

1 STATE OF OKLAHOMA

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

3 SENATE BILL 324

By: Leftwich

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 6-106 and 7-127, which relate to printing
9 and counting of ballots; prohibiting official ballot
10 card from being printed in certain manner; deleting
11 provisions relating to counting marks for political
12 parties; and providing an effective date.

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

14 SECTION 1. AMENDATORY 26 O.S. 2001, Section 6-106, is
15 amended to read as follows:

16 Section 6-106. A. The official ballot card for the General
17 Election shall be printed so that the nominees of the various
18 political parties and nonpartisan candidates will appear in columns.
19 For each ballot for which there are partisan candidates, the
20 candidates of the recognized parties shall be printed in the first
21 position in lot order followed by candidates of unrecognized parties
22 in lot order followed by independent candidates in lot order.
23 Candidates of recognized and unrecognized parties shall be printed
24 in the lot order of their respective party. The official ballot
card for the General Election shall not be printed in such a manner

1 that will allow a voter to vote for all candidates of a party other
2 than by so marking the ballot for each such candidate.

3 B. Each political party shall have the right to select an
4 emblem to be used in designating its candidates on the ballot;
5 provided, however, that no party shall be allowed to use the coat of
6 arms or seal of Oklahoma or of the United States, or the respective
7 flags thereof. Until changed by resolution of a political party, in
8 state convention, the emblem of the Democratic party shall be a
9 rooster and that of the Republican party an eagle. Change in a
10 party emblem shall be authorized by the Secretary of the State
11 Election Board only after receipt of written notice of said change
12 by said Secretary from the state central committee of a party.

13 C. At the top of each ballot on which there are partisan
14 candidates shall appear the name of each recognized party with the
15 emblem of said party in lot order as prescribed by the Secretary of
16 the State Election Board. Below said name and emblems shall be a
17 line extending across the entire ballot. The name of the office
18 entitled to the first place in the column, preceded by the word
19 "for", shall appear in bold type, as "For Governor". Immediately
20 after same shall be the names of the nominees for such office
21 printed with the name of the nominee's party followed by candidates
22 who file as Independents for such office printed with the word
23 "Independent". The list shall be continued down each column, naming
24 the officers in the order in which they are set out by the

1 Constitution and statutes, until all the nominees are given space.
2 The columns shall be setoff with well defined lines.

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

5 Section 7-127. The following ~~rules~~ provisions shall govern the
6 counting and recounting of votes:

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

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

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

16 4. Failure to properly mark a ballot as to one or more
17 candidates or questions shall not of itself invalidate the entire
18 ballot if the same has been properly marked as to other candidates
19 or questions; and

20 5. ~~A valid marking marked for a political party shall be~~
21 ~~counted as a vote for each of said political party's candidates on~~
22 ~~that ballot, except that a valid marking marked for a candidate's~~
23 ~~name shall take precedence, for that office, over a valid marking~~
24 ~~for a political party. Provided, further, that if valid markings~~

1 ~~are marked for more than one political party on a ballot, said~~
2 ~~ballot shall not be counted for any party offices thereon; and~~

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

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

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