the voting devices. Such challenge shall be made immediately to the county election
5 board, whose decision on said challenge shall be final.

6 B. In conducting a manual recount of ballots, the county election board shall open
7 the transfer cases containing regular ballots and counted provisional ballots from each
8 requested precinct or for absentee ballots individually and shall assign said ballot cards
9 to a group of counters appointed by the secretary of the county election board. Counters
10 shall then conduct the recount in the same manner as provided by law for counting
11 ballots in Primary, Runoff Primary and General Elections. The county election board
12 shall supervise such counting and its decision shall be final in all cases. The county
13 election board shall have the authority to determine if a ballot is valid and if the ballot
14 should be counted. Each candidate affected by or individual petitioning for the recount is
15 entitled to have a watcher present at each place where a count is being made. Said
16 watcher shall be limited to a challenge, in writing, of any decision made by the counters
17 with regard to counting of a ballot. Such challenge shall be made immediately to the
18 county election board, whose decision on said challenge shall be final. Each group of
19 counters shall have representation of at least two political parties, where possible. Said
20 counters shall be appointed from among the registered voters of the county and shall
21 meet such qualifications as may be imposed for a precinct inspector, judge or clerk.

1 Counters shall be paid on the same basis as precinct judges and clerks are paid for
2 Primary, Runoff Primary or General Elections.

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

4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-05-09 - DO PASS.