

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1416

By: Dossett

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Sections 5-129 and 5-131, which relate to contests of
9 candidacy; requiring contestee to file deposit;
10 modifying disposition of deposits depending upon
11 outcome of contest; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 26 O.S. 2011, Section 5-129, is
14 amended to read as follows:

15 Section 5-129. ~~Should the contestee desire to appear in answer~~
16 ~~to said contest, said~~ The contestee shall be required, at the time
17 of filing his or her answer, or, if no answer is filed, ~~at the time~~
18 ~~of his appearance~~ prior to the hearing on the contest, to deposit
19 with the secretary of the election board a cashier's check or
20 certified check in the same amount as that filed by the petitioner.

21 SECTION 2. AMENDATORY 26 O.S. 2011, Section 5-131, is
22 amended to read as follows:

23 Section 5-131. In the event the petitioner is successful at
24 ~~said~~ the hearing or if the contestee does not file an answer or make

1 an appearance, ~~his~~ the deposit shall be returned to ~~him~~ the
2 petitioner, and all costs of such hearing shall be deducted from the
3 deposit of the contestee, and the balance, if any, shall be returned
4 to ~~said~~ the contestee. If ~~the contestee does not file an answer or~~
5 ~~make an appearance, or if~~ the petitioner is unsuccessful, all costs
6 incurred shall be paid from the deposit made by the petitioner, and
7 the balance, if any, shall be returned to ~~said~~ the petitioner.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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