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1st Session of the 57th Legislature (2019)

ENGROSSED SENATE
BILL NO. 444

By: Jech, Boren and **Sharp** of
the Senate

and

Wright, Lepak and **Meredith**
of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 2-117, 2-123, 2-124, 2-125, 2-127, 2-128, 2-128.1, as amended by Section 1, Chapter 38, O.S.L. 2016, 2-129, as amended by Section 1, Chapter 202, O.S.L. 2013, 2-130, 2-131, 2-132, 2-133, 3-105.1, 3-105.2, 3-111, 3-112, 3-115, 3-117, 3-118, 3-119, 3-120, 3-122, 7-103, 7-105, 7-111, 7-123.1, 13-103, as amended by Section 3, Chapter 380, O.S.L. 2015, 13-111, 14-115.5 and 16-114 (26 O.S. Supp. 2018, Sections 2-128.1, 2-129, 13-103), which relate to election officials; deleting references to precinct election boards; modifying duties of precinct officials, secretaries of county election boards, county election boards, the Secretary of the State Election Board and the State Election Board; deleting population restrictions for employment of certain county election board personnel; deleting references to chief clerk of county election board; stating qualifications for certain precinct officials; modifying procedure for appointment of precinct officials; authorizing submission of certain information from political parties; deleting restrictions on persons who may be appointed as precinct officials; modifying authority for removal of precinct officials; requiring written notice upon removal; authorizing appointment of counters and additional precinct officials under certain circumstances and providing for compensation; modifying compensation of precinct officials during

1 certain time periods; providing for mileage
2 reimbursement; specifying source of payment of
3 certain compensation and mileage reimbursement;
4 authorizing appointment of certain students as
5 precinct officials; providing for appointment of
6 certain relatives; granting certain public employees
7 administrative leave for serving or training as
8 precinct official; providing procedures and
9 limitations; requiring designation of temporary
10 replacement for county election board secretary;
11 modifying persons entitled to defense services by
12 Attorney General or district attorney in certain
13 proceedings; modifying references to certain precinct
14 officials; modifying procedures for training of
15 precinct officials; modifying compensation for
16 attending such training; modifying procedure for
17 changes to precinct boundaries; modifying number of
18 voters affected to allow designation as subprecinct;
19 allowing location of polling place outside precinct
20 boundaries under certain conditions; requiring
21 certain notification and procedures; modifying
22 procedure for appointment of members of absentee
23 voting boards; updating language; making language
24 gender neutral; repealing 26 O.S. 2011, Section 2-
128.2, which relates to additional precinct
employees; providing for codification; and providing
effective dates.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 2-117, is
amended to read as follows:

Section 2-117. A. The secretary of the county election board
shall be the administrative officer of the county election board and
shall have general supervisory authority over the several ~~precinct~~
~~election boards~~ precincts and precinct officials within the county.

1 ~~In counties having seventeen thousand five hundred or more~~
2 ~~registered voters, the~~

3 B. The secretary shall have the authority to employ and/or
4 terminate an assistant secretary and such other employees as are
5 necessary to perform the duties of the county election board.—~~In~~
6 ~~counties having fewer than seventeen thousand five hundred~~
7 ~~registered voters, the secretary shall employ a chief clerk and such~~
8 ~~other employees as are necessary to perform the duties of the county~~
9 ~~election board.~~ In the event a vacancy exists in the office of the
10 secretary of the county election board, the Secretary of the State
11 Election Board shall have the authority to stand in the place of the
12 secretary of the county election board for the purpose of employing
13 necessary county election board personnel.

14 C. The secretary shall be charged with the operational
15 responsibilities of the board, including, but not limited to,
16 supervision, defining job positions and responsibilities of the
17 employees, preparation of the annual budget, preparation and filing
18 of all reports, and the implementation of policy, findings and
19 actions lawfully prescribed or determined by the county election
20 board.

21 D. The minimum salary of the assistant secretary shall be equal
22 to ninety percent (90%) of the scheduled salary of the secretary in
23 the same county, but shall not exceed the salary of the highest
24 salaried first or chief deputy or assistant to any county officer,

1 excluding the under sheriff, in the same county. ~~The minimum salary~~
2 ~~of the chief clerk shall be equal to the hourly rate paid of the~~
3 ~~salary of the highest salaried first or chief deputy or assistant to~~
4 ~~any county officer in the same county, excluding the undersheriff,~~
5 ~~or ninety percent (90%) of the scheduled salary of the secretary in~~
6 ~~the same county, whichever is lower.~~ The salary limitation
7 contained in this section shall not operate to reduce the salary of
8 any person employed as an assistant secretary ~~or chief clerk on May~~
9 ~~1, 2003~~ on November 1, 2019.

10 E. Salaries of additional personnel, including personnel
11 employed temporarily, shall not exceed the salary of the assistant
12 secretary ~~or chief clerk~~ and shall be comparable to salaries paid
13 for the same positions in other offices within the county.

14 F. The salaries of the assistant secretary, ~~chief clerk~~ and
15 other personnel shall be paid from county funds on a monthly basis.
16 In the event that the secretary, assistant secretary, ~~chief clerk,~~
17 or any other essential county election board employee must be away
18 from work for a period of time due to personal illness, family
19 illness, or family emergency, the county shall be required to fund
20 compensation of appropriate temporary personnel during the
21 employee's absence.

22 SECTION 2. AMENDATORY 26 O.S. 2011, Section 2-123, is
23 amended to read as follows:
24

1 Section 2-123. Each precinct ~~election board~~ within each county
2 shall ~~be composed of~~ have at least three (3) ~~members~~ precinct
3 officials: an inspector, a judge and a clerk. At least one of the
4 aforementioned officials shall be a registered voter from the
5 political party with the largest number of registered voters in the
6 state, and at least one shall be a registered voter from the
7 political party with the second largest number of registered voters
8 in the state, according to the most recent January 15 voter
9 registration report. The third precinct official may be a member of
10 any political party recognized under the laws of this state or may
11 be a registered voter with no declared party affiliation.

12 SECTION 3. AMENDATORY 26 O.S. 2011, Section 2-124, is
13 amended to read as follows:

14 Section 2-124. A. The secretary of the county election board
15 shall appoint ~~two members~~ the inspector, judge and clerk of each
16 precinct ~~election board~~, to serve terms of four (4) years each. The
17 secretary's appointments shall be made from the ranks of registered
18 voters within the county.

19 B. No later than June 15, ~~1975,~~ and every four (4) years
20 ~~thereafter~~ of every year following a General Election for Governor,
21 the county central committees of the two political parties with the
22 highest number of registered voters in the state, based on the
23 latest January 15 registration report, ~~shall~~ may submit a list of
24 ~~three nominees for each precinct~~ persons from within the ranks of

1 the party within the county to the secretary of the county election
2 ~~board. The county election board shall be confined to the list of~~
3 ~~nominees submitted by either party and shall appoint one member of~~
4 ~~each precinct election board from each party no later than July 1,~~
5 ~~1975, and every four (4) years thereafter. If no list is submitted~~
6 ~~by a county central committee for any precinct by the specified~~
7 ~~date, or if the nominees for a precinct are unable to serve, then~~
8 The secretary of the county election board shall appoint one member
9 ~~of said precinct election board from the ranks of said party may~~
10 utilize the list when appointing precinct officials within the
11 precinct county.

12 C. ~~Terms shall begin July 1, 1975, and every four (4) years~~
13 ~~thereafter~~ of every year following a General Election for Governor.

14 D. In the event of a vacancy, the secretary of the county
15 election board shall fill the unexpired term from the last list
16 ~~previously submitted by the county central committee. If there is~~
17 ~~no prior list, then the vacancy shall be filled from within the~~
18 ~~ranks of the same party~~ registered voters within the affected
19 county. ~~The county election board shall designate one member as~~
20 ~~judge and the other as clerk for each precinct.~~

21 E. The secretary of the county election board shall maintain a
22 current list of all precinct officials and absentee voting board
23 members, which shall be available for inspection by the public.
24

1 SECTION 4. AMENDATORY 26 O.S. 2011, Section 2-125, is
2 amended to read as follows:

3 Section 2-125. ~~Each county election board shall appoint the~~
4 ~~inspector for each precinct election board within the county.~~ The
5 secretary of the county election board shall have the authority to
6 remove any inspector in the county at any time. Written notice
7 shall be provided to an inspector so removed.

8 SECTION 5. AMENDATORY 26 O.S. 2011, Section 2-127, is
9 amended to read as follows:

10 Section 2-127. ~~The precinct election board~~ Precinct officials
11 shall perform such duties as may be prescribed by law. The
12 Secretary of the State Election Board may prescribe procedures
13 regarding the duties of precinct officials.

14 SECTION 6. AMENDATORY 26 O.S. 2011, Section 2-128, is
15 amended to read as follows:

16 Section 2-128. ~~Counters for each precinct in each county shall~~
17 In the event a hand count of ballots is required, counters may be
18 appointed by the secretary of the county election board only as
19 authorized by the Secretary of the State Election Board for any
20 election. Insofar as is possible, no more than one-half (1/2) of
21 the counters ~~in any precinct~~ shall be members of the same political
22 party. The Secretary of the State Election Board may prescribe
23 procedures regarding the appointment and duties of counters.
24 Counters shall be compensated at the same rate as a judge and clerk.

1 SECTION 7. AMENDATORY 26 O.S. 2011, Section 2-128.1, as
2 amended by Section 1, Chapter 38, O.S.L. 2016 (26 O.S. Supp. 2018,
3 Section 2-128.1), is amended to read as follows:

4 Section 2-128.1. A. In anticipation of large numbers of voters
5 in specific precincts at any election, the Secretary of the State
6 Election Board may authorize the secretary of any county election
7 board to appoint ~~or employ~~ additional precinct ~~election board~~
8 ~~members~~ officials, as needed to assist the regular precinct election
9 officials in processing voters.

10 B. Additional precinct officials may include inspectors,
11 judges, clerks or other precinct officials as may be authorized by
12 the Secretary of the State Election Board.

13 C. Additional inspectors shall be compensated at the same rate
14 as regular inspectors. Other additional precinct officials, when
15 authorized, shall be compensated at the same rate as the judge and
16 clerk.

17 D. The Secretary of the State Election Board shall prescribe
18 procedures to be used in such cases.

19 SECTION 8. AMENDATORY 26 O.S. 2011, Section 2-129, as
20 amended by Section 1, Chapter 202, O.S.L. 2013 (26 O.S. Supp. 2018,
21 Section 2-129), is amended to read as follows:

22 Section 2-129. A. 1. ~~The~~ For any election held prior to July
23 1, 2020, the inspector shall be paid Ninety-five Dollars (\$95.00)
24 ~~for each election and shall be allowed mileage reimbursement at the~~

1 ~~rate provided by the State Travel Reimbursement Act for mileage~~
2 ~~incurred to receive or return ballots and materials for the~~
3 ~~election.~~

4 2. For any election held on or after July 1, 2020, and prior to
5 July 1, 2024, the inspector shall be paid One Hundred Ten Dollars
6 (\$110.00).

7 3. For any election held on or after July 1, 2024, and prior to
8 July 1, 2028, the inspector shall be paid One Hundred Twenty-five
9 Dollars (\$125.00).

10 4. For any election held on or after July 1, 2028, the
11 inspector shall be paid One Hundred Fifty Dollars (\$150.00).

12 B. 1. ~~Judges,~~ For any election held prior to July 1, 2020,
13 ~~judges and clerks and counters~~ shall be paid Eighty-five Dollars
14 (\$85.00) ~~for each election.~~

15 2. For any election held on or after July 1, 2020, and prior to
16 July 1, 2024, judges and clerks shall be paid One Hundred Dollars
17 (\$100.00).

18 3. For any election held on or after July 1, 2024, and prior to
19 July 1, 2028, judges and clerks shall be paid One Hundred Fifteen
20 Dollars (\$115.00).

21 4. For any election held on or after July 1, 2028, judges and
22 clerks shall be paid One Hundred Thirty Dollars (\$130.00).

23 C. Precinct officials assigned to work a polling place ten (10)
24 miles or more from their home, shall be allowed mileage

1 reimbursement at the rate provided by the State Travel Reimbursement
2 Act for mileage incurred from their home to and from their assigned
3 polling place. ~~An additional Two Dollars (\$2.00) per election shall~~
4 ~~be paid to each inspector, judge, clerk and counter of a precinct~~
5 ~~from the funds of the county.~~ In addition, inspectors shall be
6 allowed mileage reimbursement at the rate provided by the State
7 Travel Reimbursement Act for mileage incurred to receive or return
8 ballots and materials for the election.

9 D. Compensation and mileage reimbursement provided herein shall
10 be paid for any ~~state, county, municipal or school district~~
11 ~~election; provided, however, that compensation for elections~~
12 ~~conducted concurrently shall not exceed in total the amount herein~~
13 ~~prescribed.~~ Said conducted by a county election board.

14 E. 1. Five Dollars (\$5.00) of the compensation described in
15 subsections A, B and C of this section shall be paid by the county
16 election board from county funds and the remainder shall be paid by
17 the State Election Board for all regular Primary, Runoff Primary and
18 General Elections, for state and federal offices. For all statewide
19 special elections and all special elections for United States
20 Representatives or United States Senators and State Senators or
21 State Representatives, the compensation and mileage reimbursement
22 described above shall be paid for by the State Election Board and
23 county election board in those precincts included in the special
24 election.

1 2. Except for elections described in paragraph 1 of this
2 subsection, for any election involving a county office or county
3 question the entire amount of the compensation and mileage
4 reimbursement described in subsections A, B, and C of this section
5 shall be paid from county funds.

6 3. For all other elections conducted by a county election
7 board, the entity for which the election is being conducted shall
8 pay the compensation and mileage reimbursement described in
9 subsections A, B, and C of this section; provided, if an election
10 for more than one entity is conducted in the same precinct, the
11 entities shall equally share the cost of precinct official
12 compensation and mileage reimbursement for that precinct. Provided,

13 F. The secretary of the county election board may appoint
14 volunteer inspectors, judges, clerks and counters precinct officials
15 who shall not receive the compensation provided herein.

16 SECTION 9. AMENDATORY 26 O.S. 2011, Section 2-130, is
17 amended to read as follows:

18 Section 2-130. The secretary of the county election board shall
19 have the authority to remove any precinct judge, clerk, other
20 precinct official or counter at any time. Written notice shall be
21 provided to the person so removed.

22 SECTION 10. AMENDATORY 26 O.S. 2011, Section 2-131, is
23 amended to read as follows:

1 Section 2-131. A. 1. To be eligible for membership on a
2 county ~~or precinct~~ election board or to serve as a precinct
3 official, one must be a registered voter of the county in which he
4 or she will serve and demonstrate competence to perform his or her
5 duties.

6 2. Persons thus qualified and appointed shall be trained in
7 their duties in a manner prescribed by the Secretary of the State
8 Election Board.

9 B. 1. Notwithstanding the eligibility requirements in
10 subsection A of this section, a high school student in the eleventh
11 or twelfth grade, who is at least sixteen years of age, may be
12 appointed as a precinct official with the written permission of the
13 student's parent or guardian. Students who attend a public or
14 private high school must also receive a written recommendation from
15 that school's principal.

16 2. To be appointed, a student must reside in the county where
17 the precinct is located.

18 C. Notwithstanding the provisions of Section 481 of Title 21 of
19 the Oklahoma Statutes or any other provision of law, a secretary of
20 a county election board may temporarily appoint as a precinct
21 official, counter or absentee voting board member, an otherwise
22 qualified person who is related to the secretary within the second
23 or third degree by consanguinity or affinity. Provided, the
24 secretary of the county election board must receive written

1 permission from the Secretary of the State Election Board in order
2 to make such an appointment.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2-131.1 of Title 26, unless
5 there is created a duplication in numbering, reads as follows:

6 A. 1. An employee of the State of Oklahoma or of a county,
7 municipality, institution of higher education, public school or
8 career technology school located in this state, may be granted
9 administrative leave by his or her employer without loss of pay or
10 benefits, to serve or be trained as a precinct official, counter,
11 absentee voting board member or other election worker.

12 2. The employee must receive written permission from the
13 appointing authority of the entity for which he or she is employed,
14 must meet the legal qualifications for the position to which he or
15 she is to be appointed, and must be appointed to such position in
16 the manner prescribed by law.

17 3. The number of days of paid administrative leave granted for
18 this purpose shall not exceed ten (10) per calendar year.

19 SECTION 12. AMENDATORY 26 O.S. 2011, Section 2-132, is
20 amended to read as follows:

21 Section 2-132. A. 1. No person shall serve on a county
22 election board, ~~precinct election board or~~ absentee voting board or
23 as a precinct official at any election in which he or she is a
24

1 candidate for office, or is a deputy or regular employee of a
2 candidate for office.

3 2. Any person so disqualified shall resign the office or
4 position no later than ten (10) days following the close of the
5 filing period during which such candidacy was filed. In the event a
6 ~~member of a precinct election board~~ official or an absentee voting
7 board member is so disqualified, it shall be the duty of the
8 secretary of the county election board to appoint a suitable
9 replacement for the affected election.

10 B. 1. No person shall serve ~~on a precinct election board~~ as a
11 precinct official at any election in which he or she is related
12 within the second degree by either consanguinity or affinity to a
13 candidate for office on the ballot in the precinct.

14 2. No person shall serve on an absentee voting board at any
15 election in which he or she is related within the second degree by
16 either consanguinity or affinity to a candidate for office on the
17 ballot in the county.

18 3. In the event a ~~member of a precinct election board~~ person
19 described herein is so disqualified, it shall be the duty of the
20 secretary of the county election board to appoint a suitable
21 replacement for the official for ~~said~~ the election.

22 C. No person shall serve as a member, alternate member or
23 secretary of a county election board at any election in which he or
24 she is related within the second degree by either consanguinity or

1 affinity to a candidate for office on the ballot in the county. In
2 the event a secretary of a county election board is so disqualified,
3 the Secretary of the State Election Board may designate a suitable
4 temporary replacement for the election.

5 SECTION 13. AMENDATORY 26 O.S. 2011, Section 2-133, is
6 amended to read as follows:

7 Section 2-133. A. The Secretary, members and alternate members
8 of the State Election Board and all persons employed within the
9 organizational framework of the State Election Board shall be
10 entitled to free defense services by the Attorney General in any
11 civil suit resulting from alleged acts or omissions which the
12 Attorney General has determined to have occurred within the scope of
13 or arising out of the official duties performed by these persons in
14 behalf of the State Election Board and the state.

15 B. All members and alternate members of county election boards
16 and all persons employed or appointed within the organizational
17 framework of county election boards, including members of ~~precinct~~
18 ~~election boards~~ absentee voting boards, counters and precinct
19 officials, shall be entitled to free defense services by the
20 district attorney in any civil suit resulting from alleged acts or
21 omissions which the district attorney has determined to have
22 occurred within the scope of or arising out of the official duties
23 performed by these persons in behalf of the county election board,
24 the county and the state.

1 C. The fact that the Attorney General or district attorney
2 omits to provide such defense as provided within this ~~act~~ section
3 shall not be admissible in any such civil suit and any mention of
4 such fact shall be deemed grounds for mistrial.

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

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

13 1. An itemized estimate of the number of precinct ~~inspectors,~~
14 ~~judges, clerks,~~ officials and absentee voting board members
15 necessary for the election; and

16 2. An estimate of the compensation and employer's share of any
17 benefits to be provided to each precinct ~~inspector, judge, clerk,~~
18 official and absentee voting board member.

19 B. Not less than fifteen (15) days prior to the election, the
20 county, municipality, school district or other governmental entity
21 authorizing the election shall submit to the secretary of the county
22 election board an amount of funds equal to the estimate of
23 compensation and benefits for precinct ~~inspectors, judges, clerks,~~
24 officials and absentee voting board members as provided in

1 subsection A of this section. If such amount is not submitted ten
2 (10) days prior to the election, the secretary of the county
3 election board shall not be required to hold the election. Upon
4 receipt of the funds, the secretary of the county election board
5 shall deposit the funds in the County Election Board Special
6 Depository Account.

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

1 the election and other supplies and materials. At such time, the
2 secretary of the county election board shall provide a voucher for
3 payment to the inspector. The secretary of the county election
4 board shall return any unclaimed vouchers to the county treasurer
5 within seven (7) days after the election. If any additional
6 vouchers for compensation and benefits are required, the secretary
7 of the county election board shall issue such vouchers not less than
8 seven (7) days after the election. In no event shall compensation
9 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,~~ officials and absentee voting
19 board members pursuant to the provisions of subsection B of this
20 section. Upon receipt of such itemized claim, the governing body
21 shall make payment to the county election board within thirty (30)
22 days. Upon receipt of the payment, the secretary of the county
23 election board shall deposit the payment in the County Election
24 Board Special Depository Account. The secretary shall disburse

1 payments for the expenses incurred in the election, pursuant to
2 Section 681 et seq. 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,~~ officials and absentee voting board members in the payment
6 made to the respective counties for elections for which ~~said the~~
7 precinct ~~inspectors, judges, clerks,~~ officials and absentee voting
8 board members are paid by the State Election Board, in the same
9 manner as provided in subsections A and B of this section. For the
10 foregoing elections, the county shall place in the County Election
11 Board Special Depository Account an amount of funds equal to ~~Two~~
12 ~~Dollars (\$2.00)~~ Five Dollars (\$5.00) for each ~~inspector, judge, and~~
13 ~~clerk~~ precinct official at each election in the same manner as
14 provided in subsections A and B of this section. The Secretary of
15 the State Election Board shall prescribe a procedure by which the
16 State Election Board or the county shall be reimbursed for any
17 overpayment made to a county election board for compensation and
18 employer's share of benefits paid to precinct ~~inspectors, judges,~~
19 ~~clerks,~~ officials and absentee voting board members.

20 SECTION 15. AMENDATORY 26 O.S. 2011, Section 3-105.2, is
21 amended to read as follows:

22 Section 3-105.2. In lieu of the procedure for distribution of
23 vouchers for precinct ~~inspectors, judges, clerks,~~ officials and
24 absentee voting board members provided in Section 3-105.1 of this

1 title, the secretary of the county election board may distribute the
2 vouchers by United States mail. When vouchers are distributed by
3 United States mail, the vouchers shall be distributed by mailing no
4 later than the Tuesday next succeeding the day of the election.

5 SECTION 16. AMENDATORY 26 O.S. 2011, Section 3-111, is
6 amended to read as follows:

7 Section 3-111. In each even-numbered year and at such other
8 times as he or she deems necessary, the Secretary of the State
9 Election Board shall cause to be conducted a training program in
10 each county for precinct inspectors, judges, ~~and~~ clerks and other
11 precinct officials.

12 B. 1. The Secretary of the State Election Board shall
13 determine the method by which such training is provided, and develop
14 the curriculum for such training.

15 2. Only persons authorized by the Secretary of the State
16 Election Board, and trained in a manner to be determined by the
17 Secretary, shall conduct the training of precinct officials.

18 C. 1. Persons attending such training programs shall be paid
19 ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00) by the
20 state, after completing such training, ~~through a procedure~~
21 ~~prescribed by the Secretary of the State Election Board that~~
22 ~~conforms as nearly as practicable with Section 3-105.1 of this title~~
23 ~~and.~~
24

1 2. Persons attending such training programs shall be allowed
2 mileage reimbursement at the rate provided by the State Travel
3 Reimbursement Act to be paid from county funds.

4 3. Payment for attending training and for mileage reimbursement
5 shall be made through a procedure prescribed by the Secretary of the
6 State Election Board that conforms as nearly as practicable with the
7 provisions of Section 3-105.1 of this title.

8 D. 1. In addition to the training described in subsection A of
9 this section, the Secretary of the State Election Board may develop
10 such supplemental training programs or materials as he or she deems
11 necessary.

12 2. Supplemental training may be conducted by mail or electronic
13 mail, online on the Internet, or by some other remote method, that
14 does not require the personal attendance of a trainee.

15 3. No payment shall be provided to a person for supplemental
16 training for which the person's personal attendance is not required.

17 E. The Secretary shall prescribe procedures for training of
18 motor license agents, officials of voter registration agencies and
19 others responsible for voter registration activities.

20 SECTION 17. AMENDATORY 26 O.S. 2011, Section 3-112, is
21 amended to read as follows:

22 Section 3-112. The Secretary of the State Election Board, for
23 each statewide election, shall cause each precinct ~~election board~~ to
24

1 be provided with a booklet of instructions for conducting the
2 election.

3 SECTION 18. AMENDATORY 26 O.S. 2011, Section 3-115, is
4 amended to read as follows:

5 Section 3-115. A. It shall be the duty of the secretary of
6 each county election board to establish boundaries for voting
7 precincts in the county.

8 B. Proposed changes to precinct boundaries shall be presented
9 at a public meeting of the county election board, and shall require
10 the approval of the county election board by majority vote prior to
11 implementation.

12 C. A large map showing ~~said~~ the precincts shall be maintained
13 in the county election board office at all times.

14 SECTION 19. AMENDATORY 26 O.S. 2011, Section 3-117, is
15 amended to read as follows:

16 Section 3-117. If the governing board of any municipality
17 requests in writing that precinct boundaries be altered to conform
18 to ward boundaries of ~~said~~ the municipality, the secretary of the
19 county election board may, at ~~its~~ his or her discretion, make such
20 alterations if such alterations conform to the requirements
21 contained in Sections 3-115, 3-116 and 3-118 of this title;
22 provided, however, that all expenses incurred in making such
23 alterations shall be paid by the municipality.

24

1 SECTION 20. AMENDATORY 26 O.S. 2011, Section 3-118, is
2 amended to read as follows:

3 Section 3-118. The secretary of the county election board in
4 each county may change the boundaries of, abolish or consolidate any
5 precinct, subject to the limitations provided by law, by observing
6 the following procedure:

7 1. No precinct shall be created, divided, abolished or
8 consolidated, or any boundary otherwise changed between January 1 of
9 any year which last digit is nine and December 31 of any year which
10 last digit is zero; and

11 2. ~~After January 1, 1992, The secretary of~~ a county election
12 board shall only change a precinct by dividing or consolidating a
13 precinct into two or more precincts in a manner which will conform
14 to designated census geography except when it becomes necessary for
15 reasons of a lack of an adequate available polling place, or when
16 road conditions hinder or impede a voter's ability to vote, or to
17 accomplish reapportionment, ~~it becomes necessary to consolidate a~~
18 ~~part of a precinct with adjacent precincts, a part or parts may be~~
19 ~~consolidated~~ or for any other lawful purpose. Such changes shall
20 conform to the requirements contained in Sections 3-115 and 3-116 of
21 this title.

22 3. Changes may not become effective until notices of such
23 changes have been posted and mailed as provided in this paragraph
24 for thirty (30) days. One notice shall be posted at the door of the

1 polling place for the affected precinct, one notice posted at the
2 door of the county courthouse and one notice shall be mailed to the
3 State Election Board.

4 4. The registration of each registered voter affected by such
5 change shall be transferred as provided by law by the secretary of
6 the county election board without any request from ~~said~~ the voter.

7 5. Each registered voter whose registration is transferred as
8 hereinbefore provided shall be notified of such transfer in writing
9 by the secretary of the county election board. At the same time,
10 the voter shall be issued a new voter identification card and shall
11 be instructed to destroy his or her former voter identification
12 card.

13 SECTION 21. AMENDATORY 26 O.S. 2011, Section 3-119, is
14 amended to read as follows:

15 Section 3-119. A. ~~Except as provided in subsection B of this~~
16 ~~section, if~~ If fewer than two hundred five hundred (500) registered
17 voters are affected, an area constituting the maximum area possible
18 without crossing boundaries of any district court judicial district
19 electoral division or any congressional, legislative or county
20 commissioner district may be designated as a subprecinct.

21 B. ~~In metropolitan statistical areas, if fewer than three~~
22 ~~hundred registered voters are affected, an area constituting the~~
23 ~~maximum area possible without crossing boundaries of any district~~
24 ~~court judicial district electoral division or any congressional,~~

1 ~~legislative or county commissioner district may be designated as a~~
2 ~~subprecinct.~~

3 ~~C.~~ 1. Registration records shall be maintained for subprecincts
4 in like manner as for other precincts.

5 2. Subprecincts need not have a polling place separate from
6 another precinct, nor shall they be required to have ~~a precinct~~
7 ~~election board~~ separate precinct officials.

8 3. The secretary of the county election board may authorize
9 registered voters of a subprecinct to vote at a specific adjacent
10 precinct. Provided, separate election materials shall be there
11 afforded for the subprecinct in order that a separate certification
12 will be made of the subprecinct's election results. Appropriate
13 ballots shall be issued to the voters of the subprecinct.

14 SECTION 22. AMENDATORY 26 O.S. 2011, Section 3-120, is
15 amended to read as follows:

16 Section 3-120. A. Except as otherwise provided for by law,
17 there shall be one (1) polling place for each precinct, ~~said~~ and the
18 polling place ~~to~~ shall be located within the geographic boundaries
19 of such precinct. The secretary of a county election board shall
20 determine the location of polling places within his or her county.

21 B. 1. If compliance with subsection A of this section is not
22 practicable, the secretary of a county election board may locate a
23 polling place outside the geographic boundaries of the precinct,
24 subject to such rules and procedures as may be prescribed by the

1 Secretary of the State Election Board shall be authorized to adopt
2 rules and regulations providing exceptions to the aforesaid
3 requirement.

4 2. Prior to locating a polling place outside the geographic
5 boundaries of a precinct, the secretary of a county election board
6 shall notify the Secretary of the State Election Board setting forth
7 the reasons why such location is necessary and detailing the actions
8 taken to locate a polling place within the boundaries of the
9 precinct.

10 3. Within fifteen (15) business days of the Secretary receiving
11 the notification, the State Election Board may, by majority vote,
12 prohibit the planned polling place location and require the county
13 election board secretary find a more suitable location.

14 C. Persons, businesses, churches and any other nongovernmental
15 entities providing space for use as a polling place shall not be
16 held liable for any torts arising from any incident occurring in
17 such space during the period when such space is used as a polling
18 place.

19 D. The Secretary of the State Election Board may prescribe
20 rules or procedures regarding the location of precincts described in
21 this section.

22 SECTION 23. AMENDATORY 26 O.S. 2011, Section 3-122, is
23 amended to read as follows:
24

1 Section 3-122. The secretary of the county election board shall
2 cause at least two voting booths to be provided in each precinct.
3 ~~Said~~ The booths shall contain a counter or shelf and shall be
4 constructed in such a manner that a ~~member of the precinct election~~
5 ~~board~~ precinct official can determine whether more than one person
6 is in the booth, but in such a manner as to insure secrecy by the
7 voter in marking ~~his~~ ballots.

8 SECTION 24. AMENDATORY 26 O.S. 2011, Section 7-103, is
9 amended to read as follows:

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

17 SECTION 25. AMENDATORY 26 O.S. 2011, Section 7-105, is
18 amended to read as follows:

19 Section 7-105. No later than 6:30 a.m. on the day of the
20 election, the precinct ~~election board~~ officials shall assemble at
21 the polling place. The inspector shall deliver supplies and ballots
22 required by law for the election at said time.

23 SECTION 26. AMENDATORY 26 O.S. 2011, Section 7-111, is
24 amended to read as follows:

1 Section 7-111. No person shall vote any ballot except such
2 ballot issued to ~~him~~ the voter by the precinct ~~election board~~
3 officials, and each ballot cast must be voted without removing same
4 from the polling place.

5 SECTION 27. AMENDATORY 26 O.S. 2011, Section 7-123.1, is
6 amended to read as follows:

7 Section 7-123.1. When any voter states that he or she is able
8 to reach the location of the polling place, but because of a
9 physical disability or infirmity other than visual is unable to
10 enter the election enclosure, the inspector shall administer an oath
11 to ~~said~~ the voter in which ~~said~~ the voter shall swear to or affirm
12 the fact of such disability or infirmity. Should a voter so qualify
13 himself or herself, it shall be the duty of two (2) ~~members of the~~
14 ~~precinct election board~~ precinct officials, of different political
15 parties, to give ~~said~~ the voter such assistance as ~~he needs~~ needed
16 in voting. Such assistance shall afford as much privacy to the
17 voter in marking ~~his~~ ballots as is practical. The precinct ~~election~~
18 ~~board members~~ officials assisting in such voting shall make a
19 written record of the circumstances involved.

20 SECTION 28. AMENDATORY 26 O.S. 2011, Section 13-103, as
21 amended by Section 3, Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2018,
22 Section 13-103), is amended to read as follows:
23
24

1 Section 13-103. A. All municipal elections shall be held at
2 the same place and in the same manner prescribed for conduct of
3 state and county elections unless otherwise provided by law.

4 B. A municipality may adopt an ordinance requiring its
5 elections to be partisan. If such an ordinance is adopted, a
6 municipality shall notify the county election board that its
7 election is to be partisan in its resolution calling for an
8 election. If a municipality fails to notify the county election
9 board that its election will be on a partisan basis in the
10 resolution calling for an election, then the municipal election
11 shall be on a nonpartisan basis. Provided, any municipality which
12 is governed by a charter may provide otherwise by charter or
13 ordinance.

14 C. All precincts totally or partially contained within the
15 limits of a municipality shall be open for all elections held by
16 such municipality; provided, however, that a municipality may
17 authorize any precinct which is only partially contained within the
18 limits of the municipality not to be opened by certifying to the
19 county election board in its resolution calling for an election that
20 no persons reside within that portion of the precinct contained
21 within the limits of the municipality. Polling places shall be open
22 from 7:00 a.m. until 7:00 p.m. ~~Each precinct election board~~
23 Precinct officials shall be the same as for state and county
24 elections; provided, however, that substitutions, if necessary,

1 shall be made by the county election board. Except as otherwise
2 provided by law, the laws governing state and county Primary and
3 General Elections shall be applicable to all municipal elections.

4 D. All municipal elections, including elections for
5 municipalities with home rule charters, shall be held only on dates
6 identified in Section 3-101 of this title.

7 SECTION 29. AMENDATORY 26 O.S. 2011, Section 13-111, is
8 amended to read as follows:

9 Section 13-111. All expenses incurred in the conduct of any
10 municipal election shall be paid by the municipality for which ~~said~~
11 the election was held. Expenses shall include, but shall not be
12 limited to, compensation for ~~members of each precinct election board~~
13 precinct officials, per diem and mileage for the ~~chairman~~ chair and
14 vice ~~chairman~~ chair of the county election board, the cost of
15 supplies and ballots and the rental of polling places.

16 SECTION 30. AMENDATORY 26 O.S. 2011, Section 14-115.5,
17 is amended to read as follows:

18 Section 14-115.5. A. To carry out the provisions of Sections
19 14-115 and 14-115.4 of this title, the secretary of the county
20 election board shall designate one or more absentee voting boards,
21 to be composed of two (2) members each, with each member to be of a
22 different political affiliation.

23 B. No later than June 1 in each even-numbered year, the chair
24 of the county central committees of the two political parties having

1 the highest number of registered voters in the county ~~shall~~ may each
2 submit a list of ten names to the secretary. Such lists shall
3 contain names of registered voters of the county, who may be ~~members~~
4 ~~of the county election board, except the secretary, or precinct~~
5 ~~election boards~~ appointed as members of absentee voting boards. The
6 secretary ~~shall be confined to~~ may utilize such list in designating
7 membership on the absentee voting board or boards, ~~unless all~~
8 ~~persons on such lists are ineligible or unwilling to serve. In the~~
9 ~~event the chair of the county central committee of a political party~~
10 ~~fails to submit a list as herein provided, the secretary shall or~~
11 may appoint membership to such board or boards from the ranks of
12 registered voters of such party within the county. ~~Provided~~
13 ~~further, that in the event the list of names of either or both~~
14 ~~parties is exhausted and additional absentee voting boards are~~
15 ~~needed, the secretary shall appoint additional members to such~~
16 ~~boards from the ranks of such party or parties in the county.~~

17 C. Members of an absentee voting board shall be reimbursed for
18 their expenses at the same rate as a precinct judge or clerk, ~~as~~
19 ~~provided in Section 2-129 of this title.~~

20 D. ~~One member of each such board~~ Members of absentee voting
21 boards, including those serving a nursing home or convalescent
22 hospital, shall be allowed mileage reimbursement at the rate
23 prescribed for travel by state employees according to the State
24 Travel Reimbursement Act.

1 SECTION 31. AMENDATORY 26 O.S. 2011, Section 16-114, is
2 amended to read as follows:

3 Section 16-114. Any member or employee of a county election
4 board or ~~precinct election board~~ any precinct official who willfully
5 fails to perform his or her lawful duty shall be deemed guilty of a
6 misdemeanor.

7 SECTION 32. REPEALER 26 O.S. 2011, Section 2-128.2, is
8 hereby repealed.

9 SECTION 33. Sections 1 through 7 and 9 through 32 of this act
10 shall become effective November 1, 2019. Section 8 of this act
11 shall become effective July 1, 2020.

12

13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/26/2019 - DO PASS,
14 As Coauthored.

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