

1 ENGROSSED SENATE
2 BILL NO. 737

By: Jolley of the Senate
and
DeWitt of the House

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7 An Act relating to election precincts and
8 subprecincts; amending 26 O.S. 2001, Sections 3-116,
9 3-118 and 3-119, as last amended by Section 20,
10 Chapter 1, O.S.L. 2005 (26 O.S. Supp. 2010, Section
11 3-119), which relate to precincts and subprecincts;
12 modifying basis for precinct boundary lines;
13 providing exception; clarifying language; and
14 declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-116, is
amended to read as follows:

Section 3-116. A. The boundary line of any precinct shall not
cross the boundary line of any district court judicial district
electoral division or any congressional, legislative or county
commissioner district.

B. Boundaries of all precincts shall enclose a contiguous area
and follow clearly visible, definable and observable physical
boundaries which are based upon either criteria established and
recognized by the Bureau of the Census of the United States
Department of Commerce for purposes of defining census blocks for

1 its decennial census or a section line defined by a public land
2 survey system description, provided that no municipal or school
3 district boundary that is not such a visible, definable and
4 observable physical boundary or section line shall be used as a
5 precinct boundary.

6 SECTION 2. AMENDATORY 26 O.S. 2001, Section 3-118, is
7 amended to read as follows:

8 Section 3-118. The county election board in each county may
9 change the boundaries of, abolish or consolidate any precinct,
10 subject to the limitations provided by law, by observing the
11 following procedure:

12 1. No precinct shall be created, divided, abolished or
13 consolidated, or any boundary otherwise changed between January 1 of
14 any year which last digit is nine and December 31 of any year which
15 last digit is zero- ;

16 2. After January 1, 1992, a county election board shall only
17 change a precinct by dividing or consolidating a precinct into two
18 or more precincts in a manner which will conform to designated
19 census geography ~~except~~ or section lines defined by a public land
20 survey system description; provided, when ~~it becomes necessary~~ , for
21 reasons of a lack of an adequate available polling place, or when
22 road conditions hinder or impede a voter's ability to ~~vote~~ reach a
23 polling place, or to accomplish reapportionment, it becomes
24 necessary to consolidate a part of a precinct with adjacent

1 precincts, ~~a~~ such part or parts may be consolidated ~~without~~
2 conformance to census geography or section lines;

3 3. Changes may not become effective until notices of such
4 changes have been posted and mailed as provided in this paragraph
5 for thirty (30) days. One notice shall be posted at the door of the
6 polling place for the affected precinct, one notice posted at the
7 door of the county courthouse and one notice shall be mailed to the
8 State Election Board ~~;~~ i

9 4. The registration of each registered voter affected by such
10 change shall be transferred as provided by law by the secretary of
11 the county election board without any request from said voter ~~;~~ and

12 5. Each registered voter whose registration is transferred as
13 hereinbefore provided shall be notified of such transfer in writing
14 by the secretary of the county election board. At the same time,
15 the voter shall be issued a new voter identification card and shall
16 be instructed to destroy his former voter identification card.

17 SECTION 3. AMENDATORY 26 O.S. 2001, Section 3-119, as
18 last amended by Section 20, Chapter 1, O.S.L. 2005 (26 O.S. Supp.
19 2010, Section 3-119), is amended to read as follows:

20 Section 3-119. A. Except as provided in subsection B of this
21 section, if fewer than two hundred registered voters are affected,
22 an area constituting the maximum area possible without crossing
23 boundaries of any district court judicial district electoral
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1 division or any congressional, legislative or county commissioner
2 district may be designated as a subprecinct.

3 B. In metropolitan statistical areas, if fewer than three
4 hundred registered voters are affected, an area constituting the
5 maximum area possible without crossing boundaries of any district
6 court judicial district electoral division or any congressional,
7 legislative or county commissioner district may be designated as a
8 subprecinct.

9 C. Registration records shall be maintained for subprecincts in
10 like manner as for other precincts. Subprecincts need not have a
11 polling place separate from another precinct, nor shall they be
12 required to have a precinct election board. The secretary of the
13 county election board may authorize registered voters of a
14 subprecinct to vote at a specific adjacent precinct. Provided,
15 separate election materials shall be there afforded for the
16 subprecinct in order that a separate certification ~~will~~ shall be
17 made of the subprecinct's election results. Appropriate ballots
18 shall be issued to the voters of the subprecinct.

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

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