

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2738

By: Duel

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2021,
8 Section 8-115, which relates to tabulation and
9 certification of votes; providing for continuous
10 tabulation; providing exception; and providing an
11 effective date.

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

13 SECTION 1. AMENDATORY 26 O.S. 2021, Section 8-115, is
14 amended to read as follows:

15 Section 8-115. The counting of ballots shall continue without
16 pause until all votes have been tabulated. If extreme or unforeseen
17 circumstances occur that require suspension of the vote count, the
18 Secretary of the State Election Board shall notify the public of the
19 suspension and the exact time that it will resume. When all the
20 ballots have been counted, the county election board shall tabulate
21 the votes and shall certify the results. In the case of county
22 office, said certification shall be used to issue appropriate lists
23 and certificates. In the case of state or district office, copies
24 of said certification shall be transmitted immediately to the State

1 Election Board, whose duty it shall be to retabulate all pertinent
2 county returns and issue appropriate lists and certificates.

3 In the event of a tie involving candidates, the election board
4 authorized by law to issue the certified list or certificate of
5 election shall, at the meeting called to conduct the recount or to
6 issue the certified list or certificate of election, in the presence
7 of the candidates involved, if they or any of them desire to be
8 present, select the nominee or electee by lot substantially as
9 prescribed in paragraphs 3 and 4 of Section 8-105 of this title.

10 SECTION 2. This act shall become effective November 1, 2023.

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12 59-1-5685 LRB 12/28/22

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