

EHB 1999

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 1999

As Amended

ENGROSSED HOUSE BILL NO. 1999 - By: Wright (Harold) of the House and Schulz of the Senate.

[elections - certifications and contests - effective date]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

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

8 B. In conducting a manual recount of ballots, the county
9 election board shall open the transfer cases containing regular
10 ballots and counted provisional ballots from each requested precinct
11 or for absentee ballots individually and shall assign said ballot
12 cards to a group of counters appointed by the secretary of the
13 county election board. Counters shall then conduct the recount in
14 the same manner as provided by law for counting ballots in Primary,
15 Runoff Primary and General Elections. The county election board
16 shall supervise such counting and its decision shall be final in all
17 cases. The county election board shall have the authority to
18 determine if a ballot is valid and if the ballot should be counted.

19 Each candidate affected by or individual petitioning for the recount
20 is entitled to have a watcher present at each place where a count is
21 being made. Said watcher shall be limited to a challenge, in
22 writing, of any decision made by the counters with regard to
23 counting of a ballot. Such challenge shall be made immediately to

1 the county election board, whose decision on said challenge shall be
2 final. Each group of counters shall have representation of at least
3 two political parties, where possible. Said counters shall be
4 appointed from among the registered voters of the county and shall
5 meet such qualifications as may be imposed for a precinct inspector,
6 judge or clerk. Counters shall be paid on the same basis as
7 precinct judges and clerks are paid for Primary, Runoff Primary or
8 General Elections.

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

10 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-1-09 - DO PASS, As
11 Amended.