

1 ENGROSSED HOUSE  
2 BILL NO. 2564

By: Caldwell (Chad) of the  
House

3 and

4 Quinn of the Senate  
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8 An Act relating to elections; amending 26 O.S. 2011,  
9 Section 8-111, as amended by Section 1, Chapter 275,  
10 O.S.L. 2013 (26 O.S. Supp. 2020, Section 8-111),  
11 which relates to recounts; requiring recounts of  
12 certain issues and questions; and providing an  
effective date.

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

14 SECTION 1. AMENDATORY 26 O.S. 2011, Section 8-111, as  
15 amended by Section 1, Chapter 275, O.S.L. 2013 (26 O.S. Supp. 2020,  
16 Section 8-111), is amended to read as follows:

17 Section 8-111. A. 1. In the event a candidate or individual  
18 authorized to request a recount requests a recount of the ballots  
19 cast in an election, it must set forth in the petition the precincts  
20 and absentee ballots which are to be recounted.

21 2. The petition must be accompanied by either a cashier's check  
22 or certified check in the amount of Six Hundred Dollars (\$600.00)  
23 for each county affected by the petition.  
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1       3. The candidate or individual may indicate in the petition  
2 requesting the recount that the candidate or individual desires to  
3 have the ballots recounted manually. Failure by the candidate or  
4 individual to state such preference for a manual recount in the  
5 petition shall result in a recount by electronic voting devices.

6       4. If the candidate or individual requests that the ballots be  
7 recounted manually, the petition must be accompanied by a cashier's  
8 check or certified check in the amount of Six Hundred Dollars  
9 (\$600.00) for the first three thousand (3,000) ballots and Six  
10 Hundred Dollars (\$600.00) for each additional six thousand (6,000)  
11 ballots or fraction thereof, to be recounted for each county  
12 affected.

13       5. If the petition for a manual recount is filed with the State  
14 Election Board, the petition must be accompanied by a cashier's  
15 check in the amount of Three Hundred Dollars (\$300.00) in addition  
16 to the amount required in paragraph 4 of this subsection.

17       6. In elections involving candidates, an additional deposit  
18 equal to the total of the deposits required by paragraphs 2, 4 and 5  
19 of this subsection shall be required if the margin between the  
20 first-place candidate and second-place candidate is ten percent  
21 (10%) or greater. Provided, in a Primary Election involving three  
22 or more candidates where a Runoff Primary may be required, and where  
23 the margin between the second-place candidate and third-place  
24 candidate is less than one percent (1%), or where the first-place

1 candidate is one percent (1%) above or below a majority, then no  
2 additional deposit shall be required.

3 7. For an election involving candidates, the petition shall be  
4 filed with the secretary of the election board with whom the  
5 candidate filed the candidate's declaration of candidacy, unless  
6 otherwise provided for by law. The petition may only be filed by a  
7 candidate whose name was printed on the ballot for that office in  
8 that election.

9 8. When such petition is properly filed, it shall be the duty  
10 of the secretary of the appropriate election board to order the  
11 recount to begin not less than three (3) nor more than ten (10) days  
12 from the date of filing of the petition.

13 9. a. In elections involving candidates, it shall be the  
14 duty of such contestant to cause to be served upon the  
15 opposing candidate or candidates, and directly  
16 affected by the contest, a true copy of the petition  
17 and a true copy of the order.

18 b. Service shall be made in person where possible, within  
19 twenty-four (24) hours after the filing of the  
20 original petition of contest. Service shall be made  
21 by the sheriff of the county as to all offices, except  
22 that of sheriff, in which case the same shall be  
23 served by the county clerk and the certificate of  
24 returns of such sheriff or county clerk, showing the

1 inability to make such service within the above-  
2 mentioned time, shall be deemed sufficient proof of  
3 the absence of such candidate, or candidates, or the  
4 inability to serve such notice upon the candidate, and  
5 to justify the constructive service hereafter  
6 provided.

7 c. Where personal service is impossible, within the time,  
8 it is hereby made the duty of the contestant to serve  
9 true copies upon the secretary of the appropriate  
10 election board. Provided that for the purpose of such  
11 constructive service, the secretaries of the county  
12 election boards are hereby made and constituted the  
13 service agents for all contests of elections filed in  
14 accordance herewith. By filing declaration of  
15 candidacy for election, a candidate shall thereby be  
16 conclusively presumed to have accepted the terms and  
17 provisions hereof and specifically the aforesaid  
18 constructive service. When constructive service  
19 becomes necessary, constructive service shall be made  
20 at the date, time and place of the hearing.

21 B. For elections on issues or questions when no candidate is  
22 involved and a majority is required for approval, recounts shall be  
23 authorized only when:  
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1        1. The margin of votes between those for and those against the  
2 issue is one hundred fifty (150) or less when fifteen thousand  
3 (15,000) or more total votes are counted for and against the issue  
4 or question; or

5        2. The margin of votes between those for and those against the  
6 issue is one percent (1%) or less of the total number of votes cast  
7 on the issue when fourteen thousand nine hundred ninety-nine  
8 (14,999) or fewer total votes are cast for and against the issue or  
9 question.

10 Provided, furthermore, that a recount is authorized only after an  
11 individual, who is a registered voter and who participated in the  
12 election, presents to the appropriate county election board a  
13 petition signed by one hundred fifty (150) registered voters who  
14 participated in the election when fifteen thousand (15,000) or more  
15 total votes are counted for and against the question, or if fourteen  
16 thousand nine hundred ninety-nine (14,999) or fewer votes are cast  
17 for and against the issue, by a number of registered voters who  
18 participated in the election equal to one percent (1%) or more of  
19 the total votes cast for and against the issue.

20        C. For elections on issues or questions when no candidate is  
21 involved and more than a majority is required for approval, recounts  
22 shall be authorized only when:

23        1. The margin of votes between those for the issue and the  
24 number required for approval is one hundred fifty (150) or less when

1 fifteen thousand (15,000) or more total votes are counted for and  
2 against the issue or question; or

3 2. The margin of votes between those for the issue and the  
4 number required for approval is one percent (1%) or less of the  
5 total number of votes cast on the issue when fourteen thousand nine  
6 hundred ninety-nine (14,999) or fewer total votes are cast for and  
7 against the issue or question.

8 Provided, furthermore, that a recount is authorized only after an  
9 individual, who is a registered voter and who participated in the  
10 election, presents to the appropriate county election board a  
11 petition signed by one hundred fifty (150) registered voters who  
12 participated in the election when fifteen thousand (15,000) or more  
13 total votes are counted for and against the question, or if fourteen  
14 thousand nine hundred ninety-nine (14,999) or fewer votes are cast  
15 for and against the issue, by a number of registered voters who  
16 participated in the election equal to one percent (1%) or more of  
17 the total votes cast for and against the issue.

18 D. Within twenty-four (24) hours after a petition required in  
19 subsections B and C of this section is filed, not counting Saturday,  
20 Sunday or legal holidays, the secretary of the county election board  
21 who received the petition shall determine, pursuant to rules  
22 promulgated by the Secretary of the State Election Board, if the  
23 petition contains a sufficient number of valid signatures of  
24 registered voters who participated in the election.

1 E. Recounts of issue or question elections shall ~~not~~ be  
2 ~~permitted~~ required of any statewide election when:

3 1. The margin of votes required for approval is one half of one  
4 percent (0.5%) or less of the total number of votes cast for and  
5 against a statutory issue or question;

6 2. The margin of votes required for approval is one percent  
7 (1%) or less of the total number of votes cast for and against a  
8 constitutional issue or question; or

9 3. Requested by the Governor, Attorney General, or Oklahoma  
10 State Election Board Secretary.

11 SECTION 2. This act shall become effective November 1, 2021.

12 Passed the House of Representatives the 2nd day of March, 2021.

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15 Presiding Officer of the House  
16 of Representatives

17 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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19 Presiding Officer of the Senate

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