

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 SENATE BILL NO. 1309

By: Burrage and Brinkley of the  
Senate

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

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

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

19 B. Except as otherwise provided by law, no special election  
20 shall be held by any county, school district, technology center  
21 school district, municipality or other entity authorized to call  
22 elections except on:  
23  
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1           1. The second Tuesday of January, February, ~~May~~, June, ~~July~~,  
2 August, ~~September~~, ~~October~~ and November and the first Tuesday in  
3 March and April in odd-numbered years;

4           2. The second Tuesday of January and February, the first  
5 Tuesday in March and April, the last Tuesday in June, the fourth  
6 Tuesday in August, and the first Tuesday after the first Monday in  
7 November of any even-numbered year.

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

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

13           Section 3-105.1. A. When any county, municipality, school  
14 district or other governmental entity authorizes an election to be  
15 conducted by the county election board, the secretary of the county  
16 election board shall, not less than thirty-five (35) days prior to  
17 the election, submit to the governmental entity for whom the  
18 election is authorized:

19           1. An itemized estimate of the number of precinct inspectors,  
20 judges, clerks, and absentee voting board members necessary for the  
21 election; ~~and~~

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

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

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

15        C. The secretary of the county election board shall issue  
16 vouchers for the compensation and benefits of precinct inspectors,  
17 judges, clerks, and absentee voting board members from the County  
18 Election Board Special Depository Account, pursuant to Section 681  
19 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the  
20 county election board shall provide the vouchers to the precinct  
21 inspector, except the voucher for the inspector and absentee voting  
22 board members, at the time the inspector receives supplies and  
23 ballots for the election. The vouchers shall be distributed to the  
24 appropriate precinct judges and clerks upon closing of the polls on

1 the day of the election and to absentee voting board members upon  
2 completion of their prescribed duties, according to procedures to be  
3 prescribed by the Secretary of the State Election Board. Each  
4 precinct inspector, judge or clerk shall sign a form prescribed by  
5 the Secretary of the State Election Board acknowledging receipt of  
6 compensation and benefits. The inspector shall return the form,  
7 together with any unclaimed vouchers, to the county election board,  
8 together with the results of the election and other supplies and  
9 materials. At such time, the secretary of the county election board  
10 shall provide a voucher for payment to the inspector. The secretary  
11 of the county election board shall return any unclaimed vouchers to  
12 the county treasurer within seven (7) days after the election. If  
13 any additional vouchers for compensation and benefits are required,  
14 the secretary of the county election board shall issue such vouchers  
15 not less than seven (7) days after the election. In no event shall  
16 compensation be made until after services have been rendered.

17 D. As soon as practicable after conducting an election for a  
18 municipality, school district, or other governmental entity, except  
19 the state or county, the secretary of the county election board  
20 shall submit a claim to the governing body of the entity for whom  
21 the election was conducted. The claim shall itemize all expenses  
22 associated with the election, and shall deduct any amount paid by  
23 the municipality, school district or other governmental entity for  
24 the compensation and employer's share of any benefits provided to

1 precinct inspectors, judges, clerks, and absentee voting board  
2 members pursuant to the provisions of subsection B of this section.  
3 Upon receipt of such itemized claim, the governing body shall make  
4 payment to the county election board within thirty (30) days. Upon  
5 receipt of the payment, the secretary of the county election board  
6 shall deposit the payment in the County Election Board Special  
7 Depository Account. The secretary shall disburse payments for the  
8 expenses incurred in the election, pursuant to Section 681 et seq.  
9 of Title 19 of the Oklahoma Statutes.

10 E. The State Election Board shall provide the compensation and  
11 employer's share of benefits for precinct inspectors, judges,  
12 clerks, and absentee voting board members in the payment made to the  
13 respective counties for elections for which said precinct  
14 inspectors, judges, clerks, and absentee voting board members are  
15 paid by the State Election Board, in the same manner as provided in  
16 subsections A and B of this section. For the foregoing elections,  
17 the county shall place in the County Election Board Special  
18 Depository Account an amount of funds equal to Two Dollars (\$2.00)  
19 for each inspector, judge, and clerk at each election in the same  
20 manner as provided in subsections A and B of this section. The  
21 Secretary of the State Election Board shall prescribe a procedure by  
22 which the State Election Board or the county shall be reimbursed for  
23 any overpayment made to a county election board for compensation and

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1 employer's share of benefits paid to precinct inspectors, judges,  
2 clerks, and absentee voting board members.

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

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

11 1. The dates of the election or elections;

12 2. The offices to be filled or the questions to be voted upon  
13 at such election or elections;

14 3. Qualifications for such offices;

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

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

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

21 7. A list of precincts partially contained within the limits of  
22 the municipality which may not be open pursuant to the provisions of  
23 subsection C of Section 13-103 of this title, and a certification of

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1 whether such precincts shall be open or not open for the election;  
2 and

3 8. Any other information necessary for conducting said election  
4 or elections.

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-22-12 - DO PASS, As  
14 Coauthored.

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