

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4   ENGROSSED SENATE  
5   BILL NO. 59

By: Pemberton of the Senate

and

Sneed of the House

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9       An Act relating to elections; amending 26 O.S. 2011,  
10      Section 8-112, which relates to recounts; requiring  
11      certain persons to be present and remain in  
12      attendance when recount proceeding called to order;  
13      providing that recount not be conducted and petition  
14      be forfeited if persons not present; and providing an  
15      effective date.

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

17       SECTION 1.       AMENDATORY       26 O.S. 2011, Section 8-112, is  
18      amended to read as follows:

19       Section 8-112. Once service has been accomplished, the recount  
20      shall commence pursuant to the order executed by the secretary of  
21      the appropriate election board. In the event of a recount for an  
22      office under the jurisdiction of the State Election Board, the  
23      actual recount of ballots shall be conducted by the county election  
24      board or boards as assigned by the Secretary of the State Election  
25      Board. The recount shall be conducted in the courtroom of the

1 district court in the county or counties for which the recount is  
2 requested, and it shall be the duty of a judge of said court in and  
3 for said county to attend and, in conjunction with said county  
4 election board, conduct such recount. The petitioner or  
5 petitioner's agent shall be present and remain in attendance when  
6 the district court judge calls the proceedings to order. In the  
7 event the petitioner or petitioner's agent is not present, the  
8 recount shall not be conducted and the deposit shall be forfeited by  
9 the petitioner. It shall be the exclusive and sole duty of said  
10 judge to hear evidence as to whether the ballots have been preserved  
11 in the manner and by the officers prescribed by law, and as to  
12 whether they are the identical ballots cast by the voters, and that  
13 they have not been exposed to the reach of unauthorized persons, as  
14 to afford a reasonable opportunity of their having been changed or  
15 tampered with. The judgment of said court upon such questions shall  
16 be final and conclusive. If the court cannot determine that the  
17 ballots have been properly preserved, then no recount shall be  
18 conducted. If the judgment of the court is that the ballots have  
19 been properly preserved, then the recount of the ballots shall be  
20 conducted immediately thereafter under the exclusive supervision of  
21 the county election board.

22 SECTION 2. This act shall become effective November 1, 2019.  
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24 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/02/2019 - DO PASS.