

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 146

By: Fields

6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Sections 3-104, 3-105, 3-105.1, 3-108.1 and 13A-101,  
9 which relate to state and local elections; modifying  
10 election costs paid from state funds; modifying  
11 estimated information required to be submitted to  
12 governmental entity for whom election is authorized;  
13 providing for payment of costs of election called by  
14 political subdivision; specifying duties of Secretary  
15 of State Election Board; specifying requirements for  
16 reimbursement of certain expenses; providing for  
17 resolution of cost disputes; deleting certain rule-  
18 making authority of Secretary; and providing an  
19 effective date.

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

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

19 Section 3-104. The cost of rent for polling places, absentee  
20 ballot boxes, locks and keys, voting booths and United States flags  
21 shall be paid from county funds. The costs of notice and  
22 acknowledgement mailings as required in Sections 4-103.1 and 4-113  
23 of this title shall be paid from county funds. The cost of central  
24 registries, maps and other materials required to be maintained by

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

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

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

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

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

22 1. An itemized estimate of the number of precinct inspectors,  
23 judges, clerks, and absentee voting board members necessary for the  
24 election; ~~and~~

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

5        3. An estimate of other expenses of the county election board  
6 related to the preparation and conduct of the election, including  
7 but not limited to, supplies used in the election, staff time and  
8 overtime, postage, temporary election board workers, voting device  
9 programming and testing, vote tabulation and election certification;  
10 and

11        4. An estimate of the expenses of the State Election Board  
12 related to the preparation for and conduct of the election,  
13 including but not limited to:

14            a. election supplies,

15            b. computer supplies,

16            c. other supplies used for the election,

17            d. use of state-owned voting devices, software and  
18                computers to conduct or support the election, and

19            e. costs of election programming, ballot generation,  
20                election results reporting and election certification.

21        B. Not less than fifteen (15) days prior to the election, the  
22 county, municipality, school district or other governmental entity  
23 authorizing the election shall submit to the secretary of the county  
24 election board an amount of funds equal to the estimate of

1 compensation and benefits for precinct inspectors, judges, clerks,  
2 and absentee voting board members as provided in subsection A of  
3 this section. If such amount is not submitted ten (10) days prior  
4 to the election, the secretary of the county election board shall  
5 not be required to hold the election. Upon receipt of the funds,  
6 the secretary of the county election board shall deposit the funds  
7 in the County Election Board Special Depository Account.

8 C. The secretary of the county election board shall issue  
9 vouchers for the compensation and benefits of precinct inspectors,  
10 judges, clerks, and absentee voting board members from the County  
11 Election Board Special Depository Account, pursuant to Section 681  
12 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the  
13 county election board shall provide the vouchers to the precinct  
14 inspector, except the voucher for the inspector and absentee voting  
15 board members, at the time the inspector receives supplies and  
16 ballots for the election. The vouchers shall be distributed to the  
17 appropriate precinct judges and clerks upon closing of the polls on  
18 the day of the election and to absentee voting board members upon  
19 completion of their prescribed duties, according to procedures to be  
20 prescribed by the Secretary of the State Election Board. Each  
21 precinct inspector, judge or clerk shall sign a form prescribed by  
22 the Secretary of the State Election Board acknowledging receipt of  
23 compensation and benefits. The inspector shall return the form,  
24 together with any unclaimed vouchers, to the county election board,

1 together with the results of the election and other supplies and  
2 materials. At such time, the secretary of the county election board  
3 shall provide a voucher for payment to the inspector. The secretary  
4 of the county election board shall return any unclaimed vouchers to  
5 the county treasurer within seven (7) days after the election. If  
6 any additional vouchers for compensation and benefits are required,  
7 the secretary of the county election board shall issue such vouchers  
8 not less than seven (7) days after the election. In no event shall  
9 compensation be made until after services have been rendered.

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

1 expenses incurred in the election, pursuant to Section 681 et seq.  
2 of Title 19 of the Oklahoma Statutes.

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

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

21 Section 3-108.1. A. 1. The State Election Board shall not  
22 subsidize the costs of an election called by a county, municipality,  
23 school district or other governmental entity. The State Election  
24 Board shall be reimbursed for the following expenses incurred to

1 conduct an election called by a county, municipality, school  
2 district or other governmental entity not held concurrently with a  
3 regularly scheduled federal or state election:

4 a. election supplies, computer supplies and other  
5 supplies purchased by the State Election Board that  
6 are used to prepare for or conduct the election,

7 b. use of state-owned voting devices, software and  
8 computers used to prepare for, conduct or support the  
9 election, and

10 c. the time or overtime of State Election Board staff  
11 used for election programming, ballot generation,  
12 election results reporting and certification for an  
13 election.

14 2. The State Election Board shall not be reimbursed for  
15 election programming and ballot generation expenses for an election  
16 called by a county, municipality, school district or other  
17 governmental entity that is held concurrently with a regularly  
18 scheduled federal or state election.

19 3. The State Election Board shall not be reimbursed for  
20 expenses related to the training of precinct officials or county  
21 election boards, procedural support and oversight of county election  
22 boards or salary and benefits of the county election board  
23 secretary.

1       4. The Secretary of the State Election Board shall create a  
2 document defining the expenses described in this section, which  
3 shall be provided to the secretary of each county election board.

4       B. 1. County election boards ~~are authorized to~~ shall reimburse  
5 the State Election Board for ~~computer supplies consumed~~ the expenses  
6 described in subsection A of this section that are used for the  
7 benefit of counties, schools, municipalities and other local  
8 entities for the conduct of the local elections. Such reimbursement  
9 shall be deposited in the State Election Board Revolving Fund.

10       2. County election boards shall include an estimate of the  
11 costs to be reimbursed to the State Election Board in the estimate  
12 of expenses required by Section 3-105.1 of this title to be  
13 submitted to a school, municipality or local entity that called the  
14 local election. Payments for such expenses shall be made to the  
15 county election board, which shall immediately remit the funds to  
16 the State Election Board.

17       C. 1. Election supplies, computer supplies and other supplies  
18 used in local elections shall be reimbursed at a rate equal to the  
19 actual cost of the supplies. The Secretary of the State Election  
20 Board shall provide a list of election supplies, computer supplies  
21 and other supplies used in elections purchased by the State Election  
22 Board at least once per year to each county election board  
23 secretary. The list shall note the actual cost of the items to be  
24 reimbursed.



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

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

13        D. Disputes related to reimbursements of expenses to the State  
14 Election Board shall be made in writing to the Secretary of the  
15 State Election Board within fifteen (15) days of the record of  
16 expenses for the election. The Secretary shall, within fifteen (15)  
17 days of receipt of the dispute, issue a written decision that  
18 resolves the dispute. The Secretary's decision in the matter shall  
19 be final.

20        SECTION 5.        AMENDATORY        26 O.S. 2011, Section 13A-101, is  
21 amended to read as follows:

22        Section 13A-101. A. Except as otherwise provided by law, the  
23 general election laws shall apply to all elections for school  
24 districts and technology center school districts. When it is

1 impossible or impractical to apply the general election laws for  
2 school districts and technology center school districts, the  
3 Secretary of the State Election Board shall prescribe procedures  
4 consistent with the purposes of the general election laws.

5 B. All precincts totally or partially contained within the  
6 boundaries of a school district or a technology center school  
7 district shall be open for all elections held by such school  
8 district or technology center school district except as otherwise  
9 provided in this section. A school district or technology center  
10 school district may authorize any precinct which is only partially  
11 located within the boundaries of the district not to be opened by  
12 certifying to the county election board in the resolution calling  
13 for an election that no persons reside within that portion of the  
14 precinct contained within the boundaries of the district.

15 ~~C. The Secretary of the State Election Board is authorized to~~  
16 ~~promulgate rules setting forth procedures to allow the board of~~  
17 ~~education of a school district or career technology school district~~  
18 ~~to request that a precinct only partially located within the~~  
19 ~~district's boundaries, and in which there are one hundred (100)~~  
20 ~~registered voters or less in the portion of the precinct located~~  
21 ~~within the district, not to be opened. The procedures shall ensure~~  
22 ~~that any registered voters affected are notified of the precinct~~  
23 ~~closing and of other voting options.~~

SECTION 6. This act shall become effective November 1, 2017.

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