

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 34

By: Dahm

4  
5  
6 AS INTRODUCED

7 An Act relating to election results; amending Section  
8 1, Chapter 163, O.S.L. 2019 (26 O.S. Supp. 2020,  
9 Section 3-130), which relates to post-election audit  
10 of election results; requiring post-election audits  
11 for certain election results in randomly selected  
12 counties; authorizing additional post-election  
13 audits; clarifying authority to promulgate certain  
14 policies, rules and procedures; modifying definition;  
15 and declaring an emergency.

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

17 SECTION 1. AMENDATORY Section 1, Chapter 163, O.S.L.  
18 2019 (26 O.S. Supp. 2020, Section 3-130), is amended to read as  
19 follows:

20 Section 3-130. A. The Secretary of the State Election Board  
21 shall ~~have the authority to~~ direct the secretary of the election  
22 board of selected counties to conduct a post-election audit of  
23 election results upon the completion of elections scheduled pursuant  
24 to Sections 1-101, 1-102, 1-103, 3-101 and 13A-103 of this title for  
25 the purpose of maintaining the security of the election system.

26 Such audits shall verify whether the voting devices and software

1 used in the elections correctly tabulated votes. Post-election  
2 audits required pursuant to this subsection shall be completed for  
3 no fewer than three elections in a minimum of three randomly  
4 selected counties.

5 B. In addition to the post-election audits required pursuant to  
6 subsection A of this section, the Secretary of the State Election  
7 Board may direct the secretary of a county election board to conduct  
8 a post-election audit of election results, for the purpose of  
9 maintaining the security of the election system by ensuring that  
10 voting devices and software used in a particular election correctly  
11 tabulated votes.

12 ~~B. The method, timing and procedures for conducting a post-~~  
13 ~~election audit shall be determined by the Secretary of the State~~  
14 ~~Election Board.~~

15 C. The secretary of a county election board shall report the  
16 findings of a post-election audit required pursuant to this section  
17 to the Secretary of the State Election Board, and such report shall  
18 be available to the public.

19 D. The Secretary of the State Election Board may promulgate  
20 policies, rules and procedures related to the method and timing of  
21 post-election audits and to otherwise implement the requirements of  
22 this section.

23 E. For the purposes of this title, a "post-election audit" is  
24 defined as a manual or electronic examination of ~~a limited number of~~

1 ballots by a secretary of a county election board or other  
2 authorized election officials following an election. A post-  
3 election audit shall be conducted only at the direction of the  
4 Secretary of the State Election Board and only subject to the  
5 Secretary's previously promulgated policies, rules or procedures.  
6 For a post-election audit conducted pursuant to subsection A of this  
7 section, all ballots shall receive a manual and electronic  
8 examination. For a post-election audit conducted pursuant to  
9 subsection B of this section, a limited number of ballots may be  
10 audited by a manual or electronic examination.

11 SECTION 2. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15  
16 58-1-382 TEK 11/18/2020 1:47:06 PM  
17  
18  
19  
20  
21  
22  
23  
24  
25