

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 444

By: Jech and Boren

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Sections 2-117, 2-123, 2-124, 2-125, 2-127, 2-128, 2-
9 128.1, as amended by Section 1, Chapter 38, O.S.L.
10 2016, 2-129, as amended by Section 1, Chapter 202,
11 O.S.L. 2013, 2-130, 2-131, 2-132, 2-133, 3-105.1, 3-
12 105.2, 3-111, 3-112, 3-115, 3-117, 3-118, 3-119, 3-
13 120, 3-122, 7-103, 7-105, 7-111, 7-123.1, 13-103, as
14 amended by Section 3, Chapter 380, O.S.L. 2015, 13-
15 111, 14-115.5 and 16-114 (26 O.S. Supp. 2018,
16 Sections 2-128.1, 2-129, 13-103), which relate to
17 election officials; deleting references to precinct
18 election boards; modifying duties of precinct
19 officials, secretaries of county election boards,
20 county election boards, the Secretary of the State
21 Election Board and the State Election Board; deleting
22 population restrictions for employment of certain
23 county election board personnel; deleting references
24 to chief clerk of county election board; stating
25 qualifications for certain precinct officials;
26 modifying procedure for appointment of precinct
27 officials; authorizing submission of certain
28 information from political parties; deleting
29 restrictions on persons who may be appointed as
30 precinct officials; modifying authority for removal
31 of precinct officials; requiring written notice upon
32 removal; authorizing appointment of counters and
33 additional precinct officials under certain
34 circumstances and providing for compensation;
35 modifying compensation of precinct officials during
36 certain time periods; providing for mileage
37 reimbursement; specifying source of payment of
38 certain compensation and mileage reimbursement;
39 authorizing appointment of certain students as
40 precinct officials; providing for appointment of
41 certain relatives; granting certain public employees

1 administrative leave for serving or training as
2 precinct official; providing procedures and
3 limitations; requiring designation of temporary
4 replacement for county election board secretary;
5 modifying persons entitled to defense services by
6 Attorney General or district attorney in certain
7 proceedings; modifying references to certain precinct
8 officials; modifying procedures for training of
9 precinct officials; modifying compensation for
10 attending such training; modifying procedure for
11 changes to precinct boundaries; modifying number of
12 voters affected to allow designation as subprecinct;
13 allowing location of polling place outside precinct
14 boundaries under certain conditions; requiring
15 certain notification and procedures; modifying
16 procedure for appointment of members of absentee
17 voting boards; updating language; making language
18 gender neutral; repealing 26 O.S. 2011, Section 2-
19 128.2, which relates to additional precinct
20 employees; providing for codification; and providing
21 an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 2-117, is amended to read as follows:

Section 2-117. A. The secretary of the county election board shall be the administrative officer of the county election board and shall have general supervisory authority over the several ~~precinct election boards~~ precincts and precinct officials within the county. ~~In counties having seventeen thousand five hundred or more registered voters, the~~

B. The secretary shall have the authority to employ and/or terminate an assistant secretary and such other employees as are

1 necessary to perform the duties of the county election board.—In
2 ~~counties having fewer than seventeen thousand five hundred~~
3 ~~registered voters, the secretary shall employ a chief clerk and such~~
4 ~~other employees as are necessary to perform the duties of the county~~
5 ~~election board.~~ In the event a vacancy exists in the office of the
6 secretary of the county election board, the Secretary of the State
7 Election Board shall have the authority to stand in the place of the
8 secretary of the county election board for the purpose of employing
9 necessary county election board personnel.

10 C. The secretary shall be charged with the operational
11 responsibilities of the board, including, but not limited to,
12 supervision, defining job positions and responsibilities of the
13 employees, preparation of the annual budget, preparation and filing
14 of all reports, and the implementation of policy, findings and
15 actions lawfully prescribed or determined by the county election
16 board.

17 D. The minimum salary of the assistant secretary shall be equal
18 to ninety percent (90%) of the scheduled salary of the secretary in
19 the same county, but shall not exceed the salary of the highest
20 salaried first or chief deputy or assistant to any county officer,
21 excluding the under sheriff, in the same county. ~~The minimum salary~~
22 ~~of the chief clerk shall be equal to the hourly rate paid of the~~
23 ~~salary of the highest salaried first or chief deputy or assistant to~~
24 ~~any county officer in the same county, excluding the undersheriff,~~

1 ~~or ninety percent (90%) of the scheduled salary of the secretary in~~
2 ~~the same county, whichever is lower.~~ The salary limitation
3 contained in this section shall not operate to reduce the salary of
4 any person employed as an assistant secretary ~~or chief clerk on May~~
5 ~~1, 2003~~ on November 1, 2019.

6 E. Salaries of additional personnel, including personnel
7 employed temporarily, shall not exceed the salary of the assistant
8 secretary ~~or chief clerk~~ and shall be comparable to salaries paid
9 for the same positions in other offices within the county.

10 F. The salaries of the assistant secretary, ~~chief clerk~~ and
11 other personnel shall be paid from county funds on a monthly basis.
12 In the event that the secretary, assistant secretary, ~~chief clerk,~~
13 or any other essential county election board employee must be away
14 from work for a period of time due to personal illness, family
15 illness, or family emergency, the county shall be required to fund
16 compensation of appropriate temporary personnel during the
17 employee's absence.

18 SECTION 2. AMENDATORY 26 O.S. 2011, Section 2-123, is
19 amended to read as follows:

20 Section 2-123. Each precinct ~~election board~~ within each county
21 shall ~~be composed of~~ have at least three (3) members precinct
22 officials: an inspector, a judge and a clerk. At least one of the
23 aforementioned officials shall be a registered voter from the
24 political party with the largest number of registered voters in the

1 state, and at least one shall be a registered voter from the
2 political party with the second largest number of registered voters
3 in the state, according to the most recent January 15 voter
4 registration report. The third precinct official may be a member of
5 any political party recognized under the laws of this state or may
6 be a registered voter with no declared party affiliation.

7 SECTION 3. AMENDATORY 26 O.S. 2011, Section 2-124, is
8 amended to read as follows:

9 Section 2-124. A. The secretary of the county election board
10 shall appoint ~~two members~~ the inspector, judge and clerk of each
11 precinct ~~election board~~, to serve terms of four (4) years each. The
12 secretary's appointments shall be made from the ranks of registered
13 voters within the county.

14 B. No later than June 15, ~~1975, and every four (4) years~~
15 ~~thereafter~~ of every year following a General Election for Governor,
16 the county central committees of the two political parties with the
17 highest number of registered voters in the state, based on the
18 latest January 15 registration report, ~~shall~~ may submit a list of
19 ~~three nominees for each precinct~~ persons from within the ranks of
20 the party within the county to the secretary of the county election
21 board. ~~The county election board shall be confined to the list of~~
22 ~~nominees submitted by either party and shall appoint one member of~~
23 ~~each precinct election board from each party no later than July 1,~~
24 ~~1975, and every four (4) years thereafter. If no list is submitted~~

1 ~~by a county central committee for any precinct by the specified~~
2 ~~date, or if the nominees for a precinct are unable to serve, then~~
3 ~~The secretary of the county election board shall appoint one member~~
4 ~~of said precinct election board from the ranks of said party may~~
5 ~~utilize the list when appointing precinct officials within the~~
6 ~~precinct county.~~

7 C. Terms shall begin July 1, 1975, and every four (4) years
8 thereafter of every year following a General Election for Governor.

9 D. In the event of a vacancy, the secretary of the county
10 election board shall fill the unexpired term from ~~the last list~~
11 ~~previously submitted by the county central committee. If there is~~
12 ~~no prior list, then the vacancy shall be filled from within the~~
13 ranks of ~~the same party~~ registered voters within the affected
14 county. ~~The county election board shall designate one member as~~
15 ~~judge and the other as clerk for each precinct.~~

16 E. The secretary of the county election board shall maintain a
17 current list of all precinct officials and absentee voting board
18 members, which shall be available for inspection by the public.

19 SECTION 4. AMENDATORY 26 O.S. 2011, Section 2-125, is
20 amended to read as follows:

21 Section 2-125. ~~Each county election board shall appoint the~~
22 ~~inspector for each precinct election board within the county. The~~
23 secretary of the county election board shall have the authority to
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1 remove any inspector in the county at any time. Written notice
2 shall be provided to an inspector so removed.

3 SECTION 5. AMENDATORY 26 O.S. 2011, Section 2-127, is
4 amended to read as follows:

5 Section 2-127. ~~The precinct election board~~ Precinct officials
6 shall perform such duties as may be prescribed by law. The
7 Secretary of the State Election Board may prescribe procedures
8 regarding the duties of precinct officials.

9 SECTION 6. AMENDATORY 26 O.S. 2011, Section 2-128, is
10 amended to read as follows:

11 Section 2-128. ~~Counters for each precinct in each county shall~~
12 In the event a hand count of ballots is required, counters may be
13 appointed by the secretary of the county election board only as
14 authorized by the Secretary of the State Election Board for any
15 election. Insofar as is possible, no more than one-half (1/2) of
16 the counters ~~in any precinct~~ shall be members of the same political
17 party. The Secretary of the State Election Board may prescribe
18 procedures regarding the appointment and duties of counters.

19 Counters shall be compensated at the same rate as a judge and clerk.

20 SECTION 7. AMENDATORY 26 O.S. 2011, Section 2-128.1, as
21 amended by Section 1, Chapter 38, O.S.L. 2016 (26 O.S. Supp. 2018,
22 Section 2-128.1), is amended to read as follows:

23 Section 2-128.1. A. In anticipation of large numbers of voters
24 in specific precincts at any election, the Secretary of the State

1 Election Board may authorize the secretary of any county election
2 board to appoint ~~or employ~~ additional precinct ~~election board~~
3 ~~members~~ officials, as needed to assist the regular precinct election
4 officials in processing voters.

5 B. Additional precinct officials may include inspectors,
6 judges, clerks or other precinct officials as may be authorized by
7 the Secretary of the State Election Board.

8 C. Additional inspectors shall be compensated at the same rate
9 as regular inspectors. Other additional precinct officials, when
10 authorized, shall be compensated at the same rate as the judge and
11 clerk.

12 D. The Secretary of the State Election Board shall prescribe
13 procedures to be used in such cases.

14 SECTION 8. AMENDATORY 26 O.S. 2011, Section 2-129, as
15 amended by Section 1, Chapter 202, O.S.L. 2013 (26 O.S. Supp. 2018,
16 Section 2-129), is amended to read as follows:

17 Section 2-129. A. 1. The For any election held prior to July
18 1, 2020, the inspector shall be paid Ninety-five Dollars (\$95.00)
19 ~~for each election and shall be allowed mileage reimbursement at the~~
20 ~~rate provided by the State Travel Reimbursement Act for mileage~~
21 ~~incurred to receive or return ballots and materials for the~~
22 ~~election.~~

1 2. For any election held on or after July 1, 2020, and prior to
2 July 1, 2024, the inspector shall be paid One Hundred Ten Dollars
3 (\$110.00).

4 3. For any election held on or after July 1, 2024, and prior to
5 July 1, 2028, the inspector shall be paid One Hundred Twenty-five
6 Dollars (\$125.00).

7 4. For any election held on or after July 1, 2028, the
8 inspector shall be paid One Hundred Fifty Dollars (\$150.00).

9 B. 1. ~~Judges,~~ For any election held prior to July 1, 2020,
10 ~~judges and clerks and counters~~ shall be paid Eighty-five Dollars
11 (\$85.00) ~~for each election.~~

12 2. For any election held on or after July 1, 2020, and prior to
13 July 1, 2024, judges and clerks shall be paid One Hundred Dollars
14 (\$100.00).

15 3. For any election held on or after July 1, 2024, and prior to
16 July 1, 2028, judges and clerks shall be paid One Hundred Fifteen
17 Dollars (\$115.00).

18 4. For any election held on or after July 1, 2028, judges and
19 clerks shall be paid One Hundred Thirty Dollars (\$130.00).

20 C. Precinct officials assigned to work a polling place ten (10)
21 miles or more from their home, shall be allowed mileage
22 reimbursement at the rate provided by the State Travel Reimbursement
23 Act for mileage incurred from their home to and from their assigned
24 polling place. ~~An additional Two Dollars (\$2.00) per election shall~~

1 ~~be paid to each inspector, judge, clerk and counter of a precinct~~
2 ~~from the funds of the county.~~ In addition, inspectors shall be
3 allowed mileage reimbursement at the rate provided by the State
4 Travel Reimbursement Act for mileage incurred to receive or return
5 ballots and materials for the election.

6 D. Compensation and mileage reimbursement provided herein shall
7 be paid for any ~~state, county, municipal or school district~~
8 ~~election; provided, however, that compensation for elections~~
9 ~~conducted concurrently shall not exceed in total the amount herein~~
10 ~~prescribed.~~ Said ~~conducted~~ by a county election board.

11 E. 1. Five Dollars (\$5.00) of the compensation described in
12 subsections A, B and C of this section shall be paid by the county
13 election board from county funds and the remainder shall be paid by
14 the State Election Board for all regular Primary, Runoff Primary and
15 General Elections, for state and federal offices. For all statewide
16 special elections and all special elections for United States
17 Representatives or United States Senators and State Senators or
18 State Representatives, the compensation and mileage reimbursement
19 described above shall be paid for by the State Election Board and
20 county election board in those precincts included in the special
21 election.

22 2. Except for elections described in paragraph 1 of this
23 subsection, for any election involving a county office or county
24 question the entire amount of the compensation and mileage

1 reimbursement described in subsections A, B, and C of this section
2 shall be paid from county funds.

3 3. For all other elections conducted by a county election
4 board, the entity for which the election is being conducted shall
5 pay the compensation and mileage reimbursement described in
6 subsections A, B, and C of this section; provided, if an election
7 for more than one entity is conducted in the same precinct, the
8 entities shall equally share the cost of precinct official
9 compensation and mileage reimbursement for that precinct. ~~Provided,~~

10 F. The secretary of the county election board may appoint
11 volunteer ~~inspectors, judges, clerks and counters~~ precinct officials
12 who shall not receive the compensation provided herein.

13 SECTION 9. AMENDATORY 26 O.S. 2011, Section 2-130, is
14 amended to read as follows:

15 Section 2-130. The secretary of the county election board shall
16 have the authority to remove any precinct judge, clerk, other
17 precinct official or counter at any time. Written notice shall be
18 provided to the person so removed.

19 SECTION 10. AMENDATORY 26 O.S. 2011, Section 2-131, is
20 amended to read as follows:

21 Section 2-131. A. 1. To be eligible for membership on a
22 county ~~or precinct~~ election board or to serve as a precinct
23 official, one must be a registered voter of the county in which he
24

1 or she will serve and demonstrate competence to perform his or her
2 duties.

3 2. Persons thus qualified and appointed shall be trained in
4 their duties in a manner prescribed by the Secretary of the State
5 Election Board.

6 B. 1. Notwithstanding the eligibility requirements in
7 subsection A of this section, a high school student in the eleventh
8 or twelfth grade, who is at least sixteen years of age, may be
9 appointed as a precinct official with the written permission of the
10 student's parent or guardian. Students who attend a public or
11 private high school must also receive a written recommendation from
12 that school's principal.

13 2. To be appointed, a student must reside in the county where
14 the precinct is located.

15 C. Notwithstanding the provisions of Section 481 of Title 21 of
16 the Oklahoma Statutes or any other provision of law, a secretary of
17 a county election board may temporarily appoint as a precinct
18 official, counter or absentee voting board member, an otherwise
19 qualified person who is related to the secretary within the second
20 or third degree by consanguinity or affinity. Provided, the
21 secretary of the county election board must receive written
22 permission from the Secretary of the State Election Board in order
23 to make such an appointment.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-131.1 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. 1. An employee of the State of Oklahoma or of a county,
5 municipality, institution of higher education, public school or
6 career technology school located in this state, may be granted
7 administrative leave by his or her employer without loss of pay or
8 benefits, to serve or be trained as a precinct official, counter,
9 absentee voting board member or other election worker.

10 2. The employee must receive written permission from the
11 appointing authority of the entity for which he or she is employed,
12 must meet the legal qualifications for the position to which he or
13 she is to be appointed, and must be appointed to such position in
14 the manner prescribed by law.

15 3. The number of days of paid administrative leave granted for
16 this purpose shall not exceed ten (10) per calendar year.

17 SECTION 12. AMENDATORY 26 O.S. 2011, Section 2-132, is
18 amended to read as follows:

19 Section 2-132. A. 1. No person shall serve on a county
20 election board, ~~precinct election board or~~ absentee voting board or
21 as a precinct official at any election in which he or she is a
22 candidate for office, or is a deputy or regular employee of a
23 candidate for office.

1 2. Any person so disqualified shall resign the office or
2 position no later than ten (10) days following the close of the
3 filing period during which such candidacy was filed. In the event a
4 ~~member of a precinct election board~~ official or an absentee voting
5 board member is so disqualified, it shall be the duty of the
6 secretary of the county election board to appoint a suitable
7 replacement for the affected election.

8 B. 1. No person shall serve ~~on a precinct election board~~ as a
9 precinct official at any election in which he or she is related
10 within the second degree by either consanguinity or affinity to a
11 candidate for office on the ballot in the precinct.

12 2. No person shall serve on an absentee voting board at any
13 election in which he or she is related within the second degree by
14 either consanguinity or affinity to a candidate for office on the
15 ballot in the county.

16 3. In the event a ~~member of a precinct election board~~ person
17 described herein is so disqualified, it shall be the duty of the
18 secretary of the county election board to appoint a suitable
19 replacement for the official for ~~said~~ the election.

20 C. No person shall serve as a member, alternate member or
21 secretary of a county election board at any election in which he or
22 she is related within the second degree by either consanguinity or
23 affinity to a candidate for office on the ballot in the county. In
24 the event a secretary of a county election board is so disqualified,

1 the Secretary of the State Election Board may designate a suitable
2 temporary replacement for the election.

3 SECTION 13. AMENDATORY 26 O.S. 2011, Section 2-133, is
4 amended to read as follows:

5 Section 2-133. A. The Secretary, members and alternate members
6 of the State Election Board and all persons employed within the
7 organizational framework of the State Election Board shall be
8 entitled to free defense services by the Attorney General in any
9 civil suit resulting from alleged acts or omissions which the
10 Attorney General has determined to have occurred within the scope of
11 or arising out of the official duties performed by these persons in
12 behalf of the State Election Board and the state.

13 B. All members and alternate members of county election boards
14 and all persons employed or appointed within the organizational
15 framework of county election boards, including members of ~~precinct~~
16 ~~election boards~~ absentee voting boards, counters and precinct
17 officials, shall be entitled to free defense services by the
18 district attorney in any civil suit resulting from alleged acts or
19 omissions which the district attorney has determined to have
20 occurred within the scope of or arising out of the official duties
21 performed by these persons in behalf of the county election board,
22 the county and the state.

23 C. The fact that the Attorney General or district attorney
24 omits to provide such defense as provided within this ~~act~~ section

1 shall not be admissible in any such civil suit and any mention of
2 such fact shall be deemed grounds for mistrial.

3 SECTION 14. AMENDATORY 26 O.S. 2011, Section 3-105.1, is
4 amended to read as follows:

5 Section 3-105.1. A. When any county, municipality, school
6 district or other governmental entity authorizes an election to be
7 conducted by the county election board, the secretary of the county
8 election board shall, not less than thirty-five (35) days prior to
9 the election, submit to the governmental entity for whom the
10 election is authorized:

11 1. An itemized estimate of the number of precinct ~~inspectors,~~
12 ~~judges, clerks,~~ officials and absentee voting board members
13 necessary for the election; and

14 2. An estimate of the compensation and employer's share of any
15 benefits to be provided to each precinct ~~inspector, judge, clerk,~~
16 official and absentee voting board member.

17 B. Not less than fifteen (15) days prior to the election, the
18 county, municipality, school district or other governmental entity
19 authorizing the election shall submit to the secretary of the county
20 election board an amount of funds equal to the estimate of
21 compensation and benefits for precinct ~~inspectors, judges, clerks,~~
22 officials and absentee voting board members as provided in
23 subsection A of this section. If such amount is not submitted ten
24 (10) days prior to the election, the secretary of the county

1 election board shall not be required to hold the election. Upon
2 receipt of the funds, the secretary of the county election board
3 shall deposit the funds in the County Election Board Special
4 Depository Account.

5 C. The secretary of the county election board shall issue
6 vouchers for the compensation and benefits of precinct ~~inspectors,~~
7 ~~judges, clerks,~~ officials and absentee voting board members from the
8 County Election Board Special Depository Account, pursuant to
9 Section 681 et seq. of Title 19 of the Oklahoma Statutes. The
10 secretary of the county election board shall provide the vouchers to
11 the precinct inspector, except the voucher for the inspector and
12 absentee voting board members, at the time the inspector receives
13 supplies and ballots for the election. The vouchers shall be
14 distributed to the appropriate precinct ~~judges and clerks~~ officials
15 upon closing of the polls on the day of the election and to absentee
16 voting board members upon completion of their prescribed duties,
17 according to procedures to be prescribed by the Secretary of the
18 State Election Board. Each precinct ~~inspector, judge or clerk~~
19 official shall sign a form prescribed by the Secretary of the State
20 Election Board acknowledging receipt of compensation and benefits.
21 The inspector shall return the form, together with any unclaimed
22 vouchers, to the county election board, together with the results of
23 the election and other supplies and materials. At such time, the
24 secretary of the county election board shall provide a voucher for

1 payment to the inspector. The secretary of the county election
2 board shall return any unclaimed vouchers to the county treasurer
3 within seven (7) days after the election. If any additional
4 vouchers for compensation and benefits are required, the secretary
5 of the county election board shall issue such vouchers not less than
6 seven (7) days after the election. In no event shall compensation
7 be made until after services have been rendered.

8 D. As soon as practicable after conducting an election for a
9 municipality, school district, or other governmental entity, except
10 the state or county, the secretary of the county election board
11 shall submit a claim to the governing body of the entity for whom
12 the election was conducted. The claim shall itemize all expenses
13 associated with the election, and shall deduct any amount paid by
14 the municipality, school district or other governmental entity for
15 the compensation and employer's share of any benefits provided to
16 precinct ~~inspectors, judges, clerks,~~ officials and absentee voting
17 board members pursuant to the provisions of subsection B of this
18 section. Upon receipt of such itemized claim, the governing body
19 shall make payment to the county election board within thirty (30)
20 days. Upon receipt of the payment, the secretary of the county
21 election board shall deposit the payment in the County Election
22 Board Special Depository Account. The secretary shall disburse
23 payments for the expenses incurred in the election, pursuant to
24 Section 681 et seq. of Title 19 of the Oklahoma Statutes.

1 E. The State Election Board shall provide the compensation and
2 employer's share of benefits for precinct ~~inspectors, judges,~~
3 ~~clerks,~~ officials and absentee voting board members in the payment
4 made to the respective counties for elections for which ~~said the~~ the
5 precinct ~~inspectors, judges, clerks,~~ officials and absentee voting
6 board members are paid by the State Election Board, in the same
7 manner as provided in subsections A and B of this section. For the
8 foregoing elections, the county shall place in the County Election
9 Board Special Depository Account an amount of funds equal to ~~Two~~
10 ~~Dollars (\$2.00)~~ Five Dollars (\$5.00) for each ~~inspector, judge, and~~
11 ~~clerk~~ precinct official at each election in the same manner as
12 provided in subsections A and B of this section. The Secretary of
13 the State Election Board shall prescribe a procedure by which the
14 State Election Board or the county shall be reimbursed for any
15 overpayment made to a county election board for compensation and
16 employer's share of benefits paid to precinct ~~inspectors, judges,~~
17 ~~clerks,~~ officials and absentee voting board members.

18 SECTION 15. AMENDATORY 26 O.S. 2011, Section 3-105.2, is
19 amended to read as follows:

20 Section 3-105.2. In lieu of the procedure for distribution of
21 vouchers for precinct ~~inspectors, judges, clerks,~~ officials and
22 absentee voting board members provided in Section 3-105.1 of this
23 title, the secretary of the county election board may distribute the
24 vouchers by United States mail. When vouchers are distributed by
25

1 United States mail, the vouchers shall be distributed by mailing no
2 later than the Tuesday next succeeding the day of the election.

3 SECTION 16. AMENDATORY 26 O.S. 2011, Section 3-111, is
4 amended to read as follows:

5 Section 3-111. In each even-numbered year and at such other
6 times as he or she deems necessary, the Secretary of the State
7 Election Board shall cause to be conducted a training program in
8 each county for precinct inspectors, judges, ~~and~~ clerks and other
9 precinct officials.

10 B. 1. The Secretary of the State Election Board shall
11 determine the method by which such training is provided, and develop
12 the curriculum for such training.

13 2. Only persons authorized by the Secretary of the State
14 Election Board, and trained in a manner to be determined by the
15 Secretary, shall conduct the training of precinct officials.

16 C. 1. Persons attending such training programs shall be paid
17 ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00) by the
18 state, after completing such training, ~~through a procedure~~
19 ~~prescribed by the Secretary of the State Election Board that~~
20 ~~conforms as nearly as practicable with Section 3-105.1 of this title~~
21 and.

22 2. Persons attending such training programs shall be allowed
23 mileage reimbursement at the rate provided by the State Travel
24 Reimbursement Act to be paid from county funds.

1 3. Payment for attending training and for mileage reimbursement
2 shall be made through a procedure prescribed by the Secretary of the
3 State Election Board that conforms as nearly as practicable with the
4 provisions of Section 3-105.1 of this title.

5 D. 1. In addition to the training described in subsection A of
6 this section, the Secretary of the State Election Board may develop
7 such supplemental training programs or materials as he or she deems
8 necessary.

9 2. Supplemental training may be conducted by mail or electronic
10 mail, online on the Internet, or by some other remote method, that
11 does not require the personal attendance of a trainee.

12 3. No payment shall be provided to a person for supplemental
13 training for which the person's personal attendance is not required.

14 E. The Secretary shall prescribe procedures for training of
15 motor license agents, officials of voter registration agencies and
16 others responsible for voter registration activities.

17 SECTION 17. AMENDATORY 26 O.S. 2011, Section 3-112, is
18 amended to read as follows:

19 Section 3-112. The Secretary of the State Election Board, for
20 each statewide election, shall cause each precinct ~~election board~~ to
21 be provided with a booklet of instructions for conducting the
22 election.

23 SECTION 18. AMENDATORY 26 O.S. 2011, Section 3-115, is
24 amended to read as follows:

1 Section 3-115. A. It shall be the duty of the secretary of
2 each county election board to establish boundaries for voting
3 precincts in the county.

4 B. Proposed changes to precinct boundaries shall be presented
5 at a public meeting of the county election board, and shall require
6 the approval of the county election board by majority vote prior to
7 implementation.

8 C. A large map showing ~~said~~ the precincts shall be maintained
9 in the county election board office at all times.

10 SECTION 19. AMENDATORY 26 O.S. 2011, Section 3-117, is
11 amended to read as follows:

12 Section 3-117. If the governing board of any municipality
13 requests in writing that precinct boundaries be altered to conform
14 to ward boundaries of ~~said~~ the municipality, the secretary of the
15 county election board may, at ~~its~~ his or her discretion, make such
16 alterations if such alterations conform to the requirements
17 contained in Sections 3-115, 3-116 and 3-118 of this title;
18 provided, however, that all expenses incurred in making such
19 alterations shall be paid by the municipality.

20 SECTION 20. AMENDATORY 26 O.S. 2011, Section 3-118, is
21 amended to read as follows:

22 Section 3-118. The secretary of the county election board in
23 each county may change the boundaries of, abolish or consolidate any
24

1 precinct, subject to the limitations provided by law, by observing
2 the following procedure:

3 1. No precinct shall be created, divided, abolished or
4 consolidated, or any boundary otherwise changed between January 1 of
5 any year which last digit is nine and December 31 of any year which
6 last digit is zero; and

7 2. ~~After January 1, 1992, The secretary of a county election~~
8 board shall only change a precinct by dividing or consolidating a
9 precinct into two or more precincts in a manner which will conform
10 to designated census geography except when it becomes necessary for
11 reasons of a lack of an adequate available polling place, or when
12 road conditions hinder or impede a voter's ability to vote, or to
13 accomplish reapportionment, ~~it becomes necessary to consolidate a~~
14 ~~part of a precinct with adjacent precincts, a part or parts may be~~
15 ~~consolidated~~ or for any other lawful purpose. Such changes shall
16 conform to the requirements contained in Sections 3-115 and 3-116 of
17 this title.

18 3. Changes may not become effective until notices of such
19 changes have been posted and mailed as provided in this paragraph
20 for thirty (30) days. One notice shall be posted at the door of the
21 polling place for the affected precinct, one notice posted at the
22 door of the county courthouse and one notice shall be mailed to the
23 State Election Board.

1 4. The registration of each registered voter affected by such
2 change shall be transferred as provided by law by the secretary of
3 the county election board without any request from ~~said~~ the voter.

4 5. Each registered voter whose registration is transferred as
5 hereinbefore provided shall be notified of such transfer in writing
6 by the secretary of the county election board. At the same time,
7 the voter shall be issued a new voter identification card and shall
8 be instructed to destroy his or her former voter identification
9 card.

10 SECTION 21. AMENDATORY 26 O.S. 2011, Section 3-119, is
11 amended to read as follows:

12 Section 3-119. A. ~~Except as provided in subsection B of this~~
13 ~~section, if~~ If fewer than ~~two hundred~~ five hundred (500) registered
14 voters are affected, an area constituting the maximum area possible
15 without crossing boundaries of any district court judicial district
16 electoral division or any congressional, legislative or county
17 commissioner district may be designated as a subprecinct.

18 B. ~~In metropolitan statistical areas, if fewer than three~~
19 ~~hundred registered voters are affected, an area constituting the~~
20 ~~maximum area possible without crossing boundaries of any district~~
21 ~~court judicial district electoral division or any congressional,~~
22 ~~legislative or county commissioner district may be designated as a~~
23 ~~subprecinct.~~

1 ~~C.~~ 1. Registration records shall be maintained for subprecincts
2 in like manner as for other precincts.

3 2. Subprecincts need not have a polling place separate from
4 another precinct, nor shall they be required to have ~~a precinct~~
5 ~~election board~~ separate precinct officials.

6 3. The secretary of the county election board may authorize
7 registered voters of a subprecinct to vote at a specific adjacent
8 precinct. Provided, separate election materials shall be there
9 afforded for the subprecinct in order that a separate certification
10 will be made of the subprecinct's election results. Appropriate
11 ballots shall be issued to the voters of the subprecinct.

12 SECTION 22. AMENDATORY 26 O.S. 2011, Section 3-120, is
13 amended to read as follows:

14 Section 3-120. A. Except as otherwise provided for by law,
15 there shall be one (1) polling place for each precinct, ~~said~~ and the
16 polling place ~~to~~ shall be located within the geographic boundaries
17 of such precinct. The secretary of a county election board shall
18 determine the location of polling places within his or her county.

19 B. 1. If compliance with subsection A of this section is not
20 practicable, the secretary of a county election board may locate a
21 polling place outside the geographic boundaries of the precinct,
22 subject to such rules and procedures as may be prescribed by the
23 Secretary of the State Election Board ~~shall be authorized to adopt~~
24

1 ~~rules and regulations providing exceptions to the aforesaid~~
2 ~~requirement.~~

3 2. Prior to locating a polling place outside the geographic
4 boundaries of a precinct, the secretary of a county election board
5 shall notify the Secretary of the State Election Board setting forth
6 the reasons why such location is necessary and detailing the actions
7 taken to locate a polling place within the boundaries of the
8 precinct.

9 3. Within fifteen (15) business days of the Secretary receiving
10 the notification, the State Election Board may, by majority vote,
11 prohibit the planned polling place location and require the county
12 election board secretary find a more suitable location.

13 C. Persons, businesses, churches and any other nongovernmental
14 entities providing space for use as a polling place shall not be
15 held liable for any torts arising from any incident occurring in
16 such space during the period when such space is used as a polling
17 place.

18 D. The Secretary of the State Election Board may prescribe
19 rules or procedures regarding the location of precincts described in
20 this section.

21 SECTION 23. AMENDATORY 26 O.S. 2011, Section 3-122, is
22 amended to read as follows:

23 Section 3-122. The secretary of the county election board shall
24 cause at least two voting booths to be provided in each precinct.

1 ~~Said~~ The booths shall contain a counter or shelf and shall be
2 constructed in such a manner that a ~~member of the precinct election~~
3 ~~board~~ precinct official can determine whether more than one person
4 is in the booth, but in such a manner as to insure secrecy by the
5 voter in marking ~~his~~ ballots.

6 SECTION 24. AMENDATORY 26 O.S. 2011, Section 7-103, is
7 amended to read as follows:

8 Section 7-103. Prior to the day of any Primary, Runoff Primary
9 or General Election, it shall be the duty of each county election
10 board to provide for each precinct ~~election board~~ within its
11 jurisdiction the supplies and ballots required by law to conduct the
12 election. The inspector for each precinct shall sign a form
13 acknowledging receipt of all supplies and ballots for ~~his~~ the
14 precinct.

15 SECTION 25. AMENDATORY 26 O.S. 2011, Section 7-105, is
16 amended to read as follows:

17 Section 7-105. No later than 6:30 a.m. on the day of the
18 election, the precinct ~~election board~~ officials shall assemble at
19 the polling place. The inspector shall deliver supplies and ballots
20 required by law for the election at said time.

21 SECTION 26. AMENDATORY 26 O.S. 2011, Section 7-111, is
22 amended to read as follows:

23 Section 7-111. No person shall vote any ballot except such
24 ballot issued to ~~him~~ the voter by the precinct ~~election board~~

1 officials, and each ballot cast must be voted without removing same
2 from the polling place.

3 SECTION 27. AMENDATORY 26 O.S. 2011, Section 7-123.1, is
4 amended to read as follows:

5 Section 7-123.1. When any voter states that he or she is able
6 to reach the location of the polling place, but because of a
7 physical disability or infirmity other than visual is unable to
8 enter the election enclosure, the inspector shall administer an oath
9 to ~~said~~ the voter in which ~~said~~ the voter shall swear to or affirm
10 the fact of such disability or infirmity. Should a voter so qualify
11 himself or herself, it shall be the duty of two (2) ~~members of the~~
12 ~~precinct election board~~ precinct officials, of different political
13 parties, to give ~~said~~ the voter such assistance as ~~he needs~~ needed
14 in voting. Such assistance shall afford as much privacy to the
15 voter in marking ~~his~~ ballots as is practical. The precinct ~~election~~
16 ~~board members~~ officials assisting in such voting shall make a
17 written record of the circumstances involved.

18 SECTION 28. AMENDATORY 26 O.S. 2011, Section 13-103, as
19 amended by Section 3, Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2018,
20 Section 13-103), is amended to read as follows:

21 Section 13-103. A. All municipal elections shall be held at
22 the same place and in the same manner prescribed for conduct of
23 state and county elections unless otherwise provided by law.
24

1 B. A municipality may adopt an ordinance requiring its
2 elections to be partisan. If such an ordinance is adopted, a
3 municipality shall notify the county election board that its
4 election is to be partisan in its resolution calling for an
5 election. If a municipality fails to notify the county election
6 board that its election will be on a partisan basis in the
7 resolution calling for an election, then the municipal election
8 shall be on a nonpartisan basis. Provided, any municipality which
9 is governed by a charter may provide otherwise by charter or
10 ordinance.

11 C. All precincts totally or partially contained within the
12 limits of a municipality shall be open for all elections held by
13 such municipality; provided, however, that a municipality may
14 authorize any precinct which is only partially contained within the
15 limits of the municipality not to be opened by certifying to the
16 county election board in its resolution calling for an election that
17 no persons reside within that portion of the precinct contained
18 within the limits of the municipality. Polling places shall be open
19 from 7:00 a.m. until 7:00 p.m. ~~Each precinct election board~~
20 Precinct officials shall be the same as for state and county
21 elections; provided, however, that substitutions, if necessary,
22 shall be made by the county election board. Except as otherwise
23 provided by law, the laws governing state and county Primary and
24 General Elections shall be applicable to all municipal elections.

1 D. All municipal elections, including elections for
2 municipalities with home rule charters, shall be held only on dates
3 identified in Section 3-101 of this title.

4 SECTION 29. AMENDATORY 26 O.S. 2011, Section 13-111, is
5 amended to read as follows:

6 Section 13-111. All expenses incurred in the conduct of any
7 municipal election shall be paid by the municipality for which ~~said~~
8 the election was held. Expenses shall include, but shall not be
9 limited to, compensation for ~~members of each precinct election board~~
10 precinct officials, per diem and mileage for the ~~chairman~~ chair and
11 vice ~~chairman~~ chair of the county election board, the cost of
12 supplies and ballots and the rental of polling places.

13 SECTION 30. AMENDATORY 26 O.S. 2011, Section 14-115.5,
14 is amended to read as follows:

15 Section 14-115.5. A. To carry out the provisions of Sections
16 14-115 and 14-115.4 of this title, the secretary of the county
17 election board shall designate one or more absentee voting boards,
18 to be composed of two (2) members each, with each member to be of a
19 different political affiliation.

20 B. No later than June 1 in each even-numbered year, the chair
21 of the county central committees of the two political parties having
22 the highest number of registered voters in the county ~~shall~~ may each
23 submit a list of ten names to the secretary. Such lists shall
24 contain names of registered voters of the county, who may be ~~members~~

1 ~~of the county election board, except the secretary, or precinct~~
2 ~~election boards~~ appointed as members of absentee voting boards. The
3 secretary ~~shall be confined to~~ may utilize such list in designating
4 membership on the absentee voting board or boards, ~~unless all~~
5 ~~persons on such lists are ineligible or unwilling to serve.~~ In the
6 event the chair of the county central committee of a political party
7 ~~fails to submit a list as herein provided, the secretary shall~~ or
8 may appoint membership to such board or boards from the ranks of
9 registered voters of such party within the county. ~~Provided~~
10 ~~further, that in the event the list of names of either or both~~
11 ~~parties is exhausted and additional absentee voting boards are~~
12 ~~needed, the secretary shall appoint additional members to such~~
13 ~~boards from the ranks of such party or parties in the county.~~

14 C. Members of an absentee voting board shall be reimbursed for
15 their expenses at the same rate as a precinct judge or clerk, ~~as~~
16 ~~provided in Section 2-129 of this title.~~

17 D. ~~One member of each such board~~ Members of absentee voting
18 boards, including those serving a nursing home or convalescent
19 hospital, shall be allowed mileage reimbursement at the rate
20 prescribed for travel by state employees according to the State
21 Travel Reimbursement Act.

22 SECTION 31. AMENDATORY 26 O.S. 2011, Section 16-114, is
23 amended to read as follows:
24

1 Section 16-114. Any member or employee of a county election
2 board or ~~precinct election board~~ any precinct official who willfully
3 fails to perform his or her lawful duty shall be deemed guilty of a
4 misdemeanor.

5 SECTION 32. REPEALER 26 O.S. 2011, Section 2-128.2, is
6 hereby repealed.

7 SECTION 33. This act shall become effective November 1, 2019.

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