

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1850

By: McMullen

4
5 AS INTRODUCED

6 An Act relating to elections; amending 26 O.S. 2001,
7 Sections 7-119 and 7-127, which relate to conduct of
8 elections; eliminating straight-party voting; and
9 providing an effective date.

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

12 SECTION 1. AMENDATORY 26 O.S. 2001, Section 7-119, is
13 amended to read as follows:

14 Section 7-119. The voter shall vote by marking the ballot as
15 prescribed by the Secretary of the State Election Board ~~for the~~
16 ~~party of his choice or~~ for the voter's choice of candidates ~~of his~~
17 ~~choice~~ or for the answer ~~he~~ the voter desires to select on each
18 question.

19 SECTION 2. AMENDATORY 26 O.S. 2001, Section 7-127, is
20 amended to read as follows:

21 Section 7-127. The following rules shall govern the counting
22 and recounting of votes:

23 1. If the name of any person is written on a ballot, said name
24 shall not be counted;

1 2. Any mark prescribed by the Secretary of the State Election
2 Board made by voters indicating the voter's choice of ~~party,~~
3 candidate or issue on a ballot shall be valid. Such marking shall
4 be hereinafter referred to as "valid markings". Such valid markings
5 located otherwise on the ballot shall not be counted;

6 3. Marks used to designate the intention of the voter, other
7 than those herein defined as valid markings, shall not be counted;

8 4. Failure to properly mark a ballot as to one or more
9 candidates or questions shall not of itself invalidate the entire
10 ballot if the same has been properly marked as to other candidates
11 or questions; and

12 5. ~~A valid marking marked for a political party shall be~~
13 ~~counted as a vote for each of said political party's candidates on~~
14 ~~that ballot, except that a valid marking marked for a candidate's~~
15 ~~name shall take precedence, for that office, over a valid marking~~
16 ~~for a political party. Provided, further, that if valid markings~~
17 ~~are marked for more than one political party on a ballot, said~~
18 ~~ballot shall not be counted for any party offices thereon; and~~

19 ~~6.~~ Any ballot or part of a ballot on which it is impossible to
20 determine the voter's choice of candidate shall be void as to the
21 candidate or candidates thereby affected.

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

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24 52-1-6417 LRB 12/15/08