

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 146

By: Fields

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2011, Sections 3-104, 3-105, 3-105.1, 3-108.1, 13-111 and 13A-101, which relate to state and local elections; modifying election costs paid from state funds; modifying estimated information and contents of claim required to be submitted to governmental entity for whom election is authorized; providing for payment of costs of election called by political subdivision; specifying duties of Secretary of State Election Board; specifying requirements for reimbursement of certain expenses; modifying expenses to be paid by municipality for conduct of municipal elections; deleting certain rule-making authority of Secretary; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-104, is amended to read as follows:

Section 3-104. The cost of rent for polling places, absentee ballot boxes, locks and keys, voting booths and United States flags shall be paid from county funds. The costs of notice and acknowledgement mailings as required in Sections 4-103.1 and 4-113 of this title shall be paid from county funds. The cost of central

registries, maps and other materials required to be maintained by the county election board shall be paid from county funds. The cost of other supplies necessary for the conduct of state elections shall be paid from state funds. The purchase and maintenance of computer hardware, software, voting devices and related supplies used ~~in the Oklahoma Election Management System~~ to conduct federal and state elections shall be paid from state funds. The cost of confirmation mailings required in Section 4-120.2 of this title shall be paid from state funds.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-105, is amended to read as follows:

Section 3-105. All costs for any county election not held concurrently with a federal or state election in that county shall be paid from county funds.

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

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

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

4 2. An estimate of the compensation and employer's share of any
5 benefits to be provided to each precinct inspector, judge, clerk,
6 and additional precinct official or precinct employee, absentee
7 voting board member and county election board member.

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

19 C. The secretary of the county election board shall issue
20 vouchers for the compensation and benefits of precinct inspectors,
21 judges, clerks, and absentee voting board members from the County
22 Election Board Special Depository Account, pursuant to Section 681
23 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the
24 county election board shall provide the vouchers to the precinct

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

21 D. As soon as practicable after conducting an election for a
22 municipality, school district, or other governmental entity, except
23 the state or county, the secretary of the county election board
24 shall submit a claim to the governing body of the entity for whom

1 the election was conducted. The claim shall itemize all expenses
2 associated with the election, and shall deduct any amount paid by
3 the municipality, school district or other governmental entity for
4 the compensation and employer's share of any benefits provided to
5 precinct inspectors, judges, clerks, ~~and~~ additional precinct
6 officials, precinct employees, absentee voting board members and
7 county election board members pursuant to the provisions of
8 subsection B of this section. The claim shall include the cost of
9 consumable supplies and materials provided by the State Election
10 Board and used by the county election board in the course of
11 conducting the election. Such consumable materials shall include,
12 but are not limited to, the cost of forms, absentee voting
13 materials, provisional voting materials and a use charge for each
14 electronic voting device used in the election as established in
15 Section 3-108.1 of this title. Upon receipt of such itemized claim,
16 the governing body shall make payment to the county election board
17 within thirty (30) days. Upon receipt of the payment, the secretary
18 of the county election board shall deposit the payment in the County
19 Election Board Special Depository Account. The secretary shall
20 disburse payments for the expenses incurred in the election,
21 pursuant to Section 681 et seq. of Title 19 of the Oklahoma
22 Statutes.

23 E. The State Election Board shall provide the compensation and
24 employer's share of benefits for precinct inspectors, judges,

1 clerks, ~~and~~ additional precinct officials, precinct employees,
2 absentee voting board members and county election board members in
3 the payment made to the respective counties for elections for which
4 ~~said precinct inspectors, judges, clerks, and absentee voting board~~
5 ~~members are~~ such compensation is paid by the State Election Board,
6 in the same manner as provided in subsections A and B of this
7 section. For the foregoing elections, the county shall place in the
8 County Election Board Special Depository Account an amount of funds
9 equal to Two Dollars (\$2.00) for each inspector, judge, and clerk at
10 each election in the same manner as provided in subsections A and B
11 of this section. The Secretary of the State Election Board shall
12 prescribe a procedure by which the State Election Board or the
13 county shall be reimbursed for any overpayment made to a county
14 election board for compensation and employer's share of benefits
15 paid to ~~precinct inspectors, judges, clerks,~~ the officials and
16 ~~absentee voting board members~~ identified in this subsection.

17 SECTION 4. AMENDATORY 26 O.S. 2011, Section 3-108.1, is
18 amended to read as follows:

19 Section 3-108.1. A. The State Election Board shall be
20 reimbursed for the following expenses incurred to conduct an
21 election called by a county, municipality, school district or other
22 governmental entity not held concurrently with a regularly scheduled
23 federal or state election:
24

1 1. Consumable supplies and materials purchased and provided by
2 the State Election Board that are used by the county election board
3 to prepare for or conduct the election; and

4 2. Use of state-owned voting devices, used to conduct the
5 election.

6 B. 1. County election boards ~~are authorized to~~ shall reimburse
7 the State Election Board for ~~computer supplies consumed~~ consumable
8 supplies and materials described in subsection D of Section 3-105.1
9 of this title that are used for the benefit of counties, schools,
10 municipalities and other local entities for the conduct of the local
11 elections. Such reimbursement shall be deposited in the State
12 Election Board Revolving Fund.

13 2. County election boards shall include the costs to be
14 reimbursed to the State Election Board in the claim described in
15 subsection D of Section 3-105.1 of this title to be submitted to a
16 school, municipality or local entity that called the local election.
17 Payments for such expenses shall be made to the county election
18 board, which shall immediately remit the appropriate funds to the
19 State Election Board.

20 C. 1. The cost of consumable supplies and materials used in
21 local elections shall be reimbursed at a rate equal to the actual
22 cost of the supplies and materials used. The Secretary of the State
23 Election Board shall provide a list of election supplies, computer
24 supplies and other supplies used in elections purchased by the State

1 Election Board at least once per year to each county election board
2 secretary. The list shall note the actual cost of the items to be
3 reimbursed.

4 2. The rate of reimbursement for the use of state-owned voting
5 devices used to conduct a local election shall be calculated at Ten
6 Dollars (\$10.00) per voting device used at the election. Provided,
7 the Secretary of the State Election Board shall have the authority
8 to adjust the reimbursement rate by administrative rule, if the rate
9 in this statute is insufficient to cover the actual costs associated
10 with the use of the devices.

11 3. The rate of reimbursement for election programming, ballot
12 generation, election results reporting and certification for the
13 election shall be calculated at the actual hourly compensation rate
14 of State Election Board staff for overtime.

15 SECTION 5. AMENDATORY 26 O.S. 2011, Section 13-111, is
16 amended to read as follows:

17 Section 13-111. A. All expenses incurred in the conduct of any
18 municipal election shall be paid by the municipality for which ~~said~~
19 the election was held. Expenses shall include, but shall not be
20 limited to, compensation and mileage reimbursement for ~~members of~~
21 ~~each precinct election board, per diem and mileage for the chairman~~
22 ~~and vice chairman of the~~ all precinct election officials, absentee
23 voting board members and county election board members, the cost of
24 consumable supplies and materials as provided in subsection D of

1 Section 3-105.1 of this title and the cost of ballots and the rental
2 of polling places.

3 B. When a municipal election is held concurrently with any
4 federal, state or county election, the municipality shall reimburse
5 the county election board only for those costs exclusively
6 attributable to the municipality.

7 SECTION 6. AMENDATORY 26 O.S. 2011, Section 13A-101, is
8 amended to read as follows:

9 Section 13A-101. A. Except as otherwise provided by law, the
10 general election laws shall apply to all elections for school
11 districts and technology center school districts. When it is
12 impossible or impractical to apply the general election laws for
13 school districts and technology center school districts, the
14 Secretary of the State Election Board shall prescribe procedures
15 consistent with the purposes of the general election laws.

16 B. All precincts totally or partially contained within the
17 boundaries of a school district or a technology center school
18 district shall be open for all elections held by such school
19 district or technology center school district except as otherwise
20 provided in this section. A school district or technology center
21 school district may authorize any precinct which is only partially
22 located within the boundaries of the district not to be opened by
23 certifying to the county election board in the resolution calling
24

1 for an election that no persons reside within that portion of the
2 precinct contained within the boundaries of the district.

3 ~~C. The Secretary of the State Election Board is authorized to~~
4 ~~promulgate rules setting forth procedures to allow the board of~~
5 ~~education of a school district or career technology school district~~
6 ~~to request that a precinct only partially located within the~~
7 ~~district's boundaries, and in which there are one hundred (100)~~
8 ~~registered voters or less in the portion of the precinct located~~
9 ~~within the district, not to be opened. The procedures shall ensure~~
10 ~~that any registered voters affected are notified of the precinct~~
11 ~~closing and of other voting options.~~

12 SECTION 7. This act shall become effective November 1, 2017.

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