

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1678

6 By: Townley

7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2021,
9 Section 8-105, which relates to tie votes; directing
10 for a second election to be held in the case of tie
11 votes; and providing an effective date.

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

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

15 Section 8-105. A. When a tie vote is certified in the
16 nomination or election of any candidate in any Runoff Primary,
17 General Election, or any Primary Election, a second vote shall be
18 set for the next practicable election date listed in subsection B of
19 Section 3-101 of this title. When a second vote has occurred for a
20 Primary or a Runoff Primary election, the General Election for that
21 office shall move to the next practicable election date listed in
22 subsection B of Section 3-101 of this title.

23 B. When a second tie vote is certified in the nomination or
24 election of any candidate in any Runoff Primary, General Election or

1 any Primary Election, the election board which is authorized by law
2 to issue the certified list or certificate of election shall, at a
3 public meeting of the board and in the presence of the candidates
4 involved or their designee, if they or any of them desire to be
5 present, select the nominee or electee by lot.

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

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

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

19 3. The secretary of the appropriate election board shall, in
20 full view of those present at the meeting, clearly write or print
21 the name of each tied candidate on separate pieces of paper
22 measuring approximately equal size. The names of the candidates
23 shall be written or printed on the same color and type of paper.
24 The papers shall be folded in half one time so that the written

1 names are not visible and shall be placed into a container selected
2 by the secretary of the appropriate election board;

3 4. The secretary shall draw, or may designate a person other
4 than the candidates, witnesses or other person directly interested
5 in the election to draw, one paper, and the name of the nominee or
6 electee appearing on the first drawn paper shall be declared the
7 winner. The secretary shall then expose the other name or names not
8 drawn to all witnesses present; and

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

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

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

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