

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1309

By: Burrage and Brinkley of  
the Senate

3  
4 and

5 Quinn of the House  
6  
7

8 An Act relating to elections; amending 26 O.S. 2011,  
9 Sections 3-101, 3-105.1 and 13-102, which relate to  
10 elections of political subdivisions; modifying dates  
11 upon which special elections may be held; modifying  
expenses to be estimated and paid prior to certain  
elections; modifying contents of election resolution;  
and providing an effective date.

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14 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert

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16 "An Act relating to elections; amending 26 O.S. 2011,  
17 Sections 3-101, 3-105.1 and 13-102, which relate to  
18 elections of political subdivisions; modifying dates  
19 upon which special elections may be held; modifying  
expenses to be estimated and paid prior to certain  
elections; modifying contents of election  
resolution; and providing an effective date.

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

23 SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, is  
24 amended to read as follows:

1 Section 3-101. A. No election required to be conducted by any  
2 county election board shall be scheduled for a day other than  
3 Tuesday.

4 B. Except as otherwise provided by law, no special election  
5 shall be held by any county, school district, technology center  
6 school district, municipality or other entity authorized to call  
7 elections except on:

8 1. The second Tuesday of January, February, May, June, ~~July,~~  
9 August, September, ~~October~~ and November and the first Tuesday in  
10 March and April in odd-numbered years;

11 2. The second Tuesday of January and February, the first  
12 Tuesday in March and April, the last Tuesday in June, the fourth  
13 Tuesday in August, and the first Tuesday after the first Monday in  
14 November of any even-numbered year.

15 C. In the event that a regular or special election date occurs  
16 on an official state holiday, the election shall be scheduled for  
17 the next following Tuesday.

18 SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-105.1, is  
19 amended to read as follows:

20 Section 3-105.1 A. When any county, municipality, school  
21 district or other governmental entity authorizes an election to be  
22 conducted by the county election board, the secretary of the county  
23 election board shall, not less than thirty-five (35) days prior to  
24

1 the election, submit to the governmental entity for whom the  
2 election is authorized:

3 1. An itemized estimate of the number of precinct inspectors,  
4 judges, clerks, and absentee voting board members necessary for the  
5 election; ~~and~~

6 2. An estimate of the compensation and employer's share of any  
7 benefits to be provided to each precinct inspector, judge, clerk,  
8 and absentee voting board member; and

9 3. An estimate of the fixed costs for polling locations and  
10 costs associated with delivery and preparation of voting devices.

11 B. Not less than fifteen (15) days prior to the election, the  
12 county, municipality, school district or other governmental entity  
13 authorizing the election shall submit to the secretary of the county  
14 election board an amount of funds equal to the ~~estimate of~~  
15 ~~compensation and benefits for precinct inspectors, judges, clerks,~~  
16 ~~and absentee voting board members~~ estimates as provided in  
17 subsection A of this section. If such amount is not submitted ten  
18 (10) days prior to the election, the secretary of the county  
19 election board shall not be required to hold the election. Upon  
20 receipt of the funds, the secretary of the county election board  
21 shall deposit the funds in the County Election Board Special  
22 Depository Account.

23 C. The secretary of the county election board shall issue  
24 vouchers for the compensation and benefits of precinct inspectors,

1 judges, clerks, and absentee voting board members from the County  
2 Election Board Special Depository Account, pursuant to Section 681  
3 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the  
4 county election board shall provide the vouchers to the precinct  
5 inspector, except the voucher for the inspector and absentee voting  
6 board members, at the time the inspector receives supplies and  
7 ballots for the election. The vouchers shall be distributed to the  
8 appropriate precinct judges and clerks upon closing of the polls on  
9 the day of the election and to absentee voting board members upon  
10 completion of their prescribed duties, according to procedures to be  
11 prescribed by the Secretary of the State Election Board. Each  
12 precinct inspector, judge or clerk shall sign a form prescribed by  
13 the Secretary of the State Election Board acknowledging receipt of  
14 compensation and benefits. The inspector shall return the form,  
15 together with any unclaimed vouchers, to the county election board,  
16 together with the results of the election and other supplies and  
17 materials. At such time, the secretary of the county election board  
18 shall provide a voucher for payment to the inspector. The secretary  
19 of the county election board shall return any unclaimed vouchers to  
20 the county treasurer within seven (7) days after the election. If  
21 any additional vouchers for compensation and benefits are required,  
22 the secretary of the county election board shall issue such vouchers  
23 not less than seven (7) days after the election. In no event shall  
24 compensation be made until after services have been rendered.

1 D. As soon as practicable after conducting an election for a  
2 municipality, school district, or other governmental entity, except  
3 the state or county, the secretary of the county election board  
4 shall submit a claim to the governing body of the entity for whom  
5 the election was conducted. The claim shall itemize all expenses  
6 associated with the election, and shall deduct any amount paid by  
7 the municipality, school district or other governmental entity for  
8 the compensation and employer's share of any benefits provided to  
9 precinct inspectors, judges, clerks, and absentee voting board  
10 members pursuant to the provisions of subsection B of this section.  
11 Upon receipt of such itemized claim, the governing body shall make  
12 payment to the county election board within thirty (30) days. Upon  
13 receipt of the payment, the secretary of the county election board  
14 shall deposit the payment in the County Election Board Special  
15 Depository Account. The secretary shall disburse payments for the  
16 expenses incurred in the election, pursuant to Section 681 et seq.  
17 of Title 19 of the Oklahoma Statutes.

18 E. The State Election Board shall provide the compensation and  
19 employer's share of benefits for precinct inspectors, judges,  
20 clerks, and absentee voting board members in the payment made to the  
21 respective counties for elections for which said precinct  
22 inspectors, judges, clerks, and absentee voting board members are  
23 paid by the State Election Board, in the same manner as provided in  
24 subsections A and B of this section. For the foregoing elections,

1 the county shall place in the County Election Board Special  
2 Depository Account an amount of funds equal to Two Dollars (\$2.00)  
3 for each inspector, judge, and clerk at each election in the same  
4 manner as provided in subsections A and B of this section. The  
5 Secretary of the State Election Board shall prescribe a procedure by  
6 which the State Election Board or the county shall be reimbursed for  
7 any overpayment made to a county election board for compensation and  
8 employer's share of benefits paid to precinct inspectors, judges,  
9 clerks, and absentee voting board members.

10 SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-102, is  
11 amended to read as follows:

12 Section 13-102. A. Not fewer than fifteen (15) days before the  
13 filing period for any regular municipal election, or in the event of  
14 a special election, not fewer than sixty (60) days before such  
15 election, the governing board of any municipality shall submit a  
16 resolution to the secretary of the county election board conducting  
17 such election. Such resolution shall contain the following ~~facts~~:

- 18 1. The dates of the election or elections;
- 19 2. The offices to be filled or the questions to be voted upon  
20 at such election or elections;
- 21 3. Qualifications for such offices;
- 22 4. Designation of which offices shall be filled by voting by  
23 ward and which offices shall be filled by voting at large;

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1 5. Indication of whether the election will be partisan or  
2 nonpartisan;

3 6. For charter cities where the charter is silent, indication  
4 of any portion of state law which will apply; ~~and~~

5 7. A list of precincts partially contained within the limits of  
6 the municipality which may not be open pursuant to the provisions of  
7 subsection C of Section 13-103 of this title, and a certification of  
8 whether such precincts shall be open or not open for the election;  
9 and

10 8. Any other information necessary for conducting said election  
11 or elections.

12 B. In the event that a municipality governed by charter  
13 schedules a regular or special election for a municipal office on  
14 the same date as an election involving state or federal offices, the  
15 filing period for such municipal office shall be scheduled on a  
16 Monday, Tuesday and Wednesday not less than fifteen (15) days nor  
17 more than twenty (20) days following the date of the resolution or  
18 order.

19 SECTION 4. This act shall become effective January 1, 2013.”  
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