

CS for SB 692

1 THE STATE SENATE
2 Monday, February 23, 2009

3 Committee Substitute for
4 Senate Bill No. 692

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 692 - By: Ford of the
6 Senate and Tibbs of the House.

7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 2-118, as last amended by Section 1, Chapter 83,
9 2nd Extraordinary Session, O.S.L. 2006, 7-130, as amended by
10 Section 7, Chapter 307, O.S.L. 2004, O.S.L. 2004, 14-107 and
11 14-121, as last amended by Section 23, Chapter 545, O.S.L.
12 2004 (26 O.S. Supp. 2008, Sections 2-118, 7-130 and 14-121),
13 which relate to county election board secretaries, conduct
14 of elections, declarations of candidacy, absentee ballots
15 and voter registration; providing that certain compensation
16 be considered minimum; providing that certain provisions not
17 preclude additional compensation from certain sources;
18 deleting obsolete language; deleting provision relating to
19 charges for certification of absentee ballot; requiring
20 certain notice to accompany absentee ballot; modifying time
21 period in which return of certain persons from overseas
22 entitles such persons to vote provisional ballots at
23 subsequent election; amending 49 O.S. 2001, Section 5, as
24 last amended by Section 2, Chapter 101, O.S.L. 2004 (49 O.S.
25 Supp. 2008, Section 5), which relates to notaries public;
26 prohibiting charging of fee for notarization of official
27 absentee ballot affidavit; and declaring an emergency.

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

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

33 Section 2-118. A. The secretary of each county election board
34 shall be paid ~~an~~ a minimum annual salary to be determined by the

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

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

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

1 ~~150,001 or more~~ ~~—————~~ ~~\$56,043.00~~

2 ~~2. Beginning May 1, 2007, the~~

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

4 Registered Voters	Salary
5 0 to 10,000	\$22,667.69
6 10,001 to 15,000	\$23,507.68
7 15,001 to 17,500	\$27,565.07
8 17,501 to 25,000	\$30,901.43
9 25,001 to 50,000	\$37,639.29
10 50,001 to 75,000	\$47,433.39
11 75,001 to 150,000	\$53,141.82
12 150,001 or more	\$58,845.15

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

1 of registered voters, excluding inactive voters, in the county on
2 January 1, ~~1979, and every two (2) years thereafter~~ of every odd-
3 numbered year.

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

9 SECTION 2. AMENDATORY 26 O.S. 2001, Section 7-130, as
10 amended by Section 7, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2008,
11 Section 7-130), is amended to read as follows:

12 Section 7-130. Any candidate or any recognized political party
13 shall be entitled to have a watcher present at any place where an
14 official count is being conducted. Such watcher must be
15 commissioned in writing by the candidate, or by the chair of the
16 recognized political party of the county in which the watcher is
17 being authorized. Such commission must be filed with the secretary
18 of the appropriate county election board no later than 5:00 p.m. on
19 Wednesday preceding the election. Watchers must subscribe to an
20 oath to observe all laws and rules prescribed for watchers as
21 hereinafter provided. Such oath must be administered by the
22 inspector of the precinct in which the watcher is authorized.
23 Watchers shall be entitled to observe the voting device both before

1 the polls are opened and after the polls are closed; provided,
2 further, that such watchers shall not be present at the polling
3 place at other times. Watchers may be commissioned to observe
4 voting device testing and to accompany personnel assigned to repair
5 or maintain machines during the period of the election. In such
6 case, the watchers shall be limited to observing the repair or
7 maintenance work being performed and making a written record of such
8 work. Any watcher who violates the law prescribed for watchers
9 shall be deemed guilty of a misdemeanor. ~~Each absentee ballot shall~~
10 ~~state clearly that it is illegal to charge a fee for the use of a~~
11 ~~notary public for certifying an absentee ballot.~~

12 SECTION 3. AMENDATORY 26 O.S. 2001, Section 14-107, is
13 amended to read as follows:

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

15 1. A plain opaque envelope in which voted ballots must be
16 placed by the voter;

17 2. An envelope bearing an affidavit stating that the voter is
18 qualified to vote, that ~~he~~ the voter has personally marked the
19 ballots, and has not exhibited the marked ballots to any other
20 person; ~~and~~

21 3. A return envelope addressed to the secretary of the county
22 election board; and

1 4. A notice that it is illegal for a notary public in this
2 state to charge a fee to notarize an official absentee ballot
3 affidavit.

4 SECTION 4. AMENDATORY 26 O.S. 2001, Section 14-121, as
5 last amended by Section 23, Chapter 545, O.S.L. 2004 (26 O.S. Supp.
6 2008, Section 14-121), is amended to read as follows:

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

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

4 Section 5. Every notary shall obtain a notarial seal containing
5 the words "State of Oklahoma" and "Notary Public" and the notary's
6 name. This seal may be either a metal seal which leaves an embossed
7 impression or a rubber stamp used in conjunction with a stamp pad
8 and ink. Each notary shall authenticate all official acts,
9 attestations, and instruments with this seal; and shall add to the
10 notary's official signature, the commission number of the notary and
11 the date of expiration of the commission of the notary. Failure to
12 add the commission number or the date of expiration of the
13 commission shall not affect the recordability of the instrument or
14 the notice given by such recording. This date and commission number
15 may be a part of the stamp or seal. If any notary public shall
16 neglect or refuse to attach to the notary's official signature the
17 date of expiration of the notary's commission, the notary shall be
18 deemed guilty of a misdemeanor, and upon conviction thereof shall be
19 fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum
20 fee a notary may charge and collect for each notarial act is Five
21 Dollars (\$5.00); provided, no fee shall be charged for the
22 notarization of an official absentee ballot affidavit.

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-16-09 - DO PASS, As
6 Amended and Coauthored.