

OKLAHOMA STATE SENATE
GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Mr. President:

Date: 5-17-2017

Mr. Speaker:

The Conference Committee, to which was referred

SB 146

By: Fields of the Senate and Russ of the House

Title: Elections; procedures for payment of election costs. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

advise that the conferees have been unable to agree

SENATE CONFEREES:

Allen [Signature]
 Bass [Signature]
 Bergstrom Michael Bergstrom
 Bice Stephen L. Bice
 Boggs [Signature]
 Brecheen [Signature]
 Brown [Signature]
 Dahm Duffan Dahm
 Daniels [Signature]
 David [Signature]
 Dossett [Signature]
 Dugger [Signature]
 Fields Eddie Fields
 Floyd [Signature]
 Fry [Signature]
 Griffin [Signature]
 Holt [Signature]
 Jech [Signature]
 Kidd Chris Kidd
 Leewright [Signature]
 Marlatt [Signature]
 Matthews [Signature]
 McCortney [Signature]

Newberry [Signature]
 Newhouse [Signature]
 Paxton [Signature]
 Pederson [Signature]
 Pemberton [Signature]
 Pittman [Signature]
 Pugh [Signature]
 Quinn [Signature]
 Rader [Signature]
 Scott [Signature]
 Sharp [Signature]
 Shaw Wayne Shaw
 Silk [Signature]
 Simpson [Signature]
 Smalley [Signature]
 Sparks [Signature]
 Standridge [Signature]
 Stanislawski [Signature]
 Sykes [Signature]
 Thompson [Signature]
 Yen [Signature]

HOUSE CONFEREES:

Conference Committee on Elections and Ethics

Senate Action _____ Date _____ House Action _____ Date _____

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 146 By: Fields of the Senate
3 and
4 Russ of the House
5
6
7 [elections - state and local elections - costs paid
8 from state funds - duties of Secretary of State
Election Board - effective date]
9
10
11 AMENDMENT NO. 1. Replace the stricken title, enacting clause and
12 entire bill and insert
13 "[elections - state and local elections -
14 duties of Secretary of State Election Board -
15 effective date]
16
17
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
19 SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-105.1, is
20 amended to read as follows:
21 Section 3-105.1 A. When any county, municipality, school
22 district or other governmental entity authorizes an election to be
23 conducted by the county election board, the secretary of the county
24 election board shall, not less than thirty-five (35) days prior to

1 the election, submit to the governmental entity for whom the
2 election is authorized:

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

6 2. An estimate of the compensation, mileage reimbursement and
7 employer's share of any benefits to be provided to each precinct
8 inspector, judge, clerk, ~~and~~ precinct employee, absentee voting
9 board member and county election board member.

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

22 C. The secretary of the county election board shall issue
23 vouchers for the compensation and benefits of precinct inspectors,
24 judges, clerks, precinct employees and absentee voting board members

1 from the County Election Board Special Depository Account, pursuant
2 to Section 681 et seq. of Title 19 of the Oklahoma Statutes. The
3 secretary of the county election board shall provide the vouchers to
4 the precinct inspector, except the voucher for the inspector and
5 absentee voting board members, at the time the inspector receives
6 supplies and ballots for the election. The vouchers shall be
7 distributed to the appropriate precinct judges and clerks upon
8 closing of the polls on the day of the election and to absentee
9 voting board members upon completion of their prescribed duties,
10 according to procedures to be prescribed by the Secretary of the
11 State Election Board. Each precinct inspector, judge or clerk shall
12 sign a form prescribed by the Secretary of the State Election Board
13 acknowledging receipt of compensation and benefits. The inspector
14 shall return the form, together with any unclaimed vouchers, to the
15 county election board, together with the results of the election and
16 other supplies and materials. At such time, the secretary of the
17 county election board shall provide a voucher for payment to the
18 inspector. The secretary of the county election board shall return
19 any unclaimed vouchers to the county treasurer within seven (7) days
20 after the election. If any additional vouchers for compensation and
21 benefits are required, the secretary of the county election board
22 shall issue such vouchers not less than seven (7) days after the
23 election. In no event shall compensation be made until after
24 services have been rendered.

1 D. As soon as practicable after conducting an election for a
2 municipality, school district, or other governmental entity, except
3 the state or county, the secretary of the county election board
4 shall submit a claim to the governing body of the entity for whom
5 the election was conducted. The claim shall itemize all expenses
6 associated with the election, and shall deduct any amount paid by
7 the municipality, school district or other governmental entity for
8 the compensation and employer's share of any benefits provided to
9 precinct inspectors, judges, clerks, ~~and~~ additional precinct
10 officials, precinct employees, absentee voting board members and
11 county election board members pursuant to the provisions of
12 subsection B of this section. The claim shall include the cost of
13 consumable supplies and materials provided by the State Election
14 Board and used by the county election board in the course of
15 conducting the election. The claim shall also include the cost of
16 overtime incurred by State Election Board staff for the election.
17 Upon receipt of such itemized claim, the governing body shall make
18 payment to the county election board within thirty (30) days. Upon
19 receipt of the payment, the secretary of the county election board
20 shall deposit the payment in the County Election Board Special
21 Depository Account. The secretary shall disburse payments for the
22 expenses incurred in the election, pursuant to Section 681 et seq.
23 of Title 19 of the Oklahoma Statutes.

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

19 SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-108.1, is
20 amended to read as follows:

21 Section 3-108.1 A. The State Election Board shall be
22 reimbursed for the following expenses incurred to conduct an
23 election called by a county, municipality, school district or other
24

1 governmental entity not held concurrently with a federal or state
2 election:

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

6 2. Overtime incurred by State Election Board staff for the
7 election.

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

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

22 C. 1. The cost of consumable supplies and materials used in
23 local elections shall be reimbursed at a rate equal to the actual
24 cost of the supplies and materials used. The Secretary of the State

1 Election Board shall prepare and provide a list of the consumable
2 election supplies purchased by the State Election Board. The list
3 shall include the actual cost of the items to be reimbursed.

4 2. Reimbursement for overtime incurred by State Election Board
5 staff for the election.

6 SECTION 3. This act shall become effective January 1, 2018."

7 Passed the House of Representatives the 19th day of April, 2017.

8
9
10 _____
11 Presiding Officer of the House of
Representatives

12 Passed the Senate the ____ day of _____, 2017.

13
14
15 _____
16 Presiding Officer of the Senate
17
18
19
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24

1 ENGROSSED SENATE
2 BILL NO. 146

By: Fields of the Senate

3 and

4 Russ of the House

5
6 [elections - state and local elections - costs paid
7 from state funds - duties of Secretary of State
8 Election Board - effective date]
9

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

11 SECTION 4. AMENDATORY 26 O.S. 2011, Section 3-104, is
12 amended to read as follows:

13 Section 3-104. The cost of rent for polling places, absentee
14 ballot boxes, locks and keys, voting booths and United States flags
15 shall be paid from county funds. The costs of notice and
16 acknowledgement mailings as required in Sections 4-103.1 and 4-113
17 of this title shall be paid from county funds. The cost of central
18 registries, maps and other materials required to be maintained by
19 the county election board shall be paid from county funds. The cost
20 of other supplies necessary for the conduct of state elections shall
21 be paid from state funds. The purchase and maintenance of computer
22 hardware, software, voting devices and related supplies used ~~in the~~
23 ~~Oklahoma Election Management System~~ to conduct federal and state
24 elections shall be paid from state funds. The cost of confirmation

1 mailings required in Section 4-120.2 of this title shall be paid
2 from state funds.

3 SECTION 5. AMENDATORY 26 O.S. 2011, Section 3-105, is
4 amended to read as follows:

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

8 SECTION 6. AMENDATORY 26 O.S. 2011, Section 3-105.1, is
9 amended to read as follows:

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

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

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

23 B. Not less than fifteen (15) days prior to the election, the
24 county, municipality, school district or other governmental entity

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

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

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

12 D. As soon as practicable after conducting an election for a
13 municipality, school district, or other governmental entity, except
14 the state or county, the secretary of the county election board
15 shall submit a claim to the governing body of the entity for whom
16 the election was conducted. The claim shall itemize all expenses
17 associated with the election, and shall deduct any amount paid by
18 the municipality, school district or other governmental entity for
19 the compensation and employer's share of any benefits provided to
20 precinct inspectors, judges, clerks, ~~and~~ additional precinct
21 officials, precinct employees, absentee voting board members and
22 county election board members pursuant to the provisions of
23 subsection B of this section. The claim shall include the cost of
24 consumable supplies and materials provided by the State Election

1 Board and used by the county election board in the course of
2 conducting the election. Such consumable materials shall include,
3 but are not limited to, the cost of forms, absentee voting
4 materials, provisional voting materials and a use charge for each
5 electronic voting device used in the election as established in
6 Section 3-108.1 of this title. Upon receipt of such itemized claim,
7 the governing body shall make payment to the county election board
8 within thirty (30) days. Upon receipt of the payment, the secretary
9 of the county election board shall deposit the payment in the County
10 Election Board Special Depository Account. The secretary shall
11 disburse payments for the expenses incurred in the election,
12 pursuant to Section 681 et seq. of Title 19 of the Oklahoma
13 Statutes.

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

1 each election in the same manner as provided in subsections A and B
2 of this section. The Secretary of the State Election Board shall
3 prescribe a procedure by which the State Election Board or the
4 county shall be reimbursed for any overpayment made to a county
5 election board for compensation and employer's share of benefits
6 paid to ~~precinct inspectors, judges, clerks,~~ the officials and
7 ~~absentee voting~~ board members identified in this subsection.

8 SECTION 7. AMENDATORY 26 O.S. 2011, Section 3-108.1, is
9 amended to read as follows:

10 Section 3-108.1. A. The State Election Board shall be
11 reimbursed for the following expenses incurred to conduct an
12 election called by a county, municipality, school district or other
13 governmental entity not held concurrently with a regularly scheduled
14 federal or state election:

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

18 2. Use of state-owned voting devices, used to conduct the
19 election.

20 B. 1. County election boards ~~are authorized to~~ shall reimburse
21 the State Election Board for ~~computer supplies consumed~~ consumable
22 supplies and materials described in subsection D of Section 3-105.1
23 of this title that are used for the benefit of counties, schools,
24 municipalities and other local entities for the conduct of the local

1 elections. Such reimbursement shall be deposited in the State
2 Election Board Revolving Fund.

3 2. County election boards shall include the costs to be
4 reimbursed to the State Election Board in the claim described in
5 subsection D of Section 3-105.1 of this title to be submitted to a
6 school, municipality or local entity that called the local election.
7 Payments for such expenses shall be made to the county election
8 board, which shall immediately remit the appropriate funds to the
9 State Election Board.

10 C. 1. The cost of consumable supplies and materials used in
11 local elections shall be reimbursed at a rate equal to the actual
12 cost of the supplies and materials used. The Secretary of the State
13 Election Board shall provide a list of election supplies, computer
14 supplies and other supplies used in elections purchased by the State
15 Election Board at least once per year to each county election board
16 secretary. The list shall note the actual cost of the items to be
17 reimbursed.

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

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

5 SECTION 8. AMENDATORY 26 O.S. 2011, Section 13-111, is
6 amended to read as follows:

7 Section 13-111. A. All expenses incurred in the conduct of any
8 municipal election shall be paid by the municipality for which ~~said~~
9 the election was held. Expenses shall include, but shall not be
10 limited to, compensation and mileage reimbursement for ~~members of~~
11 ~~each precinct election board, per diem and mileage for the chairman~~
12 ~~and vice chairman of the~~ all precinct election officials, absentee
13 voting board members and county election board members, the cost of
14 consumable supplies and materials as provided in subsection D of
15 Section 3-105.1 of this title and the cost of ballots and the rental
16 of polling places.

17 B. When a municipal election is held concurrently with any
18 federal, state or county election, the municipality shall reimburse
19 the county election board only for those costs exclusively
20 attributable to the municipality.

21 SECTION 9. AMENDATORY 26 O.S. 2011, Section 13A-101, is
22 amended to read as follows:

23 Section 13A-101. A. Except as otherwise provided by law, the
24 general election laws shall apply to all elections for school

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

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

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

SECTION 10. This act shall become effective November 1, 2017.

Passed the Senate the 8th day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2017.

Presiding Officer of the House
of Representatives