

An Act

ENROLLED HOUSE
BILL NO. 1678

By: Townley of the House

and

Burns of the Senate

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.

SUBJECT: Election certifications

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

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

1. The secretary of the appropriate election board shall, on or before the tenth day following the election, notify each of the tying candidates for which the vote was tied. The notice shall include the time, date, and location of the selection, shall be made

in writing by registered or certified mail, and shall be postmarked not fewer than five (5) days prior to the meeting;

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

3. ~~The secretary of the appropriate election board shall, in full view of those present at the meeting, clearly write or print the name of each tied candidate on separate pieces of paper measuring approximately equal size. The names of the candidates shall be written or printed on the same color and type of paper. The papers shall be folded in half one time so that the written names are not visible and shall each be placed into a separate small opaque container of equal characteristics selected by the secretary of the appropriate election board. The opaque containers shall then be placed inside a larger transparent container in which the opaque canisters shall be tumbled or shaken so that the opaque containers change position with respect to each other;~~

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

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

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

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

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

Passed the House of Representatives the 21st day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 1st day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____