

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 1678

By: Townley of the House

and

Burns of the Senate

COMMITTEE SUBSTITUTE

An Act relating to election certifications; amending 26 O.S. 2021, Section 8-105, which relates to tie votes; modifying procedures for selection of nominee or electee in certain elections; providing exception to applicability of certain procedures; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 8-105, is amended to read as follows:

Section 8-105. A. When a tie vote is certified in the nomination or election of any candidate in any Runoff Primary, General Election, or any Primary Election, the election board ~~which~~ that is authorized by law to issue the certified list or certificate of election shall, at a public meeting of the board and in the presence of the candidates involved or their designee, if they or

1 any of them desire to be present, select the nominee or electee by
2 lot.

3 B. When a nominee or electee is to be selected by lot pursuant
4 to the provisions of this section, the following procedures shall be
5 observed:

6 1. The secretary of the appropriate election board shall, on or
7 before the tenth day following the election, notify each of the
8 tying candidates for which the vote was tied. The notice shall
9 include the time, date, and location of the selection, shall be made
10 in writing by registered or certified mail, and shall be postmarked
11 not fewer than five (5) days prior to the meeting;

12 2. A candidate may designate one person as a witness to attend
13 the meeting on the candidate's behalf. The designation shall be
14 made in writing, signed by the candidate, and presented to the
15 secretary ~~of the appropriate election board;~~

16 3. The secretary ~~of the appropriate election board~~ shall, in
17 full view of those present at the meeting, clearly write or print
18 the name of each tied candidate on separate pieces of paper
19 measuring approximately equal size. The names of the candidates
20 shall be written or printed on the same color and type of paper.
21 The papers shall be folded ~~in half one time~~ so that the written
22 names are not visible and shall each be placed into a separate small
23 opaque container of equal characteristics selected by the secretary
24 ~~of the appropriate election board.~~ The opaque containers shall then

1 be placed inside a larger transparent container in which the opaque
2 canisters shall be tumbled or shaken so that the opaque containers
3 change position with respect to each other;

4 4. The secretary shall ~~draw, or may~~ designate a person other
5 than the candidates, witnesses, or other person directly interested
6 in the election to draw, one ~~paper~~ opaque container from inside the
7 transparent container, and the name of the nominee or electee
8 appearing on the ~~first drawn~~ paper inside the first drawn opaque
9 container shall be declared the winner. The ~~secretary~~ secretary's
10 designee shall then expose the other name or names not drawn to all
11 witnesses present; and

12 5. The meeting shall be held on a weekday, holidays excepted,
13 between the hours of 7:00 a.m. and 7:00 p.m.

14 C. When there are three (3) or more candidates and a tie for
15 first place occurs for the nomination of a candidate at a Primary
16 Election for which a Runoff Primary will be held, the names of the
17 tied candidates shall be placed on the Runoff Primary ballot.

18 D. The procedures prescribed in this section shall not apply to
19 elections of state officers pursuant to Section 5 of Article VI of
20 the Oklahoma Constitution.

21 SECTION 2. This act shall become effective November 1, 2025.

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