

1 **SENATE FLOOR VERSION**

2 March 1, 2017

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 146

By: Fields of the Senate

and

Russ of the House

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7  
8  
9 [ elections - state and local elections - costs paid  
10 from state funds - duties of Secretary of State  
Election Board - effective date ]

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

14 SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-104, is  
15 amended to read as follows:

16 Section 3-104. The cost of rent for polling places, absentee  
17 ballot boxes, locks and keys, voting booths and United States flags  
18 shall be paid from county funds. The costs of notice and  
19 acknowledgement mailings as required in Sections 4-103.1 and 4-113  
20 of this title shall be paid from county funds. The cost of central  
21 registries, maps and other materials required to be maintained by  
22 the county election board shall be paid from county funds. The cost  
23 of other supplies necessary for the conduct of state elections shall  
24 be paid from state funds. The purchase and maintenance of computer

1 hardware, software, voting devices and related supplies used ~~in the~~  
2 ~~Oklahoma Election Management System~~ to conduct federal and state  
3 elections shall be paid from state funds. The cost of confirmation  
4 mailings required in Section 4-120.2 of this title shall be paid  
5 from state funds.

6 SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-105, is  
7 amended to read as follows:

8 Section 3-105. All costs for any county election not held  
9 concurrently with a federal or state election in that county shall  
10 be paid from county funds.

11 SECTION 3. AMENDATORY 26 O.S. 2011, Section 3-105.1, is  
12 amended to read as follows:

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

19 1. An itemized estimate of the number of precinct inspectors,  
20 judges, clerks, and absentee voting board members necessary for the  
21 election; and

22 2. An estimate of the compensation and employer's share of any  
23 benefits to be provided to each precinct inspector, judge, clerk,  
24

1 ~~and~~ additional precinct official or precinct employee, absentee  
2 voting board member and county election board member.

3 B. Not less than fifteen (15) days prior to the election, the  
4 county, municipality, school district or other governmental entity  
5 authorizing the election shall submit to the secretary of the county  
6 election board an amount of funds equal to the estimate of  
7 compensation and benefits for precinct inspectors, judges, clerks,  
8 and absentee voting board members as provided in subsection A of  
9 this section. If such amount is not submitted ten (10) days prior  
10 to the election, the secretary of the county election board shall  
11 not be required to hold the election. Upon receipt of the funds,  
12 the secretary of the county election board shall deposit the funds  
13 in the County Election Board Special Depository Account.

14 C. The secretary of the county election board shall issue  
15 vouchers for the compensation and benefits of precinct inspectors,  
16 judges, clerks, and absentee voting board members from the County  
17 Election Board Special Depository Account, pursuant to Section 681  
18 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the  
19 county election board shall provide the vouchers to the precinct  
20 inspector, except the voucher for the inspector and absentee voting  
21 board members, at the time the inspector receives supplies and  
22 ballots for the election. The vouchers shall be distributed to the  
23 appropriate precinct judges and clerks upon closing of the polls on  
24 the day of the election and to absentee voting board members upon

1 completion of their prescribed duties, according to procedures to be  
2 prescribed by the Secretary of the State Election Board. Each  
3 precinct inspector, judge or clerk shall sign a form prescribed by  
4 the Secretary of the State Election Board acknowledging receipt of  
5 compensation and benefits. The inspector shall return the form,  
6 together with any unclaimed vouchers, to the county election board,  
7 together with the results of the election and other supplies and  
8 materials. At such time, the secretary of the county election board  
9 shall provide a voucher for payment to the inspector. The secretary  
10 of the county election board shall return any unclaimed vouchers to  
11 the county treasurer within seven (7) days after the election. If  
12 any additional vouchers for compensation and benefits are required,  
13 the secretary of the county election board shall issue such vouchers  
14 not less than seven (7) days after the election. In no event shall  
15 compensation be made until after services have been rendered.

16 D. As soon as practicable after conducting an election for a  
17 municipality, school district, or other governmental entity, except  
18 the state or county, the secretary of the county election board  
19 shall submit a claim to the governing body of the entity for whom  
20 the election was conducted. The claim shall itemize all expenses  
21 associated with the election, and shall deduct any amount paid by  
22 the municipality, school district or other governmental entity for  
23 the compensation and employer's share of any benefits provided to  
24 precinct inspectors, judges, clerks, and additional precinct

1 officials, precinct employees, absentee voting board members and  
2 county election board members pursuant to the provisions of  
3 subsection B of this section. The claim shall include the cost of  
4 consumable supplies and materials provided by the State Election  
5 Board and used by the county election board in the course of  
6 conducting the election. Such consumable materials shall include,  
7 but are not limited to, the cost of forms, absentee voting  
8 materials, provisional voting materials and a use charge for each  
9 electronic voting device used in the election as established in  
10 Section 3-108.1 of this title. Upon receipt of such itemized claim,  
11 the governing body shall make payment to the county election board  
12 within thirty (30) days. Upon receipt of the payment, the secretary  
13 of the county election board shall deposit the payment in the County  
14 Election Board Special Depository Account. The secretary shall  
15 disburse payments for the expenses incurred in the election,  
16 pursuant to Section 681 et seq. of Title 19 of the Oklahoma  
17 Statutes.

18 E. The State Election Board shall provide the compensation and  
19 employer's share of benefits for precinct inspectors, judges,  
20 clerks, ~~and~~ additional precinct officials, precinct employees,  
21 absentee voting board members and county election board members in  
22 the payment made to the respective counties for elections for which  
23 ~~said precinct inspectors, judges, clerks, and absentee voting board~~  
24 ~~members are~~ such compensation is paid by the State Election Board,

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

12 SECTION 4. AMENDATORY 26 O.S. 2011, Section 3-108.1, is  
13 amended to read as follows:

14 Section 3-108.1. A. The State Election Board shall be  
15 reimbursed for the following expenses incurred to conduct an  
16 election called by a county, municipality, school district or other  
17 governmental entity not held concurrently with a regularly scheduled  
18 federal or state election:

19 1. Consumable supplies and materials purchased and provided by  
20 the State Election Board that are used by the county election board  
21 to prepare for or conduct the election; and

22 2. Use of state-owned voting devices, used to conduct the  
23 election.

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1        B. 1. County election boards ~~are authorized to~~ shall reimburse  
2 the State Election Board for ~~computer supplies consumed~~ consumable  
3 supplies and materials described in subsection D of Section 3-105.1  
4 of this title that are used for the benefit of counties, schools,  
5 municipalities and other local entities for the conduct of the local  
6 elections. Such reimbursement shall be deposited in the State  
7 Election Board Revolving Fund.

8        2. County election boards shall include the costs to be  
9 reimbursed to the State Election Board in the claim described in  
10 subsection D of Section 3-105.1 of this title to be submitted to a  
11 school, municipality or local entity that called the local election.  
12 Payments for such expenses shall be made to the county election  
13 board, which shall immediately remit the appropriate funds to the  
14 State Election Board.

15        C. 1. The cost of consumable supplies and materials used in  
16 local elections shall be reimbursed at a rate equal to the actual  
17 cost of the supplies and materials used. The Secretary of the State  
18 Election Board shall provide a list of election supplies, computer  
19 supplies and other supplies used in elections purchased by the State  
20 Election Board at least once per year to each county election board  
21 secretary. The list shall note the actual cost of the items to be  
22 reimbursed.

23        2. The rate of reimbursement for the use of state-owned voting  
24 devices used to conduct a local election shall be calculated at Ten

1 Dollars (\$10.00) per voting device used at the election. Provided,  
2 the Secretary of the State Election Board shall have the authority  
3 to adjust the reimbursement rate by administrative rule, if the rate  
4 in this statute is insufficient to cover the actual costs associated  
5 with the use of the devices.

6 3. The rate of reimbursement for election programming, ballot  
7 generation, election results reporting and certification for the  
8 election shall be calculated at the actual hourly compensation rate  
9 of State Election Board staff for overtime.

10 SECTION 5. AMENDATORY 26 O.S. 2011, Section 13-111, is  
11 amended to read as follows:

12 Section 13-111. A. All expenses incurred in the conduct of any  
13 municipal election shall be paid by the municipality for which ~~said~~  
14 the election was held. Expenses shall include, but shall not be  
15 limited to, compensation and mileage reimbursement for ~~members of~~  
16 ~~each precinct election board, per diem and mileage for the chairman~~  
17 ~~and vice chairman of the~~ all precinct election officials, absentee  
18 voting board members and county election board members, the cost of  
19 consumable supplies and materials as provided in subsection D of  
20 Section 3-105.1 of this title and the cost of ballots and the rental  
21 of polling places.

22 B. When a municipal election is held concurrently with any  
23 federal, state or county election, the municipality shall reimburse  
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1 the county election board only for those costs exclusively  
2 attributable to the municipality.

3 SECTION 6. AMENDATORY 26 O.S. 2011, Section 13A-101, is  
4 amended to read as follows:

5 Section 13A-101. A. Except as otherwise provided by law, the  
6 general election laws shall apply to all elections for school  
7 districts and technology center school districts. When it is  
8 impossible or impractical to apply the general election laws for  
9 school districts and technology center school districts, the  
10 Secretary of the State Election Board shall prescribe procedures  
11 consistent with the purposes of the general election laws.

12 B. All precincts totally or partially contained within the  
13 boundaries of a school district or a technology center school  
14 district shall be open for all elections held by such school  
15 district or technology center school district except as otherwise  
16 provided in this section. A school district or technology center  
17 school district may authorize any precinct which is only partially  
18 located within the boundaries of the district not to be opened by  
19 certifying to the county election board in the resolution calling  
20 for an election that no persons reside within that portion of the  
21 precinct contained within the boundaries of the district.

22 ~~C. The Secretary of the State Election Board is authorized to~~  
23 ~~promulgate rules setting forth procedures to allow the board of~~  
24 ~~education of a school district or career technology school district~~

1 ~~to request that a precinct only partially located within the~~  
2 ~~district's boundaries, and in which there are one hundred (100)~~  
3 ~~registered voters or less in the portion of the precinct located~~  
4 ~~within the district, not to be opened. The procedures shall ensure~~  
5 ~~that any registered voters affected are notified of the precinct~~  
6 ~~closing and of other voting options.~~

7 SECTION 7. This act shall become effective November 1, 2017.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
9 March 1, 2017 - DO PASS AS AMENDED

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