

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1568

By: Schwartz

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Section 8-105, as amended by Section 11, Chapter 545,
9 O.S.L. 2004 (26 O.S. Supp. 2008, Section 8-105),
10 which relates to the Election Code; modifying
11 procedure the election board uses to select a nominee
12 or electee in a tie vote; 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 8-105, as
16 amended by Section 11, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2008,
17 Section 8-105), is amended to read as follows:

18 Section 8-105. A. When a tie vote is certified in the
19 nomination or election of any candidate in any Runoff Primary,
20 General Election or any Primary Election, the election board which
21 is authorized by law to issue the certified list or certificate of
22 election shall, ~~at a public meeting of the board and in the presence~~
23 ~~of the candidates involved or their designee, if they or any of them~~
24 ~~desire to be present,~~ select the nominee or electee by lot that won
the most precincts in the election.

1 ~~B. When a nominee or electee is to be selected by lot pursuant~~
2 ~~to the provisions of this section, the following procedures shall be~~
3 ~~observed:~~

4 ~~1. The secretary of the appropriate election board shall, on or~~
5 ~~before the tenth day following the election, notify each of the~~
6 ~~tying candidates for which the vote was tied. The notice shall~~
7 ~~include the time, date and location of the selection, shall be made~~
8 ~~in writing by registered or certified mail and shall be postmarked~~
9 ~~not fewer than five (5) days prior to the meeting;~~

10 ~~2. A candidate may designate one person as a witness to attend~~
11 ~~the meeting on the candidate's behalf. The designation shall be~~
12 ~~made in writing, signed by the candidate and presented to the~~
13 ~~secretary of the appropriate election board;~~

14 ~~3. The secretary of the appropriate election board shall, in~~
15 ~~full view of those present at the meeting, clearly write or print~~
16 ~~the name of each tied candidate on separate pieces of paper~~
17 ~~measuring approximately equal size. The names of the candidates~~
18 ~~shall be written or printed on the same color and type of paper.~~
19 ~~The papers shall be folded in half one time so that the written~~
20 ~~names are not visible and shall be placed into a container selected~~
21 ~~by the secretary of the appropriate election board;~~

22 ~~4. The secretary shall draw, or may designate a person other~~
23 ~~than the candidates, witnesses or other person directly interested~~
24 ~~in the election to draw, one paper, and the name of the nominee or~~

1 ~~electee appearing on the first drawn paper shall be declared the~~
2 ~~winner. The secretary shall then expose the other name or names not~~
3 ~~drawn to all witnesses present; and~~

4 ~~5. The meeting shall be held on a weekday, holidays excepted,~~
5 ~~between the hours of 7:00 a.m. and 7:00 p.m.~~

6 ~~C.~~ When there are three (3) or more candidates and a tie for
7 first place occurs for the nomination of a candidate at a Primary
8 Election for which a Runoff Primary will be held, the names of the
9 tied candidates shall be placed on the Runoff Primary ballot.

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

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12 52-1-5670 LRB 01/04/09

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