

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 444

By: Jech, Boren and Sharp of
the Senate

and

Wright, Lepak, Meredith and
Russ of the House

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9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to elections; amending 26 O.S. 2011,
12 Sections 2-117, 2-123, 2-124, 2-125, 2-127, 2-128, 2-
128.1, as amended by Section 1, Chapter 38, O.S.L.
13 2016, 2-129, as amended by Section 1, Chapter 202,
O.S.L. 2013, 2-130, 2-131, 2-132, 2-133, 3-105.1, 3-
14 105.2, 3-111, 3-112, 3-115, 3-117, 3-118, 3-119, 3-
120, 3-122, 7-103, 7-105, 7-111, 7-123.1, 13-103, as
15 amended by Section 3, Chapter 380, O.S.L. 2015, 13-
111, 14-115.5 and 16-114 (26 O.S. Supp. 2018,
16 Sections 2-128.1, 2-129 and 13-103), which relate to
election officials; deleting references to precinct
17 election boards; modifying duties of precinct
officials, secretaries of county election boards,
18 county election boards, the Secretary of the State
Election Board and the State Election Board; deleting
19 population restrictions for employment of certain
county election board personnel; deleting references
20 to chief clerk of county election board; stating
qualifications for certain precinct officials;
21 modifying procedure for appointment of precinct
officials; authorizing submission of certain
22 information from political parties; modifying
authority for removal of precinct officials;
23 requiring written notice upon removal; authorizing
appointment of counters and additional precinct
24 officials under certain circumstances and providing
for compensation; modifying compensation of precinct

1 officials during certain time periods; providing for
2 mileage reimbursement; specifying source of payment
3 of certain compensation and mileage reimbursement;
4 providing for appointment of certain relatives;
5 requiring designation of temporary replacement for
6 county election board secretary under certain
7 circumstances; modifying persons entitled to defense
8 services by Attorney General or district attorney in
9 certain proceedings; modifying references to certain
10 precinct officials; modifying procedures for training
11 of precinct officials; modifying compensation for
12 attending such training; modifying procedure for
13 changes to precinct boundaries; modifying number of
14 voters affected to allow designation as subprecinct;
15 allowing location of polling place outside precinct
16 boundaries under certain conditions; requiring
17 certain notification and procedures; modifying
18 procedure for appointment of members of absentee
19 voting boards; updating language; making language
20 gender neutral; and providing effective dates.

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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~~ all precinct officials and absentee voting board members 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 necessary to perform the duties of the county election board. In~~

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

10 C. The secretary of the county election board shall be charged
11 with the operational responsibilities of the board, including, but
12 not limited to~~r~~:

13 1. The supervision, defining job positions and
14 responsibilities, and discharge of the employees~~r~~ of the county
15 election board;

16 2. The preparation of the annual budget~~r~~;

17 3. The preparation and filing of all reports~~r~~; and ~~the~~

18 4. The implementation of policy, findings and actions required
19 by law or lawfully prescribed or determined by the county election
20 board.

21 D. The minimum salary of the assistant secretary shall be equal
22 to ninety percent (90%) of the scheduled salary of the secretary in
23 the same county, but shall not exceed the salary of the highest
24 salaried first or chief deputy or assistant to any county officer,

1 excluding the under sheriff, in the same county. ~~The minimum salary~~
2 ~~of the chief clerk shall be equal to the hourly rate paid of the~~
3 ~~salary of the highest salaried first or chief deputy or assistant to~~
4 ~~any county officer in the same county, excluding the undersheriff,~~
5 ~~or ninety percent (90%) of the scheduled salary of the secretary in~~
6 ~~the same county, whichever is lower~~ Provided, the minimum salary may
7 be prorated if a county election board office is open to the public
8 for fewer hours per day than the average of the regular public
9 office hours of other county offices. The salary limitation
10 contained in this section shall not operate to reduce the salary of
11 any person employed as an assistant secretary or chief clerk ~~on May~~
12 ~~1, 2003~~ on October 31, 2019.

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

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

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

3 Section 2-123. A. Each precinct ~~election board~~ within each
4 county shall ~~be composed of~~ have at least three (3) ~~members~~ precinct
5 officials: an inspector, a judge and a clerk.

6 B. One of the aforementioned precinct officials shall be a
7 registered voter from the political party with the largest number of
8 registered voters in the state and shall be appointed from the list
9 submitted by that political party as provided in Section 2-124 of
10 this title.

11 C. One of the aforementioned precinct officials shall be a
12 registered voter from the political party with the second largest
13 number of registered voters in the state, and shall be appointed
14 from the list submitted by that political party as provided in
15 Section 2-124 of this title.

16 D. The third precinct official, and any additional precinct
17 officials that are appointed pursuant to law, may be a member of any
18 political party recognized under the laws of this state, or may be a
19 registered voter with no declared party affiliation, and shall be
20 appointed from the ranks of registered voters within the county.

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

23 Section 2-124. A. The secretary of the county election board
24 shall appoint ~~two members~~ the inspector, judge and clerk of each

1 precinct ~~election board~~, to serve terms of four (4) years each. The
2 secretary's appointments shall be made from the ranks of registered
3 voters within the county pursuant to the requirements of Section 2-
4 123 of this title.

5 B. 1. No later than June 15, ~~1975, and every four (4) years~~
6 ~~thereafter~~ of the year following a General Election for Governor,
7 the county central committees of the two political parties with the
8 highest number of registered voters in the state, based on the
9 latest January 15 registration report, shall submit a list of ~~three~~
10 nominees ~~for each precinct~~ equal to three times the number of
11 precincts in the county to the secretary of the county election
12 board.

13 2. The secretary of the county election board shall be confined
14 ~~to~~ utilize the list of nominees submitted by ~~either~~ each party ~~and~~
15 ~~shall~~ to appoint one ~~member of~~ precinct official for each precinct
16 ~~election board~~ from each party no later than July 1, ~~1975, and every~~
17 ~~four (4) years thereafter~~ of the year following a General Election
18 for a Governor. If no list is submitted by a county central
19 committee ~~for any precinct~~ by the specified date, or if the nominees
20 ~~for a precinct~~ are unable or unwilling to serve, or if the nominees
21 do not meet the eligibility requirements described in Section 2-131
22 of this title, then the secretary of the county election board shall
23 appoint ~~one member of said precinct election board~~ from the ranks of
24 said party within the ~~precinct~~ county.

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

3 D. In the event of a vacancy, the secretary of the county
4 election board shall fill the unexpired term from ~~the last list~~
5 ~~previously submitted by the county central committee.~~ If there is
6 ~~no prior list,~~ then the vacancy shall be filled from within the
7 ranks of ~~the same party~~ registered voters within the ~~affected~~ county
8 in the manner described in Section 2-123 of this title. ~~The county~~
9 ~~election board shall designate one member as judge and the other as~~
10 ~~clerk for each precinct.~~

11 E. The secretary of the county election board shall maintain a
12 current list of all precinct officials, which shall be available for
13 inspection by the public.

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

16 Section 2-125. ~~Each county election board shall appoint the~~
17 ~~inspector for each precinct election board within the county.~~ The
18 secretary of the county election board shall have the authority to
19 remove any inspector in the county at any time, subject to the
20 approval of the county election board. Written notice shall be
21 provided to an inspector so removed.

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

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

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

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

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

19 Section 2-128.1. ~~In anticipation of large numbers of voters in~~
20 ~~specific precincts at any election, the~~ A. The Secretary of the
21 State Election Board may authorize the secretary of any county
22 election board to appoint ~~or employ~~ additional precinct ~~election~~
23 ~~board members~~ officials, as needed to assist the regular precinct
24 ~~election officials in processing voters.~~

1 B. Additional precinct officials may include inspectors,
2 judges, clerks or other precinct officials authorized by the
3 Secretary of the State Election Board.

4 C. When authorized, additional inspectors shall be compensated
5 at the same rate as regular inspectors and other additional precinct
6 officials shall be compensated at the same rate as the judge and
7 clerk.

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

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

13 Section 2-129. ~~The inspector shall be paid Ninety-five Dollars~~
14 ~~(\$95.00) for each election and shall be allowed mileage~~
15 ~~reimbursement at the rate provided by the State Travel Reimbursement~~
16 ~~Act for mileage incurred to receive or return ballots and materials~~
17 ~~for the election. Judges, clerks and counters shall be paid Eighty-~~
18 ~~five Dollars (\$85.00) for each election~~ A. 1. For any election
19 held on or after July 1, 2020, and prior to July 1, 2024, the
20 inspector shall be paid One Hundred Ten Dollars (\$110.00).

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

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

3 B. 1. For any election held on or after July 1, 2020, and
4 prior to July 1, 2024, judges and clerks shall be paid One Hundred
5 Dollars (\$100.00).

6 2. For any election held on or after July 1, 2024, and prior to
7 July 1, 2028, judges and clerks shall be paid One Hundred Fifteen
8 Dollars (\$115.00).

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

11 C. Precinct officials assigned to work a polling place ten (10)
12 miles or more from their home, shall be allowed mileage
13 reimbursement at the rate provided by the State Travel Reimbursement
14 Act for mileage incurred from their home to and from their assigned
15 polling place. ~~An additional Two Dollars (\$2.00) per election shall~~
16 ~~be paid to each inspector, judge, clerk and counter of a precinct~~
17 ~~from the funds of the county~~ In addition, inspectors shall be
18 allowed mileage reimbursement at the rate provided by the State
19 Travel Reimbursement Act for mileage incurred to receive or return
20 ballots and materials for the election.

21 D. Compensation and mileage reimbursement provided herein shall
22 be paid for any ~~state, county, municipal or school district~~
23 ~~election; provided, however, that compensation for elections~~

1 ~~conducted concurrently shall not exceed in total the amount herein~~
2 ~~prescribed. Said~~ conducted by a county election board.

3 E. 1. Five Dollars (\$5.00) of the compensation described in
4 subsections A, B and C of this section shall be paid by the county
5 election board from county funds and the remainder shall be paid by
6 the State Election Board for all regular Primary, Runoff Primary and
7 General Elections, for state and federal offices, for the
8 Presidential Preferential Primary Election, and for all statewide
9 special elections and all special elections for United States
10 Representatives or United States Senators and State Senators or
11 State Representatives.

12 2. Except for elections described in paragraph 1 of this
13 subsection, for all other elections conducted by a county election
14 board, the entity for which the election is being conducted shall
15 pay the compensation and mileage reimbursement described in
16 subsections A, B, and C of this section; provided, if an election
17 for more than one entity is conducted in the same precinct, the
18 entities shall equally share the cost of precinct official
19 compensation and mileage reimbursement for that precinct. Provided,

20 F. The secretary of the county election board may appoint
21 volunteer inspectors, judges, clerks and counters precinct officials
22 who shall not receive the compensation provided herein.

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

1 Section 2-130. The secretary of the county election board shall
2 have the authority to remove any precinct judge, clerk, other
3 precinct official, absentee voting board member or counter at any
4 time. The removal of a judge, clerk, counter or absentee voting
5 board member shall be subject to the approval of the county election
6 board. Written notice shall be provided to the person so removed.

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

9 Section 2-131. A. 1. To be eligible for membership on a
10 county ~~or precinct~~ election board or to serve as a precinct
11 official, one must be a registered voter of the county in which he
12 or she will serve and demonstrate competence to perform his or her
13 duties.

14 2. Persons thus qualified and appointed shall be trained in
15 their duties in a manner prescribed by the Secretary of the State
16 Election Board.

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

3 SECTION 11. AMENDATORY 26 O.S. 2011, Section 2-132, is
4 amended to read as follows:

5 Section 2-132. A. 1. No person shall serve ~~en~~ as a secretary
6 of a county election board, or as a member or alternate member of a
7 county election board, ~~precinct election board~~ or as a member of an
8 absentee voting board, or as a precinct official, at any election in
9 which he or she is a candidate for office, or is a deputy or regular
10 employee of a candidate for office.

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

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

22 2. No person shall serve on an absentee voting board at any
23 election in which he or she is related within the second degree by
24

1 either consanguinity or affinity to a candidate for office on the
2 ballot in the county.

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

7 C. No person shall serve as a member, alternate member or
8 secretary of a county election board at any election in which he or
9 she is related within the second degree by either consanguinity or
10 affinity to a candidate for office on the ballot in the county. In
11 the event a secretary of a county election board is so disqualified,
12 the Secretary of the State Election Board may designate a suitable
13 temporary replacement for that election.

14 SECTION 12. AMENDATORY 26 O.S. 2011, Section 2-133, is
15 amended to read as follows:

16 Section 2-133. A. The Secretary, members and alternate members
17 of the State Election Board and all persons employed within the
18 organizational framework of the State Election Board shall be
19 entitled to free defense services by the Attorney General in any
20 civil suit resulting from alleged acts or omissions which the
21 Attorney General has determined to have occurred within the scope of
22 or arising out of the official duties performed by these persons in
23 behalf of the State Election Board and the state.

24

1 B. All members and alternate members of county election boards
2 and all persons employed or appointed within the organizational
3 framework of county election boards, including members of ~~precinct~~
4 ~~election boards~~ absentee voting boards, counters and precinct
5 officials, shall be entitled to free defense services by the
6 district attorney in any civil suit resulting from alleged acts or
7 omissions which the district attorney has determined to have
8 occurred within the scope of or arising out of the official duties
9 performed by these persons in behalf of the county election board,
10 the county and the state.

11 C. The fact that the Attorney General or district attorney
12 omits to provide such defense as provided within this ~~act~~ section
13 shall not be admissible in any such civil suit and any mention of
14 such fact shall be deemed grounds for mistrial.

15 SECTION 13. AMENDATORY 26 O.S. 2011, Section 3-105.1, is
16 amended to read as follows:

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

23
24

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

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

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

19 C. The secretary of the county election board shall issue
20 vouchers for the compensation and benefits of precinct ~~inspectors,~~
21 ~~judges, clerks,~~ officials and absentee voting board members from the
22 County Election Board Special Depository Account, pursuant to
23 Section 681 et seq. of Title 19 of the Oklahoma Statutes. The
24 secretary of the county election board shall provide the vouchers to

1 the precinct inspector, except the voucher for the inspector and
2 absentee voting board members, at the time the inspector receives
3 supplies and ballots for the election. The vouchers shall be
4 distributed to the appropriate precinct ~~judges and clerks~~ officials
5 upon closing of the polls on the day of the election and to absentee
6 voting board members upon completion of their prescribed duties,
7 according to procedures to be prescribed by the Secretary of the
8 State Election Board. Each precinct ~~inspector, judge or clerk~~
9 official shall sign a form prescribed by the Secretary of the State
10 Election Board acknowledging receipt of compensation and benefits.
11 The inspector shall return the form, together with any unclaimed
12 vouchers, to the county election board, together with the results of
13 the election and other supplies and materials. At such time, the
14 secretary of the county election board shall provide a voucher for
15 payment to the inspector. The secretary of the county election
16 board shall return any unclaimed vouchers to the county treasurer
17 within seven (7) days after the election. If any additional
18 vouchers for compensation and benefits are required, the secretary
19 of the county election board shall issue such vouchers not less than
20 seven (7) days after the election. In no event shall compensation
21 be made until after services have been rendered.

22 D. As soon as practicable after conducting an election for a
23 municipality, school district, or other governmental entity, except
24 the state or county, the secretary of the county election board

1 shall submit a claim to the governing body of the entity for whom
2 the election was conducted. The claim shall itemize all expenses
3 associated with the election, and shall deduct any amount paid by
4 the municipality, school district or other governmental entity for
5 the compensation and employer's share of any benefits provided to
6 precinct ~~inspectors, judges, clerks,~~ officials and absentee voting
7 board members pursuant to the provisions of subsection B of this
8 section. Upon receipt of such itemized claim, the governing body
9 shall make payment to the county election board within thirty (30)
10 days. Upon receipt of the payment, the secretary of the county
11 election board shall deposit the payment in the County Election
12 Board Special Depository Account. The secretary shall disburse
13 payments for the expenses incurred in the election, pursuant to
14 Section 681 et seq. of Title 19 of the Oklahoma Statutes.

15 E. The State Election Board shall provide the compensation and
16 employer's share of benefits for precinct ~~inspectors, judges,~~
17 ~~clerks,~~ officials and absentee voting board members in the payment
18 made to the respective counties for elections for which ~~said the~~
19 precinct ~~inspectors, judges, clerks,~~ officials and absentee voting
20 board members are paid by the State Election Board, in the same
21 manner as provided in subsections A and B of this section. For the
22 foregoing elections, the county shall place in the County Election
23 Board Special Depository Account an amount of funds equal to ~~Two~~
24 ~~Dollars (\$2.00)~~ the county election board's share for each

1 ~~inspector, judge, and clerk~~ precinct official at each election in
2 the same manner as provided in subsections A and B of this section.
3 The Secretary of the State Election Board shall prescribe a
4 procedure by which the State Election Board or the county shall be
5 reimbursed for any overpayment made to a county election board for
6 compensation and employer's share of benefits paid to precinct
7 ~~inspectors, judges, clerks,~~ officials and absentee voting board
8 members.

9 SECTION 14. AMENDATORY 26 O.S. 2011, Section 3-105.2, is
10 amended to read as follows:

11 Section 3-105.2. In lieu of the procedure for distribution of
12 vouchers for precinct ~~inspectors, judges, clerks,~~ officials and
13 absentee voting board members provided in Section 3-105.1 of this
14 title, the secretary of the county election board may distribute the
15 vouchers by United States mail. When vouchers are distributed by
16 United States mail, the vouchers shall be distributed by mailing no
17 later than the Tuesday next succeeding the day of the election.

18 SECTION 15. AMENDATORY 26 O.S. 2011, Section 3-111, is
19 amended to read as follows:

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

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

4 2. Only persons authorized by the Secretary of the State
5 Election Board, and instructed in a manner to be determined by the
6 Secretary, shall conduct the training of precinct officials.

7 C. 1. Persons attending such training programs prior to
8 January 1, 2021, shall be paid Twenty-five Dollars (\$25.00) ~~by the~~
9 from state~~7~~ funds after completing such training, through a
10 procedure prescribed by the Secretary of the State Election Board
11 that conforms as nearly as practicable with Section 3-105.1 of this
12 title and. Beginning January 1, 2021, the training payment shall
13 increase to Thirty-five Dollars (\$35.00).

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

17 D. 1. In addition to the training described in subsection A of
18 this section, the Secretary of the State Election Board may develop
19 supplemental training programs or materials.

20 2. Supplemental training may be provided by correspondence or
21 by a remote method that does not require the personal attendance of
22 a trainee.

1 3. No payment shall be provided to a person for supplemental
2 training for which the person's personal attendance at a training
3 site is not required.

4 E. The Secretary shall prescribe procedures for training of
5 motor license agents, officials of voter registration agencies and
6 others responsible for voter registration activities.

7 SECTION 16. AMENDATORY 26 O.S. 2011, Section 3-112, is
8 amended to read as follows:

9 Section 3-112. The Secretary of the State Election Board, for
10 each statewide election, shall cause the officials of each precinct
11 ~~election board~~ to be provided with ~~a booklet of instructions~~
12 instructional materials for conducting the election.

13 SECTION 17. AMENDATORY 26 O.S. 2011, Section 3-115, is
14 amended to read as follows:

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

18 B. Proposed changes to precinct boundaries shall be presented
19 at a public meeting of the county election board, and shall require
20 the approval of the county election board by majority vote prior to
21 implementation.

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

1 SECTION 18. AMENDATORY 26 O.S. 2011, Section 3-117, is
2 amended to read as follows:

3 Section 3-117. If the governing board of any municipality
4 requests in writing that precinct boundaries be altered to conform
5 to ward boundaries of ~~said~~ the municipality, the secretary of the
6 county election board may, at ~~its~~ his or her discretion, make such
7 alterations if such alterations conform to the requirements
8 contained in Sections 3-115, 3-116 and 3-118 of this title;
9 provided, however, that all expenses incurred in making such
10 alterations shall be paid by the municipality.

11 SECTION 19. AMENDATORY 26 O.S. 2011, Section 3-118, is
12 amended to read as follows:

13 Section 3-118. The secretary of the county election board in
14 each county may change the boundaries of, abolish or consolidate any
15 precinct, subject to the limitations provided by law, by observing
16 the following procedure:

17 1. No precinct shall be created, divided, abolished or
18 consolidated, or any boundary otherwise changed between January 1 of
19 any year which last digit is nine and December 31 of any year which
20 last digit is zero-; and

21 2. ~~After January 1, 1992,~~ The secretary of a county election
22 board shall only change a precinct by dividing or consolidating a
23 precinct into two or more precincts in a manner which will conform
24 to designated census geography except when it becomes necessary for

1 reasons of a lack of an adequate available polling place, or when
2 road conditions hinder or impede a voter's ability to vote, or to
3 accomplish reapportionment, ~~it becomes necessary to consolidate a~~
4 ~~part of a precinct with adjacent precincts, a part or parts may be~~
5 ~~consolidated~~ or for any other lawful purpose. Such changes shall
6 conform to the requirements contained in Sections 3-115 and 3-116 of
7 this title.

8 3. Changes may not become effective until notices of such
9 changes have been posted and mailed as provided in this paragraph
10 for thirty (30) days. One notice shall be posted at the door of the
11 polling place for the affected precinct, one notice posted at the
12 door of the county courthouse and one notice shall be mailed to the
13 State Election Board.

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

17 5. Each registered voter whose registration is transferred as
18 hereinbefore provided shall be notified of such transfer in writing
19 by the secretary of the county election board. At the same time,
20 the voter shall be issued a new voter identification card and shall
21 be instructed to destroy his or her former voter identification
22 card.

23 SECTION 20. AMENDATORY 26 O.S. 2011, Section 3-119, is
24 amended to read as follows:

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

7 B. ~~In metropolitan statistical areas, if fewer than three~~
8 ~~hundred registered voters are affected, an area constituting the~~
9 ~~maximum area possible without crossing boundaries of any district~~
10 ~~court judicial district electoral division or any congressional,~~
11 ~~legislative or county commissioner district may be designated as a~~
12 ~~subprecinct.~~

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

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

18 3. The secretary of the county election board may authorize
19 registered voters of a subprecinct to vote at a specific adjacent
20 precinct. Provided, separate election materials shall be there
21 afforded for the subprecinct in order that a separate certification
22 will be made of the subprecinct's election results. Appropriate
23 ballots shall be issued to the voters of the subprecinct.

24

1 SECTION 21. AMENDATORY 26 O.S. 2011, Section 3-120, is
2 amended to read as follows:

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

8 B. 1. If compliance with subsection A of this section is not
9 practicable, the secretary of a county election board may locate a
10 polling place outside the geographic boundaries of the precinct,
11 subject to such rules and procedures as may be prescribed by the
12 Secretary of the State Election Board ~~shall be authorized to adopt~~
13 rules and regulations providing exceptions to the aforesaid
14 requirement.

15 2. Prior to locating a polling place outside the geographic
16 boundaries of a precinct, the secretary of a county election board
17 shall notify the Secretary of the State Election Board setting forth
18 the reasons why such location is necessary and detailing the actions
19 taken to locate a polling place within the boundaries of the
20 precinct.

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

1 C. Persons, businesses, churches and any other nongovernmental
2 entities providing space for use as a polling place shall not be
3 held liable for any torts arising from any incident occurring in
4 such space during the period when such space is used as a polling
5 place.

6 D. The Secretary of the State Election Board may prescribe
7 rules or procedures regarding the location of precincts described in
8 this section.

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

11 Section 3-122. The secretary of the county election board shall
12 cause at least two voting booths to be provided in each precinct.
13 ~~Said~~ The booths shall contain a counter or shelf and shall be
14 constructed in such a manner that a ~~member of the precinct election~~
15 ~~board~~ precinct official can determine whether more than one person
16 is in the booth, but in such a manner as to insure secrecy by the
17 voter in marking ~~his~~ ballots.

18 SECTION 23. AMENDATORY 26 O.S. 2011, Section 7-103, is
19 amended to read as follows:

20 Section 7-103. Prior to the day of any Primary, Runoff Primary
21 or General Election, it shall be the duty of each county election
22 board to provide for each precinct ~~election board~~ within its
23 jurisdiction the supplies and ballots required by law to conduct the
24 election. The inspector for each precinct shall sign a form

1 acknowledging receipt of all supplies and ballots for ~~his~~ the
2 precinct.

3 SECTION 24. AMENDATORY 26 O.S. 2011, Section 7-105, is
4 amended to read as follows:

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

9 SECTION 25. AMENDATORY 26 O.S. 2011, Section 7-111, is
10 amended to read as follows:

11 Section 7-111. No person shall vote any ballot except such
12 ballot issued to ~~him~~ the voter by the precinct ~~election board~~
13 officials, and each ballot cast must be voted without removing same
14 from the polling place.

15 SECTION 26. AMENDATORY 26 O.S. 2011, Section 7-123.1, is
16 amended to read as follows:

17 Section 7-123.1. When any voter states that he or she is able
18 to reach the location of the polling place, but because of a
19 physical disability or infirmity other than visual is unable to
20 enter the election enclosure, the inspector shall administer an oath
21 to ~~said~~ the voter in which ~~said~~ the voter shall swear to or affirm
22 the fact of such disability or infirmity. Should a voter so qualify
23 himself or herself, it shall be the duty of two (2) ~~members of the~~
24 ~~precinct election board~~ precinct officials, of different political

1 parties, to give ~~said~~ the voter such assistance as ~~he needs~~ needed
2 in voting. Such assistance shall afford as much privacy to the
3 voter in marking ~~his~~ ballots as is practical. The precinct ~~election~~
4 ~~board members~~ officials assisting in such voting shall make a
5 written record of the circumstances involved.

6 SECTION 27. AMENDATORY 26 O.S. 2011, Section 13-103, as
7 amended by Section 3, Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2018,
8 Section 13-103), is amended to read as follows:

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

12 B. A municipality may adopt an ordinance requiring its
13 elections to be partisan. If such an ordinance is adopted, a
14 municipality shall notify the county election board that its
15 election is to be partisan in its resolution calling for an
16 election. If a municipality fails to notify the county election
17 board that its election will be on a partisan basis in the
18 resolution calling for an election, then the municipal election
19 shall be on a nonpartisan basis. Provided, any municipality which
20 is governed by a charter may provide otherwise by charter or
21 ordinance.

22 C. All precincts totally or partially contained within the
23 limits of a municipality shall be open for all elections held by
24 such municipality; provided, however, that a municipality may

1 authorize any precinct which is only partially contained within the
2 limits of the municipality not to be opened by certifying to the
3 county election board in its resolution calling for an election that
4 no persons reside within that portion of the precinct contained
5 within the limits of the municipality. Polling places shall be open
6 from 7:00 a.m. until 7:00 p.m. ~~Each precinct election board~~
7 Precinct officials shall be the same as for state and county
8 elections; provided, however, that substitutions, if necessary,
9 shall be made by the secretary of the county election board.

10 D. Except as otherwise provided by law, the laws governing
11 state and county Primary and General Elections shall be applicable
12 to all municipal elections.

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

16 SECTION 28. AMENDATORY 26 O.S. 2011, Section 13-111, is
17 amended to read as follows:

18 Section 13-111. All expenses incurred in the conduct of any
19 municipal election shall be paid by the municipality for which ~~said~~
20 the election was held. Expenses shall include, but shall not be
21 limited to, compensation for ~~members of each precinct election board~~
22 precinct officials, per diem and mileage for the ~~chairman~~ chair and
23 vice ~~chairman~~ chair of the county election board, the cost of
24 supplies and ballots and the rental of polling places.

1 SECTION 29. AMENDATORY 26 O.S. 2011, Section 14-115.5,
2 is amended to read as follows:

3 Section 14-115.5. A. To carry out the provisions of Sections
4 14-115 and 14-115.4 of this title, the secretary of the county
5 election board shall designate one or more absentee voting boards,
6 to be composed of two (2) members each, with each member to be of a
7 different political affiliation.

8 B. No later than June 1 in each even-numbered year, the chair
9 of the county central committees of the two political parties having
10 the highest number of registered voters in the county shall each
11 submit a list of ten names to the secretary. Such lists shall
12 contain names of registered voters of the county, who ~~may be members~~
13 ~~of the county election board, except the secretary, or precinct~~
14 ~~election boards~~ shall meet the same eligibility requirements for
15 precinct officials as described in Section 2-131 of this title.

16 C. The secretary shall ~~be confined to~~ utilize such ~~list~~ lists
17 in designating membership on the absentee voting board or boards,
18 unless all persons on such lists are ineligible, unable or unwilling
19 to serve. In the event the chair of the county central committee of
20 a political party fails to submit a list as herein provided, the
21 secretary shall appoint membership to such board or boards from the
22 ranks of registered voters of such party within the county.
23 Provided further, that in the event the list of names of either or
24 both parties is exhausted and additional absentee voting boards are

1 needed, the secretary shall appoint additional members to such
2 boards from the ranks of such party or parties in the county.

3 D. Members of an absentee voting board shall be ~~reimbursed for~~
4 ~~their expenses~~ compensated at the same rate as a precinct judge or
5 clerk, ~~as provided in Section 2-129 of this title.~~

6 E. One member of each such board serving a nursing home,
7 veterans center or convalescent hospital, shall be allowed mileage
8 reimbursement at the rate prescribed for travel by state employees
9 according to the State Travel Reimbursement Act.

10 SECTION 30. AMENDATORY 26 O.S. 2011, Section 16-114, is
11 amended to read as follows:

12 Section 16-114. Any member or employee of a county election
13 board, absentee voting board or ~~precinct election board~~ any precinct
14 official who willfully fails to perform his or her lawful duty shall
15 be deemed guilty of a misdemeanor.

16 SECTION 31. Sections 1 through 7 and 9 through 30 of this act
17 shall become effective November 1, 2019. Section 8 of this act
18 shall become effective July 1, 2020.

19

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