

1 **SENATE FLOOR VERSION**

2 April 10, 2019

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1849

By: Lepak of the House

and

Jech of the Senate

7
8 COMMITTEE SUBSTITUTE

9 [elections - election officials - compensation of
10 precinct officials - codification - effective dates]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 Section 2-117. A. The secretary of the county election board
16 shall be the administrative officer of the county election board and
17 shall have general supervisory authority over the several ~~precinct~~
18 ~~election boards~~ precincts and precinct officials within the county.
19 ~~In counties having seventeen thousand five hundred or more~~
20 ~~registered voters, the~~

21 B. The secretary shall have the authority to employ and/or
22 terminate an assistant secretary and such other employees as are
23 necessary to perform the duties of the county election board. ~~In~~
24 ~~counties having fewer than seventeen thousand five hundred~~

1 ~~registered voters, the secretary shall employ a chief clerk and such~~
2 ~~other employees as are necessary to perform the duties of the county~~
3 ~~election board.~~ In the event a vacancy exists in the office of the
4 secretary of the county election board, the Secretary of the State
5 Election Board shall have the authority to stand in the place of the
6 secretary of the county election board for the purpose of employing
7 necessary county election board personnel.

8 C. The secretary shall be charged with the operational
9 responsibilities of the board, including, but not limited to,
10 supervision, defining job positions and responsibilities of the
11 employees, preparation of the annual budget, preparation and filing
12 of all reports, and the implementation of policy, findings and
13 actions lawfully prescribed or determined by the county election
14 board.

15 D. The minimum salary of the assistant secretary shall be equal
16 to ninety percent (90%) of the scheduled salary of the secretary in
17 the same county, but shall not exceed the salary of the highest
18 salaried first or chief deputy or assistant to any county officer,
19 excluding the under sheriff, in the same county. ~~The minimum salary~~
20 ~~of the chief clerk shall be equal to the hourly rate paid of the~~
21 ~~salary of the highest salaried first or chief deputy or assistant to~~
22 ~~any county officer in the same county, excluding the undersheriff,~~
23 ~~or ninety percent (90%) of the scheduled salary of the secretary in~~
24 ~~the same county, whichever is lower.~~ The salary limitation

1 contained in this section shall not operate to reduce the salary of
2 any person employed as an assistant secretary ~~or chief clerk~~ on May
3 ~~1, 2003~~ on November 1, 2019.

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

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

16 SECTION 2. AMENDATORY 26 O.S. 2011, Section 2-123, is
17 amended to read as follows:

18 Section 2-123. Each precinct ~~election board~~ within each county
19 shall ~~be composed of~~ have at least three (3) members precinct
20 officials: an inspector, a judge and a clerk. At least one of the
21 aforementioned officials shall be a registered voter from the
22 political party with the largest number of registered voters in the
23 state, and at least one shall be a registered voter from the
24 political party with the second largest number of registered voters

1 in the state, according to the most recent January 15 voter
2 registration report. The third precinct official may be a member of
3 any political party recognized under the laws of this state or may
4 be a registered voter with no declared party affiliation.

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

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

12 B. No later than June 15, ~~1975, and every four (4) years~~
13 ~~thereafter~~ of every year following a General Election for Governor,
14 the county central committees of the two political parties with the
15 highest number of registered voters in the state, based on the
16 latest January 15 registration report, ~~shall~~ may submit a list of
17 ~~three nominees for each precinct~~ persons from within the ranks of
18 the party within the county to the secretary of the county election
19 board. ~~The county election board shall be confined to the list of~~
20 ~~nominees submitted by either party and shall appoint one member of~~
21 ~~each precinct election board from each party no later than July 1,~~
22 ~~1975, and every four (4) years thereafter. If no list is submitted~~
23 ~~by a county central committee for any precinct by the specified~~
24 ~~date, or if the nominees for a precinct are unable to serve, then~~

1 ~~The secretary of the county election board shall appoint one member~~
2 ~~of said precinct election board from the ranks of said party may~~
3 ~~utilize the list when appointing precinct officials within the~~
4 ~~precinct county.~~

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

7 D. In the event of a vacancy, the secretary of the county
8 election board shall fill the unexpired term from ~~the last list~~
9 ~~previously submitted by the county central committee. If there is~~
10 ~~no prior list, then the vacancy shall be filled from within the~~
11 ranks of ~~the same party~~ registered voters within the affected
12 county. ~~The county election board shall designate one member as~~
13 ~~judge and the other as clerk for each precinct.~~

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

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

19 Section 2-125. ~~Each county election board shall appoint the~~
20 ~~inspector for each precinct election board within the county. The~~
21 secretary of the county election board shall have the authority to
22 remove any inspector in the county at any time. Written notice
23 shall be provided to an inspector so removed.

24

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

3 Section 2-127. ~~The precinct election board~~ Precinct officials
4 shall perform such duties as may be prescribed by law. The
5 Secretary of the State Election Board may prescribe procedures
6 regarding the duties of precinct officials.

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

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

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

21 Section 2-128.1. A. In anticipation of large numbers of voters
22 in specific precincts at any election, the Secretary of the State
23 Election Board may authorize the secretary of any county election
24 board to appoint ~~or employ~~ additional precinct ~~election board~~

1 ~~members~~ officials, as needed to assist the regular precinct election
2 officials in processing voters.

3 B. Additional precinct officials may include inspectors,
4 judges, clerks or other precinct officials as may be authorized by
5 the Secretary of the State Election Board.

6 C. Additional inspectors shall be compensated at the same rate
7 as regular inspectors. Other additional precinct officials, when
8 authorized, shall be compensated at the same rate as the judge and
9 clerk.

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

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

15 Section 2-129. ~~The~~ A. 1. For any election held prior to July
16 1, 2020, the inspector shall be paid Ninety-five Dollars (\$95.00)
17 ~~for each election and shall be allowed mileage reimbursement at the~~
18 ~~rate provided by the State Travel Reimbursement Act for mileage~~
19 ~~incurred to receive or return ballots and materials for the~~
20 ~~election. Judges,~~

21 2. For any election held on or after July 1, 2020, and prior to
22 July 1, 2024, the inspector shall be paid One Hundred Ten Dollars
23 (\$110.00).

24

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

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

6 B. 1. For any election held prior to July 1, 2020, judges and
7 clerks and counters shall be paid Eighty-five Dollars (\$85.00) for
8 each election.

9 2. For any election held on or after July 1, 2020, and prior to
10 July 1, 2024, judges and clerks shall be paid One Hundred Dollars
11 (\$100.00).

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

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

17 C. Precinct officials assigned to work a polling place ten (10)
18 miles or more from their home, shall be allowed mileage
19 reimbursement at the rate provided by the State Travel Reimbursement
20 Act for mileage incurred from their home to and from their assigned
21 polling place. ~~An additional Two Dollars (\$2.00) per election shall~~
22 ~~be paid to each inspector, judge, clerk and counter of a precinct~~
23 ~~from the funds of the county. In addition, inspectors shall be~~
24 allowed mileage reimbursement at the rate provided by the State

1 Travel Reimbursement Act for mileage incurred to receive or return
2 ballots and materials for the election.

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

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

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

24

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

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

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

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

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

19 Section 2-131. A. 1. To be eligible for membership on a
20 county ~~or precinct~~ election board or to serve as a precinct
21 official, one must be a registered voter of the county in which he
22 or she will serve and demonstrate competence to perform his or her
23 duties.
24

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

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

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

13 C. Notwithstanding the provisions of Section 481 of Title 21 of
14 the Oklahoma Statutes or any other provision of law, a secretary of
15 a county election board may temporarily appoint as a precinct
16 official, counter or absentee voting board member, an otherwise
17 qualified person who is related to the secretary within the second
18 or third degree by consanguinity or affinity. Provided, the
19 secretary of the county election board must receive written
20 permission from the Secretary of the State Election Board in order
21 to make such an appointment.

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

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

7 2. The employee must receive written permission from the
8 appointing authority of the entity for which he or she is employed,
9 must meet the legal qualifications for the position to which he or
10 she is to be appointed, and must be appointed to such position in
11 the manner prescribed by law.

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

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

16 Section 2-132. A. 1. No person shall serve on a county
17 election board, ~~precinct election board or~~ absentee voting board or
18 as a precinct official at any election in which he or she is a
19 candidate for office, or is a deputy or regular employee of a
20 candidate for office.

21 2. Any person so disqualified shall resign the office or
22 position no later than ten (10) days following the close of the
23 filing period during which such candidacy was filed. In the event a
24 ~~member of a precinct election board~~ official or an absentee voting

1 board member is so disqualified, it shall be the duty of the
2 secretary of the county election board to appoint a suitable
3 replacement for the affected election.

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

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

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

16 C. No person shall serve as a member, alternate member or
17 secretary of a county election board at any election in which he or
18 she is related within the second degree by either consanguinity or
19 affinity to a candidate for office on the ballot in the county. In
20 the event a secretary of a county election board is so disqualified,
21 the Secretary of the State Election Board may designate a suitable
22 temporary replacement for the election.

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

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

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

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

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

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

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

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

13 B. Not less than fifteen (15) days prior to the election, the
14 county, municipality, school district or other governmental entity
15 authorizing the election shall submit to the secretary of the county
16 election board an amount of funds equal to the estimate of
17 compensation and benefits for precinct ~~inspectors, judges, clerks,~~
18 officials and absentee voting board members as provided in
19 subsection A of this section. If such amount is not submitted ten
20 (10) days prior to the election, the secretary of the county
21 election board shall not be required to hold the election. Upon
22 receipt of the funds, the secretary of the county election board
23 shall deposit the funds in the County Election Board Special
24 Depository Account.

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

1 of the county election board shall issue such vouchers not less than
2 seven (7) days after the election. In no event shall compensation
3 be made until after services have been rendered.

4 D. As soon as practicable after conducting an election for a
5 municipality, school district, or other governmental entity, except
6 the state or county, the secretary of the county election board
7 shall submit a claim to the governing body of the entity for whom
8 the election was conducted. The claim shall itemize all expenses
9 associated with the election, and shall deduct any amount paid by
10 the municipality, school district or other governmental entity for
11 the compensation and employer's share of any benefits provided to
12 precinct ~~inspectors, judges, clerks,~~ officials and absentee voting
13 board members pursuant to the provisions of subsection B of this
14 section. Upon receipt of such itemized claim, the governing body
15 shall make payment to the county election board within thirty (30)
16 days. Upon receipt of the payment, the secretary of the county
17 election board shall deposit the payment in the County Election
18 Board Special Depository Account. The secretary shall disburse
19 payments for the expenses incurred in the election, pursuant to
20 Section 681 et seq. of Title 19 of the Oklahoma Statutes.

21 E. The State Election Board shall provide the compensation and
22 employer's share of benefits for precinct ~~inspectors, judges,~~
23 ~~clerks,~~ officials and absentee voting board members in the payment
24 made to the respective counties for elections for which ~~said~~ the

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

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

16 Section 3-105.2. In lieu of the procedure for distribution of
17 vouchers for precinct ~~inspectors, judges, clerks,~~ officials and
18 absentee voting board members provided in Section 3-105.1 of this
19 title, the secretary of the county election board may distribute the
20 vouchers by United States mail. When vouchers are distributed by
21 United States mail, the vouchers shall be distributed by mailing no
22 later than the Tuesday next succeeding the day of the election.

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

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

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

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

12 C. 1. Persons attending such training programs shall be paid
13 ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00) by the
14 state, after completing such training, ~~through a procedure~~
15 ~~prescribed by the Secretary of the State Election Board that~~
16 ~~conforms as nearly as practicable with Section 3-105.1 of this title~~
17 ~~and.~~

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

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

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

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

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

10 E. The Secretary shall prescribe procedures for training of
11 motor license agents, officials of voter registration agencies and
12 others responsible for voter registration activities.

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

15 Section 3-112. The Secretary of the State Election Board, for
16 each statewide election, shall cause each precinct ~~election board~~ to
17 be provided with a booklet of instructions for conducting the
18 election.

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

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

24

1 any year which last digit is nine and December 31 of any year which
2 last digit is zero; and

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

14 3. Changes may not become effective until notices of such
15 changes have been posted and mailed as provided in this paragraph
16 for thirty (30) days. One notice shall be posted at the door of the
17 polling place for the affected precinct, one notice posted at the
18 door of the county courthouse and one notice shall be mailed to the
19 State Election Board.

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

23 5. Each registered voter whose registration is transferred as
24 hereinbefore provided shall be notified of such transfer in writing

1 by the secretary of the county election board. At the same time,
2 the voter shall be issued a new voter identification card and shall
3 be instructed to destroy his or her former voter identification
4 card.

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

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

13 B. ~~In metropolitan statistical areas, if fewer than three~~
14 ~~hundred registered voters are affected, an area constituting the~~
15 ~~maximum area possible without crossing boundaries of any district~~
16 ~~court judicial district electoral division or any congressional,~~
17 ~~legislative or county commissioner district may be designated as a~~
18 ~~subprecinct.~~

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

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

24

1 3. The secretary of the county election board may authorize
2 registered voters of a subprecinct to vote at a specific adjacent
3 precinct. Provided, separate election materials shall be there
4 afforded for the subprecinct in order that a separate certification
5 will be made of the subprecinct's election results. Appropriate
6 ballots shall be issued to the voters of the subprecinct.

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

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

14 B. 1. If compliance with subsection A of this section is not
15 practicable, the secretary of a county election board may locate a
16 polling place outside the geographic boundaries of the precinct,
17 subject to such rules and procedures as may be prescribed by the
18 Secretary of the State Election Board ~~shall be authorized to adopt~~
19 rules and regulations providing exceptions to the aforesaid
20 requirement.

21 2. Prior to locating a polling place outside the geographic
22 boundaries of a precinct, the secretary of a county election board
23 shall notify the Secretary of the State Election Board setting forth
24 the reasons why such location is necessary and detailing the actions

1 taken to locate a polling place within the boundaries of the
2 precinct.

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

7 C. Persons, businesses, churches and any other nongovernmental
8 entities providing space for use as a polling place shall not be
9 held liable for any torts arising from any incident occurring in
10 such space during the period when such space is used as a polling
11 place.

12 D. The Secretary of the State Election Board may prescribe
13 rules or procedures regarding the location of precincts described in
14 this section.

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

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

24

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

3 Section 7-103. Prior to the day of any Primary, Runoff Primary
4 or General Election, it shall be the duty of each county election
5 board to provide for each precinct ~~election board~~ within its
6 jurisdiction the supplies and ballots required by law to conduct the
7 election. The inspector for each precinct shall sign a form
8 acknowledging receipt of all supplies and ballots for ~~his~~ the
9 precinct.

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

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

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

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

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

24

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

14 SECTION 28. AMENDATORY 26 O.S. 2011, Section 13-103, as
15 amended by Section 3, Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2018,
16 Section 13-103), is amended to read as follows:

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

20 B. A municipality may adopt an ordinance requiring its
21 elections to be partisan. If such an ordinance is adopted, a
22 municipality shall notify the county election board that its
23 election is to be partisan in its resolution calling for an
24 election. If a municipality fails to notify the county election

1 board that its election will be on a partisan basis in the
2 resolution calling for an election, then the municipal election
3 shall be on a nonpartisan basis. Provided, any municipality which
4 is governed by a charter may provide otherwise by charter or
5 ordinance.

6 C. All precincts totally or partially contained within the
7 limits of a municipality shall be open for all elections held by
8 such municipality; provided, however, that a municipality may
9 authorize any precinct which is only partially contained within the
10 limits of the municipality not to be opened by certifying to the
11 county election board in its resolution calling for an election that
12 no persons reside within that portion of the precinct contained
13 within the limits of the municipality. Polling places shall be open
14 from 7:00 a.m. until 7:00 p.m. ~~Each precinct election board~~
15 Precinct officials shall be the same as for state and county
16 elections; provided, however, that substitutions, if necessary,
17 shall be made by the county election board. Except as otherwise
18 provided by law, the laws governing state and county Primary and
19 General Elections shall be applicable to all municipal elections.

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

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

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

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

10 Section 14-115.5. A. To carry out the provisions of Sections
11 14-115 and 14-115.4 of this title, the secretary of the county
12 election board shall designate one or more absentee voting boards,
13 to be composed of two (2) members each, with each member to be of a
14 different political affiliation.

15 B. No later than June 1 in each even-numbered year, the chair
16 of the county central committees of the two political parties having
17 the highest number of registered voters in the county ~~shall~~ may each
18 submit a list of ten names to the secretary. Such lists shall
19 contain names of registered voters of the county, who may be ~~members~~
20 ~~of the county election board, except the secretary, or precinct~~
21 election boards appointed as members of absentee voting boards. The
22 secretary ~~shall be confined to~~ may utilize such list in designating
23 membership on the absentee voting board or boards, ~~unless all~~
24 ~~persons on such lists are ineligible or unwilling to serve. In the~~

1 ~~event the chair of the county central committee of a political party~~
2 ~~fails to submit a list as herein provided, the secretary shall or~~
3 ~~may appoint membership to such board or boards from the ranks of~~
4 ~~registered voters of such party within the county. Provided~~
5 ~~further, that in the event the list of names of either or both~~
6 ~~parties is exhausted and additional absentee voting boards are~~
7 ~~needed, the secretary shall appoint additional members to such~~
8 ~~boards from the ranks of such party or parties in the county.~~

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

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

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

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 April 10, 2019 - DO PASS AS AMENDED
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