

1 12-117, 13-102, as amended by Section 19, Chapter
2 545, O.S.L. 2004, 14-118, as last amended by Section
3 1, Chapter 149, O.S.L. 2010, 20-101, as amended by
4 Section 1, Chapter 174, O.S.L. 2003, 20-102, as
5 amended by Section 24, Chapter 485, O.S.L. 2003 and
6 22-114 (26 O.S. Supp. 2010, Sections 1-102, 1-103, 1-
7 105, 2-129, 3-101, 6-111, 8-105, 8-106, 8-114, 12-
8 103, 12-108, 12-110.1, 12-111, 12-113, 12-116, 13-
9 102, 14-118, 20-101 and 20-102), which relate to the
10 election code and runoff primary elections; creating
11 the Let the Troops Vote Act; modifying date of
12 primary election; modifying dates for special
13 election; modifying transmission of certain ballots;
14 modifying date of Presidential Preferential Primary;
15 eliminating runoff primary elections; repealing 26
16 O.S. 2001, Sections 5-116, as amended by Section 2,
17 Chapter 88, O.S.L. 2003, 6-108 and Section 9, Chapter
18 485, O.S.L. 2003, as amended by Section 21, Chapter
19 545, O.S.L. 2004 (26 O.S. Supp. 2010, Sections 5-116
20 and 14-104.1), which relate to runoff primary
21 elections; providing for noncodification; and
22 providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Let the Troops
Vote Act".

SECTION 2. AMENDATORY 26 O.S. 2001, Section 1-102, as
amended by Section 2, Chapter 162, O.S.L. 2003 (26 O.S. Supp. 2010,
Section 1-102), is amended to read as follows:

1 Section 1-102. A Primary Election shall be held on the last
2 Tuesday in ~~July~~ August of each even-numbered year, at which time
3 each political party recognized by the laws of Oklahoma shall
4 nominate its candidates for the offices to be filled at the next
5 succeeding General Election, unless otherwise provided by law. No
6 candidate's name shall be printed upon the General Election ballot
7 unless such candidate shall have been nominated as herein provided,
8 unless otherwise provided by law; provided further that this
9 provision shall not exclude the right of a nonpartisan candidate to
10 have his or her name printed upon the General Election ballots. No
11 county, municipality or school district shall schedule an election
12 on any date during the twenty (20) days immediately preceding the
13 date of any such primary election.

14 SECTION 3. AMENDATORY 26 O.S. 2001, Section 1-103, as
15 amended by Section 3, Chapter 162, O.S.L. 2003 (26 O.S. Supp. 2010,
16 Section 1-103), is amended to read as follows:

17 Section 1-103. If at any Primary Election no candidate for the
18 nomination for office of any political party receives a majority of
19 all votes cast for all candidates of such party for the office, ~~no~~
20 the candidate shall be nominated by such party for the office, but
21 ~~the two candidates~~ receiving the highest number of votes at such
22 election shall be placed on the official ballot as ~~candidates for~~
23 ~~such nomination at a Runoff Primary Election to be held on the~~

1 ~~fourth Tuesday of August in the same year. No county, municipality~~
2 ~~or school district shall schedule an election on any date during the~~
3 ~~twenty (20) days immediately preceding the date of any such Runoff~~
4 ~~Primary~~ the nominee for the next succeeding General Election.

5 SECTION 4. AMENDATORY 26 O.S. 2001, Section 1-104, is
6 amended to read as follows:

7 Section 1-104. A. No registered voter shall be permitted to
8 vote in any Primary Election ~~or Runoff Primary Election~~ of any
9 political party except the political party of which ~~his~~ the
10 registration form shows ~~him~~ the voter to be a member, except as
11 otherwise provided by this section.

12 B. 1. A recognized political party may permit registered
13 voters designated as Independents pursuant to the provisions of
14 Section 4-112 of this title to vote in a Primary Election ~~or Runoff~~
15 ~~Primary Election~~ of the party.

16 2. The state chairman of the party shall, between November 1
17 and 30 of every odd-numbered year, notify the Secretary of the State
18 Election Board as to whether or not the party intends to permit
19 registered voters designated as Independents to vote in a Primary
20 Election ~~or Runoff Primary Election~~ of the party. If the state
21 chairman notifies the Secretary of the State Election Board of the
22 party's intention to so permit, registered voters designated as
23 Independents shall be permitted to vote in any Primary Election ~~or~~

1 ~~Runoff Primary Election~~ of the party held in the following two (2)
2 calendar years. If the state chairman of one party notifies the
3 Secretary of the State Election Board of the party's intent to so
4 permit, the notification period specified in this paragraph shall be
5 extended to December 15 for the state chairman of any other party to
6 so notify or to change prior notification. A registered voter
7 designated as Independent shall not be permitted to vote in a
8 Primary Election ~~or Runoff Primary Election~~ of more than one party.

9 3. Failure to so notify the Secretary of the State Election
10 Board shall serve to prohibit registered voters designated as
11 Independents from voting in a Primary Election ~~or Runoff Primary~~
12 ~~Election~~ of the party.

13 4. A group of persons seeking to form a recognized political
14 party pursuant to the provisions of Section 1-108 of this title
15 shall, upon filing of the petitions seeking recognition of the
16 political party with the Secretary of the State Election Board,
17 notify the Secretary of the State Election Board as to whether or
18 not the party intends to permit registered voters designated as
19 Independents to vote in a Primary Election ~~or Runoff Primary~~
20 ~~Election~~ of the party. If the party is recognized and the group of
21 persons seeking recognition of the party notifies the Secretary of
22 the State Election Board of such intention, registered voters
23 designated as Independents shall be permitted to vote in any Primary
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1 Election ~~or Runoff Primary Election~~ of the party held prior to
2 January 1 of the following even-numbered year.

3 SECTION 5. AMENDATORY 26 O.S. 2001, Section 1-105, as
4 amended by Section 1, Chapter 221, O.S.L. 2009 (26 O.S. Supp. 2010,
5 Section 1-105), is amended to read as follows:

6 Section 1-105. A. In the event of the death of a political
7 party's nominee for office prior to the date of the General
8 Election, a substitute candidate will be permitted to have his name
9 placed on the General Election ballot as follows:

10 1. If the nominee was a candidate for county office, the
11 political party's central committee of said county shall notify the
12 secretary of the county election board of the name of an alternative
13 candidate to be placed on the General Election ballot. Such notice
14 shall be submitted in writing, within fifteen (15) days after said
15 death has occurred, but not later than fifty-five (55) days prior to
16 the General Election, and shall be signed by at least two duly
17 authorized members of the political party's county central
18 committee;

19 2. If the nominee was a candidate who filed a Declaration of
20 Candidacy with the State Election Board, the state central committee
21 of the party affected shall notify the Secretary of the State
22 Election Board of the name of an alternative candidate to be placed
23 on the General Election ballot. Such notice shall be submitted in

1 writing, within fifteen (15) days after said death has occurred, but
2 not later than sixty (60) days prior to the General Election for
3 statewide and federal offices and not later than fifty-five (55)
4 days prior to the General Election for other offices, and shall be
5 signed by at least two duly authorized members of the political
6 party's state central committee; and

7 3. If said death should occur five (5) days or more following
8 the ~~Runoff~~ Primary Election date, a special General Election shall
9 be called by the Governor and shall be conducted according to the
10 laws governing such elections, Section 12-101 et seq. of this title,
11 except that there shall be no filing period or special Primary
12 Election and the candidates in the special General Election shall be
13 the substitute candidate named by the central committee and the
14 nominee of other political parties elected in the Primary ~~or Runoff~~
15 ~~Primary~~, and any previously filed independent candidates.

16 B. In the event of the death of a candidate who was unopposed
17 for election, a Special Election shall be called by the Governor.
18 Said Special Election shall be conducted according to the laws
19 governing such elections, Section 12-101 et seq. of this title.

20 SECTION 6. AMENDATORY 26 O.S. 2001, Section 2-129, as
21 amended by Section 6, Chapter 248, O.S.L. 2005 (26 O.S. Supp. 2010,
22 Section 2-129), is amended to read as follows:
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1 Section 2-129. The inspector shall be paid Ninety-five Dollars
2 (\$95.00) for each election and shall be allowed mileage
3 reimbursement at the rate provided by the State Travel Reimbursement
4 Act for mileage incurred to receive or return ballots and materials
5 for the election. Judges, and clerks ~~and counters~~ shall be paid
6 Eighty-five Dollars (\$85.00) for each election. Precinct officials
7 assigned to work a polling place ten (10) miles or more from their
8 home, shall be allowed mileage reimbursement at the rate provided by
9 the State Travel Reimbursement Act for mileage incurred from their
10 home to and from their assigned polling place. An additional Two
11 Dollars (\$2.00) per election shall be paid to each inspector, judge,
12 and clerk ~~and counter~~ of a precinct from the funds of the county.
13 Compensation provided herein shall be paid for any state, county,
14 municipal or school district election; provided, however, that
15 compensation for elections conducted concurrently shall not exceed
16 in total the amount herein prescribed. Said compensation shall be
17 paid by the State Election Board for all regular Primary, ~~Runoff~~
18 ~~Primary~~ and General Elections, all statewide special elections and
19 all special elections for United States Representatives or United
20 States Senators and State Senators or State Representatives.

21 SECTION 7. AMENDATORY 26 O.S. 2001, Section 3-101, as
22 last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp.
23 2010, Section 3-101), is 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 the:

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

11 2. The second Tuesday of January, February, and May, and
12 ~~December,~~ the first Tuesday in March and April, ~~the last Tuesday in~~
13 ~~July,~~ the ~~fourth~~ last Tuesday in August, and the first Tuesday after
14 the first Monday in November of any even-numbered year, ~~except in~~
15 ~~any year when a Presidential Preferential Primary Election is held~~
16 ~~in February, the date for the special elections shall be the same~~
17 ~~date as the Presidential Preferential Primary Election.~~

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

21 SECTION 8. AMENDATORY 26 O.S. 2001, Section 5-116.1, is
22 amended to read as follows:

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Section 5-116.1 A candidate in a General Election may withdraw
2 his candidacy upon filing a written notice of withdrawal as a
3 candidate with the secretary of the election board which accepted
4 said candidate's declaration of candidacy. Said notice shall be
5 signed by the candidate, whose signature shall be notarized by a
6 notary public, and shall be filed on or before 5:00 p.m. on the
7 Friday following the date of the ~~Runoff~~ Primary Election.

8 SECTION 9. AMENDATORY 26 O.S. 2001, Section 6-103, is
9 amended to read as follows:

10 Section 6-103. The State Election Board shall cause ballots to
11 be printed for statewide Primary, ~~Runoff Primary~~, General Elections
12 and special elections at such time as to insure delivery of said
13 ballots to the several county election boards for distribution to
14 the several precinct election boards prior to election day. Said
15 board shall cause ballots to be printed for the following offices:
16 Electors for President and Vice President; United States Senators;
17 United States Representatives; state officers; Justices of the
18 Supreme Court; Judges of the Court of Criminal Appeals; Judges of
19 the Court of Appeals; district judges and associate district judges;
20 State Senators; State Representatives; district attorneys; county
21 officers, and such other officers as required by law, in the order
22 they appear in the statutes, and shall cause ballots to be printed
23 for state questions.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 10. AMENDATORY 26 O.S. 2001, Section 6-109, is
2 amended to read as follows:

3 Section 6-109. On all ~~Primary and Runoff~~ Primary Election
4 ballots, except absentee ballots, the names of the candidates for
5 each office shall be rotated in such a manner that all candidates'
6 names appear in each position on said ballots an equal number of
7 times. Provided, however, the names of candidates for judicial,
8 school, city and town offices shall be placed on the ballot
9 according to lot.

10 SECTION 11. AMENDATORY 26 O.S. 2001, Section 6-110, is
11 amended to read as follows:

12 Section 6-110. The names of candidates of the several political
13 parties shall be printed on separate ballot cards for the ~~Primary~~
14 ~~and Runoff~~ Primary Elections, and each ballot card shall be a
15 different color.

16 SECTION 12. AMENDATORY 26 O.S. 2001, Section 6-111, as
17 amended by Section 13, Chapter 189, O.S.L. 2010 (26 O.S. Supp. 2010,
18 Section 6-111), is amended to read as follows:

19 Section 6-111. All ballots for Primary, ~~Runoff Primary~~ and
20 General Elections shall be printed with a stub so perforated that
21 the ballot may be easily detached from the stub. Upon the stub
22 shall be printed the number of the stub and the words, "Primary
23 Election Ballot", ~~"Runoff Primary Election Ballot"~~ or "General
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1 Election Ballot", as the case may be; in the event of ~~Primary and~~
2 ~~Runoff~~ Primary Elections, the name of the political party shall be
3 printed above the words.

4 SECTION 13. AMENDATORY 26 O.S. 2001, Section 6-112, is
5 amended to read as follows:

6 Section 6-112. All ballots for Primary, ~~Runoff Primary~~ and
7 General Elections must be designated in such a manner as the
8 Secretary of the State Election Board may prescribe to achieve the
9 identification of a ballot for a particular precinct.

10 SECTION 14. AMENDATORY 26 O.S. 2001, Section 6-115, is
11 amended to read as follows:

12 Section 6-115. In every Primary, ~~Runoff Primary~~ and General
13 Election, the Secretary of the State Election Board shall determine
14 the number of ballots to be printed for statewide elections and the
15 secretary of the county election board shall determine the number of
16 ballots to be printed for county, school, municipal and other local
17 elections.

18 SECTION 15. AMENDATORY 26 O.S. 2001, Section 6-116, is
19 amended to read as follows:

20 Section 6-116. As soon as practicable, the State Election Board
21 and each county election board, when ballots are printed by a county
22 election board, shall cause to be printed a sufficient number of
23 absentee ballots, prepared as nearly as practical in the same manner

1 as provided for other ballots for the Primary, ~~Runoff Primary~~ and
2 General Elections, in time for said ballots to be issued during the
3 time prescribed by law.

4 SECTION 16. AMENDATORY 26 O.S. 2001, Section 7-102, is
5 amended to read as follows:

6 Section 7-102. Prior to the day of any Primary, ~~Runoff Primary~~
7 or General Election, it shall be the duty of the State Election
8 Board to provide for each county election board the supplies and
9 ballots required by law to conduct the election.

10 SECTION 17. AMENDATORY 26 O.S. 2001, Section 7-103, is
11 amended to read as follows:

12 Section 7-103. Prior to the day of any Primary, ~~Runoff Primary~~
13 or General Election, it shall be the duty of each county election
14 board to provide for each precinct election board within its
15 jurisdiction the supplies and ballots required by law to conduct the
16 election. The inspector for each precinct shall sign a form
17 acknowledging receipt of all supplies and ballots for his precinct.

18 SECTION 18. AMENDATORY 26 O.S. 2001, Section 7-104, is
19 amended to read as follows:

20 Section 7-104. A. At every Primary, ~~Runoff Primary~~ and General
21 Election, each polling place in the state shall open at 7:00 a.m.
22 and shall remain open continuously until 7:00 p.m., and every
23 registered voter of a precinct who presents himself between said

1 hours shall be entitled to vote, as provided by law, provided
2 further, all qualified voters who are in line waiting to vote at
3 7:00 p.m. shall be allowed to vote.

4 B. If any provision of federal law specifies hours for voting
5 in federal elections, the Secretary of the State Election Board
6 shall direct the county election boards to allow voting in all
7 elections held on the same day as such federal elections during the
8 hours specified by federal law.

9 SECTION 19. AMENDATORY 26 O.S. 2001, Section 8-101, is
10 amended to read as follows:

11 Section 8-101. The county election board shall certify a list
12 of nominees of each political party for county offices following the
13 ~~Primary and Runoff~~ Primary Elections. The State Election Board
14 shall certify a list of nominees of each political party for the
15 offices for which the Board accepts filings of Declarations of
16 Candidacy following the ~~Primary and Runoff~~ Primary Elections.

17 SECTION 20. AMENDATORY 26 O.S. 2001, Section 8-105, as
18 amended by Section 11, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2010,
19 Section 8-105), is amended to read as follows:

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

4 B. When a nominee or electee is to be selected by lot pursuant
5 to the provisions of this section, the following procedures shall be
6 observed:

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

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

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

3 4. The secretary shall draw, or may designate a person other
4 than the candidates, witnesses or other person directly interested
5 in the election to draw, one paper, and the name of the nominee or
6 electee appearing on the first drawn paper shall be declared the
7 winner. The secretary shall then expose the other name or names not
8 drawn to all witnesses present; and

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

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

15 SECTION 21. AMENDATORY 26 O.S. 2001, Section 8-106, as
16 amended by Section 12, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2010,
17 Section 8-106), is amended to read as follows:

18 Section 8-106. No lists or certificates provided for in Section
19 8-103 of this title shall be issued either by the county election
20 board or State Election Board before 5:00 p.m. Friday next following
21 a Primary, ~~Runoff Primary~~ or General Election.

22 SECTION 22. AMENDATORY 26 O.S. 2001, Section 8-109, is
23 amended to read as follows:

1 Section 8-109. Any candidate whose name appeared on a Primary-
2 ~~Runoff Primary~~ or General Election ballot, or any individual
3 authorized to request a recount pursuant to Section 8-111 of this
4 title may, at any time before 5:00 p.m. Friday next following an
5 election, contest the correctness of the announced results of said
6 election by filing a written petition with the appropriate election
7 board. Contests alleging irregularities or fraud shall not be
8 permitted in any election except those in which candidates are
9 seeking office. Nothing in this section shall be construed to
10 prohibit any proceedings in district court, which are otherwise
11 authorized by law, alleging irregularities or fraud in an election.

12 SECTION 23. AMENDATORY 26 O.S. 2001, Section 8-114, as
13 last amended by Section 1, Chapter 151, O.S.L. 2009 (26 O.S. Supp.
14 2010, Section 8-114), is amended to read as follows:

15 Section 8-114. A. If a recount is to be conducted using
16 electronic voting devices, the devices used shall be tested for
17 accuracy by the county election board, giving all contestants, or
18 their agents, an opportunity to view the testing procedure. In
19 conducting a recount using electronic voting devices, the county
20 election board shall open the transfer cases containing regular
21 ballots and counted provisional ballots from each requested precinct
22 or for absentee ballots individually and shall assign said ballot
23 cards to one or more voting devices operated by persons appointed by

1 the secretary of the county election board. The county election
2 board shall supervise such counting and its decision shall be final
3 in all cases. The county election board shall have the authority,
4 by a majority vote, to determine if a ballot is valid and if the
5 ballot should be counted. Each contestant is entitled to have a
6 watcher present at each place where a voting device is being used.
7 Said watcher shall be limited to a challenge, in writing, of any
8 action taken by operators of the voting devices. Such challenge
9 shall be made immediately to the county election board, whose
10 decision on said challenge shall be final.

11 B. In conducting a manual recount of ballots, the county
12 election board shall open the transfer cases containing regular
13 ballots and counted provisional ballots from each requested precinct
14 or for absentee ballots individually and shall assign said ballot
15 cards to a group of counters appointed by the secretary of the
16 county election board. Counters shall then conduct the recount in
17 the same manner as provided by law for counting ballots in Primary,
18 ~~Runoff Primary~~ and General Elections. The county election board
19 shall supervise such counting and its decision shall be final in all
20 cases. The county election board shall have the authority, by a
21 majority vote, to determine if a ballot is valid and if the ballot
22 should be counted. Each candidate affected by or individual
23 petitioning for the recount is entitled to have a watcher present at

1 each place where a count is being made. Said watcher shall be
2 limited to a challenge, in writing, of any decision made by the
3 counters with regard to counting of a ballot. Such challenge shall
4 be made immediately to the county election board, whose decision on
5 said challenge shall be final. Each group of counters shall have
6 representation of at least two political parties, where possible.
7 Said counters shall be appointed from among the registered voters of
8 the county and shall meet such qualifications as may be imposed for
9 a precinct inspector, judge or clerk. Counters shall be paid on the
10 same basis as precinct judges and clerks are paid for Primary,
11 ~~Runoff Primary~~ or General Elections.

12 SECTION 24. AMENDATORY 26 O.S. 2001, Section 8-120, is
13 amended to read as follows:

14 Section 8-120. When a petition alleging irregularities other
15 than fraud is filed, said petition must allege a sufficient number
16 of irregularities and of such nature as to:

17 1. Prove that the contestant is lawfully entitled to be
18 certified the party's nominee or to be issued a certificate of
19 election, ~~or to have his name appear on the Runoff Primary Election~~
20 ~~ballot~~; or

21 2. Prove that it is impossible to determine with mathematical
22 certainty which candidate is entitled to be certified as the party's
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1 | nominee or to be issued a certificate of election, ~~or to have his~~
2 | ~~name appear on the Runoff Primary Election ballot.~~
3 | Additional irregularities may be presented at the hearing if not
4 | known to the contestant at the time the petition is filed. If such
5 | allegations are not made, the petition shall be deemed frivolous by
6 | the presiding judge and shall be dismissed. Said petition must be
7 | accompanied by either a cashier's check or certified check in the
8 | amount of Two Hundred Fifty Dollars (\$250.00) for each county
9 | affected by the petition. Said petition must set forth specific
10 | allegations of irregularities in certain precincts or in the casting
11 | of absentee ballots. If said petition is filed in the manner herein
12 | provided, the district judge of the county or such other judge as
13 | may be assigned by the Supreme Court shall hear and determine said
14 | issue in the same manner as provided for a petition alleging fraud.
15 | On the day of the hearing, the contestee may file an answer to the
16 | petition or may file a cross petition setting forth in detail, as
17 | required of petitioner herein, such claim of irregularities. A
18 | cross petition must be accompanied by either a cashier's check or
19 | certified check in the amount of Two Hundred Fifty Dollars (\$250.00)
20 | for each county affected by the cross petition. Deposits shall be
21 | used to defray actual costs as provided for recounts.

22 | SECTION 25. AMENDATORY 26 O.S. 2001, Section 8-122, is
23 | amended to read as follows:

1 Section 8-122. In the event, after a hearing is conducted, it
2 is deemed impossible to determine who should be certified as the
3 party's nominee or to whom a certificate of election shall be
4 issued, ~~or which candidates are entitled to have their names appear~~
5 ~~on the Runoff Primary Election ballot~~, the judge shall notify the
6 appropriate election board secretary of same. It shall then be the
7 duty of the election board secretary to notify the Governor of said
8 decision. The Governor shall then order a new election to be
9 conducted as soon as is practicable in the same manner as the
10 contested election, with the identical candidates~~;~~ provided, that
11 any candidate upon whom fraud has been proved shall not be a
12 candidate in the new election. Provided further, the above shall
13 not apply to elections resulting in tie votes, which elections shall
14 be determined as provided by law.

15 SECTION 26. AMENDATORY 26 O.S. 2001, Section 12-103, as
16 last amended by Section 3, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
17 2010, Section 12-103), is amended to read as follows:

18 Section 12-103. The proclamation required by Section 12-102 of
19 this title shall prescribe filing and election dates that permit
20 full compliance with the requirements of the federal Military and
21 Overseas Voters Empowerment Act of 2009 and shall contain the
22 following facts:
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1 1. A filing period of three (3) days, on a Monday, Tuesday and
2 Wednesday not less than ten (10) days from the date of such
3 proclamation; and

4 2. The date of the Special Primary Election, not less than
5 twenty (20) days after the close of the filing period;

6 ~~3. The date of the Special Runoff Primary Election, not less~~
7 ~~than twenty (20) days after the date of the Special Primary~~
8 ~~Election; and~~

9 ~~4.~~ The date of the Special General Election, not less than
10 twenty (20) days after the date of the Special ~~Runoff~~ Primary
11 Election.

12 Should such a vacancy occur between March 1 and June 1 of an
13 even-numbered year, when a special election is required, the
14 proclamation must contain dates that are the same as are required by
15 law for the regular filing period, Primary Election, ~~Runoff Primary~~
16 ~~Election~~ and General Election.

17 SECTION 27. AMENDATORY 26 O.S. 2001, Section 12-104, is
18 amended to read as follows:

19 Section 12-104. Said elections shall be conducted under the
20 laws applicable to regular Primary, ~~Runoff Primary~~ and General
21 Elections.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 28. AMENDATORY 26 O.S. 2001, Section 12-108, as
2 last amended by Section 4, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
3 2010, Section 12-108), is amended to read as follows:

4 Section 12-108. Such proclamation shall contain the following
5 facts:

6 1. A filing period of three (3) days, on a Monday, Tuesday and
7 Wednesday not less than ten (10) days from the date of such
8 proclamation;

9 2. The date of the Special Primary Election, not less than
10 twenty (20) days after the close of the filing period; and

11 3. The date of the Special General Election, not less than
12 twenty (20) days after the date of the Special Primary Election.

13 Should such a vacancy occur between March 1 and June 1 of an
14 even-numbered year, when a special election is required, the
15 proclamation must contain dates that are the same as are required by
16 law for the regular filing period, Primary Election, ~~Runoff Primary~~
17 ~~Election~~ and General Election.

18 SECTION 29. AMENDATORY 26 O.S. 2001, Section 12-109, is
19 amended to read as follows:

20 Section 12-109. Said elections shall be conducted under the
21 laws applicable to regular Primary and General Elections, except
22 that the candidate receiving the highest number of votes in said
23 Primary Election shall be deemed the nominee of his political party,
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1 provided that the dates of the elections do not coincide with the
2 dates for the regular Primary, ~~Runoff Primary~~ and General Elections.
3 If the nominee of a political party is unopposed in the Special
4 Election, he shall be issued a certificate of election after the
5 expiration of the contest period following the ~~Primary or Runoff~~
6 Primary Election, if no contest is filed, and shall immediately
7 assume the duties of said office.

8 SECTION 30. AMENDATORY Section 1, Chapter 369, O.S.L.
9 2004 (26 O.S. Supp. 2010, Section 12-110.1), is amended to read as
10 follows:

11 Section 12-110.1 A. Elections to fill the seat of a member of
12 the Oklahoma State Senate or the Oklahoma House of Representatives
13 who is not eligible to complete the term of office to which such
14 member was elected due to the provisions of Section 17A of Article V
15 of the Oklahoma Constitution shall be held as provided in this
16 section.

17 B. Whenever a member's eligibility to serve shall expire after
18 March 1 in an even-numbered year, the vacancy shall be filled by a
19 special election to be called by the Governor which shall be held in
20 that even-numbered year on the same dates as the regular Primary
21 Election, ~~Runoff Primary Election~~ and General Election. The filing
22 period for the special election shall be the regular filing period
23 prescribed in Section 5-110 of Title 26 of the Oklahoma Statutes.

1 The person elected in the special election shall take office on the
2 later of the date other members of the Legislature elected at such
3 election take office or the expiration of the incumbent's
4 eligibility to serve and shall serve the remainder of the unexpired
5 term.

6 C. Whenever a member's eligibility to serve shall expire in an
7 odd-numbered year or prior to March 1 in an even-numbered year, the
8 position shall be filled by a special election to be called by the
9 Governor. The Governor shall issue a proclamation calling such an
10 election no less than sixty (60) days prior to the expiration of the
11 member's eligibility to serve. The person elected shall take office
12 upon the expiration of the incumbent's eligibility to serve.

13 D. The Governor shall issue a proclamation, a copy of which
14 must be filed with the Secretary of the State Election Board, for
15 any election to be held pursuant to this section. Such proclamation
16 shall be issued prior to the date the member's eligibility to serve
17 expires and must be issued at least ten (10) days prior to the
18 filing period. For an election held pursuant to subsection C of
19 this section, the proclamation shall contain the following facts:

20 1. A filing period of three (3) days, on a Monday, Tuesday and
21 Wednesday, not less than ten (10) days from the date of said
22 proclamation;

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1 2. The date of the Special Primary Election, not less than
2 twenty (20) days after the close of the filing period; and

3 3. The date of the Special General Election, not less than
4 twenty (20) days after the date of the Primary Election.

5 E. For purposes of this section:

6 1. A full term of service in the Oklahoma House of
7 Representatives shall be counted as two (2) years of service;

8 2. A full term of service in the Oklahoma State Senate shall be
9 counted as four (4) years of service;

10 3. A period of service of less than a full term which is not
11 exempt from the constitutional limitations on length of legislative
12 service shall be calculated from the date the legislator assumes the
13 office for such term until the date the legislator vacates such
14 office; and

15 4. A period of service with respect to a term during which a
16 member reaches the constitutionally limited length of service shall
17 be calculated from the date the legislator assumes the office for
18 such term until the date the legislator completes a total of twelve
19 (12) years of service not exempt from the constitutional
20 limitations.

21 SECTION 31. AMENDATORY 26 O.S. 2001, Section 12-111, as
22 amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2010,
23 Section 12-111), is amended to read as follows:

1 Section 12-111. A. Whenever a vacancy shall occur in the
2 office of a county commissioner, the vacancy shall be filled at a
3 special election to be called by the Governor within thirty (30)
4 days after the vacancy occurs. Provided, no special election shall
5 be called if the vacancy occurs after March 1 of any even-numbered
6 year if the term of the office expires the following year. In such
7 case, the candidate elected to the office at the Primary Election,
8 ~~runoff Primary Election,~~ or the regular General Election shall be
9 appointed by the Governor as soon as practical after the applicable
10 election to fill the unexpired term.

11 B. Whenever a vacancy shall occur in any elective county office
12 of any county in this state having a population of more than the
13 population figure specified in subsection B of Section 10 of Title
14 51 of the Oklahoma Statutes, the vacancy shall be filled at a
15 special election to be called by the Governor within thirty (30)
16 days after the vacancy occurs. Provided, no special election shall
17 be called if the vacancy occurs after March 1 of any even-numbered
18 year if the term of the office expires the following year. In such
19 case, the candidate elected to the office at the Primary Election,
20 ~~runoff Primary Election,~~ or the regular General Election shall be
21 appointed by the Governor as soon as practical after the applicable
22 election to fill the unexpired term.

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1 SECTION 32. AMENDATORY 26 O.S. 2001, Section 12-113, as
2 last amended by Section 5, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
3 2010, Section 12-113), is amended to read as follows:

4 Section 12-113. Such proclamation shall contain the following
5 facts:

6 1. A filing period of three (3) days, on a Monday, Tuesday and
7 Wednesday, not less than ten (10) days from the date of such
8 proclamation;

9 2. The date of the Special Primary Election, not less than
10 twenty (20) days after the close of the filing period; and

11 3. The date of the Special General Election, not less than
12 twenty (20) days after the date of the Special Primary Election.

13 Should such a vacancy occur between March 1 and June 1 of an
14 even-numbered year, when a special election is required, the
15 proclamation must contain dates that are the same as are required by
16 law for the regular filing period, Primary Election, ~~Runoff Primary~~
17 ~~Election~~ and General Election.

18 SECTION 33. AMENDATORY 26 O.S. 2001, Section 12-114, is
19 amended to read as follows:

20 Section 12-114. Said elections shall be conducted under the
21 laws applicable to regular Primary and General Elections, except
22 that the candidate receiving the highest number of votes in said
23 Primary Election shall be deemed the nominee of his political party,
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1 provided that the dates of the elections do not coincide with the
2 dates for the regular ~~Primary, Runoff~~ Primary and General Elections.
3 If the nominee of a political party is unopposed in the Special
4 Election, he shall be issued a certificate of election after the
5 expiration of the contest period following the ~~Primary or Runoff~~
6 Primary Election, if no contest is filed, and shall immediately
7 assume the duties of said office.

8 SECTION 34. AMENDATORY 26 O.S. 2001, Section 12-116, as
9 amended by Section 6, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2010,
10 Section 12-116), is amended to read as follows:

11 Section 12-116. In the event the Governor or the Legislature
12 shall call for a special statewide election on any measure to be
13 submitted to a vote of the people, said election shall be held not
14 fewer than ~~sixty (60)~~ seventy (70) days from the date said election
15 is called. Such special statewide election may be on the same date
16 as a primary or general election or may be on some other date set by
17 the Governor or the Legislature. In the event the board of county
18 commissioners or the governing body of a municipality or school
19 district or technology center school district or any other
20 governmental subdivision calls for a special election on any
21 question, said election shall be held not fewer than sixty (60) days
22 from the date said election is called; provided, that a special
23 election called by a school or technology center school district to

1 be held on the date of the annual school runoff election shall not
2 be held fewer than forty-five (45) days from the date said special
3 election is called. A special election to fill a vacancy for member
4 of the board of education of a school district or to fill a vacancy
5 for municipal office shall be scheduled not fewer than sixty (60)
6 days from the date said election is called.

7 SECTION 35. AMENDATORY 26 O.S. 2001, Section 12-117, is
8 amended to read as follows:

9 Section 12-117. The State Election Board shall conduct such
10 election in the same manner as provided for conducting statewide
11 Primary, ~~Runoff Primary~~ or General Elections.

12 SECTION 36. AMENDATORY 26 O.S. 2001, Section 13-102, as
13 amended by Section 19, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2010,
14 Section 13-102), is amended to read as follows:

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

- 21 1. The dates of the election or elections;
- 22 2. The offices to be filled or the questions to be voted upon
- 23 at such election or elections;

1 3. Qualifications for such offices;

2 4. Designation of which offices shall be filled by voting by
3 ward and which offices shall be filled by voting at large;

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

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

8 7. Any other information necessary for conducting said election
9 or elections.

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

17 SECTION 37. AMENDATORY 26 O.S. 2001, Section 14-118, as
18 last amended by Section 1, Chapter 149, O.S.L. 2010 (26 O.S. Supp.
19 2010, Section 14-118), is amended to read as follows:

20 Section 14-118. A. When an application for an absentee ballot
21 pursuant to Section 14-117 of this title is received by the
22 secretary of a county election board, it shall be the duty of the
23 secretary to transmit by United States mail, by facsimile device as

1 defined in Section 1862 of Title 21 of the Oklahoma Statutes, or as
2 provided in subsection B of this section the ballots which the
3 elector has requested and is entitled to receive. When an
4 application for absentee ballots is received at least forty-five
5 (45) days before an election involving state or federal offices,
6 absentee ballots shall be transmitted by mail, by electronic mail,
7 or by other means of electronic communication, as provided in this
8 section, or by facsimile device as provided in Section 14-118.1 of
9 this title, not less than forty-five (45) days preceding the
10 election. When an application for absentee ballots for an election
11 involving state or federal offices is received less than forty-five
12 (45) days preceding the election, absentee ballots shall be
13 transmitted by mail, by electronic mail, or by other means of
14 electronic communication as provided in this section or by facsimile
15 device as provided in Section 14-118.1 of this title within forty-
16 eight (48) hours of receipt of the application.

17 B. The secretary of the county election board may transmit
18 balloting materials for any state or federal election, or for any
19 other election as designated by the Secretary of the State Election
20 Board as provided in subsection D of this section, ~~to an~~ by
21 electronic mail address or by other means of electronic
22 communication in a form and manner prescribed by the Secretary of
23 the State Election Board, if the voter:

- 1 1. Is a Federal Post Card Application registrant and is
2 eligible to receive an absentee ballot as provided by law;
3 2. Provides an electronic mail address; and
4 3. Requests that balloting materials be sent by electronic
5 mail.

6 If the secretary of the county election board transmits a ballot
7 to a voter ~~at an~~ by electronic mail address or by other means of
8 electronic communication as provided in this subsection, the
9 secretary shall amend the voter's federal postcard application for
10 future elections to include the voter's electronic mail address.

11 C. An electronic mail address provided under this section is
12 confidential and does not constitute public information for purposes
13 of the Oklahoma Open Records Act. The secretary of the county
14 election board shall ensure that an electronic mail address provided
15 under this section is excluded from disclosure.

16 D. The Secretary of the State Election Board shall determine if
17 balloting materials for any election other than a state or federal
18 election may be produced in a form which would allow them to be
19 transmitted ~~to an~~ by electronic mail address or by other means of
20 electronic communication. If so, the Secretary shall so designate
21 them. If such designation is not made, the balloting materials may
22 be transmitted to the voter as provided in subsection A of this
23 section.

1 E. All other provisions of this title that would normally apply
2 to a ballot voted under this title apply to a ballot provided
3 pursuant to the provisions of subsection B of this section.

4 F. The Secretary of the State Election Board may suspend the
5 provisions of subsection B of this section if the Secretary
6 determines that electronic transmission of balloting materials is
7 not in the best interest of the people of this state due to a
8 potential problem with the security of the balloting materials.

9 SECTION 38. AMENDATORY 26 O.S. 2001, Section 20-101, as
10 amended by Section 1, Chapter 174, O.S.L. 2003 (26 O.S. Supp. 2010,
11 Section 20-101), is amended to read as follows:

12 Section 20-101. A. A Presidential Preferential Primary for
13 recognized political parties shall be held on the first Tuesday in
14 ~~February~~ March in each of the years in which the President and Vice
15 President of the United States are to be elected.

16 B. If one or more states having a mutual boundary with this
17 state establish a single date for a regional primary, the State
18 Election Board is authorized to change the date of the Oklahoma
19 primary to the date established for the regional primary.

20 C. No county, municipality, school district or other entity
21 authorized by law to call elections shall schedule an election on
22 any date during the twenty (20) days immediately preceding the date
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1 of any such Primary Election. However, this subsection shall not
2 apply to home rule municipalities.

3 SECTION 39. AMENDATORY 26 O.S. 2001, Section 20-102, as
4 amended by Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2010,
5 Section 20-102), is amended to read as follows:

6 Section 20-102. A. Candidates for the nomination for President
7 of the United States shall file with the Secretary of the State
8 Election Board. Such candidates shall be members of political
9 parties recognized under the laws of the State of Oklahoma and shall
10 have filed a statement of candidacy with the Federal Election
11 Commission and shall have raised and expended not less than Five
12 Thousand Dollars (\$5,000.00) for said office. The candidates shall
13 be required to swear an oath or affirm that they meet the
14 aforementioned qualifications, and their signatures shall be
15 witnessed by a notary public. Such filing beginning at 8:00 a.m. on
16 the first Monday in December and ending at 5:00 p.m. on the next
17 succeeding Wednesday, or at a time prescribed by the State Election
18 Board for a Presidential Preferential Primary to be held on a date
19 other than the first Tuesday in ~~February~~ March. A statement of
20 candidacy must be accompanied by a petition supporting a candidate's
21 filing signed by one percent (1%) of the registered voters in each
22 congressional district eligible to vote for a candidate or one
23 thousand (1,000) registered voters in each congressional district

1 eligible to vote for a candidate, whichever is less, as reflected by
2 the latest January 15 registration report; or by a cashier's check
3 or certified check in the amount of Two Thousand Five Hundred
4 Dollars (\$2,500.00). ~~Such check shall be forfeited unless a~~
5 ~~candidate receives more than fifteen percent (15%) of the votes~~
6 ~~east.~~ The State Election Board shall cause the names of all
7 candidates who have filed within the proper time to be printed on
8 the official ballots. The ballots shall be prepared as provided for
9 by law. Voters shall be restricted to one vote for the candidate of
10 his or her choice of the political party in which the voter is
11 registered.

12 B. Each page of a petition supporting a candidate's filing
13 shall identify the county and the congressional district, and shall
14 contain the names of registered voters in only one congressional
15 district and in only one county.

16 C. Each page of a petition supporting a candidate's filing
17 shall be verified. Verification shall be made in substantial
18 compliance with the provisions of Section 6 of Title 34 of the
19 Oklahoma Statutes.

20 SECTION 40. AMENDATORY 26 O.S. 2001, Section 22-114, is
21 amended to read as follows:

22 Section 22-114. In a declared election emergency, in conducting
23 the recount of ballots, the county election board shall open each
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1 ballot box individually and shall assign said ballots to a group of
2 counters appointed by the secretary of the county election board.
3 Said counters shall then conduct the recount in the same manner as
4 provided by law for counting ballots in ~~Primary, Runoff~~ Primary and
5 General Elections. The county election board shall supervise such
6 counting and its decision shall be final in all cases. Each
7 candidate affected by or individual petitioning for the recount is
8 entitled to have a watcher present at each place where a count is
9 being made. Said watcher shall be limited to a challenge, in
10 writing, of any decision made by the counters with regard to
11 counting of a ballot. Such challenge shall be made immediately to
12 the county election board, whose decision on said challenge shall be
13 final. Each group of counters shall have representation of at least
14 two political parties, where possible. Said counters shall be
15 appointed from among the registered voters of the county and shall
16 meet such qualifications as may be imposed for a precinct inspector,
17 judge or clerk. Counters shall be paid on the same basis as
18 precinct judges and clerks are paid for ~~Primary, Runoff~~ Primary or
19 General Elections.

20 SECTION 41. REPEALER 26 O.S. 2001, Sections 5-116, as
21 amended by Section 2, Chapter 88, O.S.L. 2003, 6-108, and Section 9,
22 Chapter 485, O.S.L. 2003, as amended by Section 21, Chapter 545,
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1 O.S.L. 2004 (26 O.S. Supp. 2010, Sections 5-116 and 14-104.1), are
2 hereby repealed.

3 SECTION 42. This act shall become effective November 1, 2011.
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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-13-2011 - DO PASS,
6 As Amended.
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