

An Act

ENROLLED SENATE
BILL NO. 444

By: Jech, Boren and Sharp of
the Senate

and

Wright, Lepak, Meredith and
Russ of the House

An Act relating to elections; amending 26 O.S. 2011, 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. 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, 3-105.2, 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 amended by Section 3, Chapter 380, O.S.L. 2015, 13-111, 14-115.5 and 16-114 (26 O.S. Supp. 2018, Sections 2-128.1, 2-129 and 13-103), which relate to election officials; deleting references to precinct election boards; modifying duties of precinct officials, secretaries of county election boards, county election boards, the Secretary of the State Election Board and the State Election Board; deleting population restrictions for employment of certain county election board personnel; deleting references to chief clerk of county election board; stating qualifications for certain precinct officials; modifying procedure for appointment of precinct officials; authorizing submission of certain information from political parties; modifying authority for removal of precinct officials; requiring written notice upon removal; authorizing appointment of counters and additional precinct officials under certain circumstances and providing for compensation; modifying compensation of precinct officials during certain time periods; providing for mileage reimbursement; specifying source of payment

of certain compensation and mileage reimbursement; providing for appointment of certain relatives; requiring designation of temporary replacement for county election board secretary under certain circumstances; modifying persons entitled to defense services by Attorney General or district attorney in certain proceedings; modifying references to certain precinct officials; modifying procedures for training of precinct officials; modifying compensation for attending such training; modifying procedure for changes to precinct boundaries; modifying number of voters affected to allow designation as subprecinct; allowing location of polling place outside precinct boundaries under certain conditions; requiring certain notification and procedures; modifying procedure for appointment of members of absentee voting boards; updating language; making language gender neutral; and providing effective dates.

SUBJECT: Election officials

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 counties having fewer than seventeen thousand five hundred registered voters, the secretary shall employ a chief clerk~~ an assistant secretary and such other employees as are necessary to

perform the duties of the county election board. In the event a vacancy exists in the office of the secretary of the county election board, the Secretary of the State Election Board shall have the authority to stand in the place of the secretary of the county election board for the purpose of employing necessary county election board personnel.

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

1. The supervision, defining job positions and responsibilities, and discharge of the employees of the county election board;

2. The preparation of the annual budget;

3. The preparation and filing of all reports; and the

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

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

E. Salaries of additional personnel, including personnel employed temporarily, shall not exceed the salary of the assistant

secretary ~~or chief clerk~~ and shall be comparable to salaries paid for the same positions in other offices within the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2-132. A. 1. No person shall serve ~~on~~ as a secretary of a county election board, or as a member or alternate member of a county election board, ~~precinct election board~~ or as a member of an absentee voting board, or as a precinct official, at any election in

which he or she is a candidate for office, or is a deputy or regular employee of a candidate for office.

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

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

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

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

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

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

Section 2-133. A. The Secretary, members and alternate members of the State Election Board and all persons employed within the organizational framework of the State Election Board shall be entitled to free defense services by the Attorney General in any civil suit resulting from alleged acts or omissions which the

Attorney General has determined to have occurred within the scope of or arising out of the official duties performed by these persons in behalf of the State Election Board and the state.

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

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

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

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

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

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

B. Not less than fifteen (15) days prior to the election, the county, municipality, school district or other governmental entity authorizing the election shall submit to the secretary of the county election board an amount of funds equal to the estimate of

compensation and benefits for precinct ~~inspectors, judges, clerks,~~ officials and absentee voting board members as provided in subsection A of this section. If such amount is not submitted ten (10) days prior to the election, the secretary of the county election board shall not be required to hold the election. Upon receipt of the funds, the secretary of the county election board shall deposit the funds in the County Election Board Special Depository Account.

C. The secretary of the county election board shall issue vouchers for the compensation and benefits of precinct ~~inspectors, judges, clerks,~~ officials and absentee voting board members from the County Election Board Special Depository Account, pursuant to Section 681 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the county election board shall provide the vouchers to the precinct inspector, except the voucher for the inspector and absentee voting board members, at the time the inspector receives supplies and ballots for the election. The vouchers shall be distributed to the appropriate precinct ~~judges and clerks~~ officials upon closing of the polls on the day of the election and to absentee voting board members upon completion of their prescribed duties, according to procedures to be prescribed by the Secretary of the State Election Board. Each precinct ~~inspector, judge or clerk~~ official shall sign a form prescribed by the Secretary of the State Election Board acknowledging receipt of compensation and benefits. The inspector shall return the form, together with any unclaimed vouchers, to the county election board, together with the results of the election and other supplies and materials. At such time, the secretary of the county election board shall provide a voucher for payment to the inspector. The secretary of the county election board shall return any unclaimed vouchers to the county treasurer within seven (7) days after the election. If any additional vouchers for compensation and benefits are required, the secretary of the county election board shall issue such vouchers not less than seven (7) days after the election. In no event shall compensation be made until after services have been rendered.

D. As soon as practicable after conducting an election for a municipality, school district, or other governmental entity, except the state or county, the secretary of the county election board shall submit a claim to the governing body of the entity for whom the election was conducted. The claim shall itemize all expenses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. 1. If compliance with subsection A of this section is not practicable, the secretary of a county election board may locate a polling place outside the geographic boundaries of the precinct, subject to such rules and procedures as may be prescribed by the

Secretary of the State Election Board shall be authorized to adopt rules and regulations providing exceptions to the aforesaid requirement.

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

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

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

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

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

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

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

Section 7-103. Prior to the day of any Primary, Runoff Primary or General Election, it shall be the duty of each county election

board to provide for each precinct ~~election board~~ within its jurisdiction the supplies and ballots required by law to conduct the election. The inspector for each precinct shall sign a form acknowledging receipt of all supplies and ballots for ~~his~~ the precinct.

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

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

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

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

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

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

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

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

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

C. All precincts totally or partially contained within the limits of a municipality shall be open for all elections held by such municipality; provided, however, that a municipality may authorize any precinct which is only partially contained within the limits of the municipality not to be opened by certifying to the county election board in its resolution calling for an election that no persons reside within that portion of the precinct contained within the limits of the municipality. Polling places shall be open from 7:00 a.m. until 7:00 p.m. ~~Each precinct election board~~ Precinct officials shall be the same as for state and county elections; provided, however, that substitutions, if necessary, shall be made by the secretary of the county election board.

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

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

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

Section 13-111. All expenses incurred in the conduct of any municipal election shall be paid by the municipality for which ~~said~~

the election was held. Expenses shall include, but shall not be limited to, compensation for ~~members of each precinct election board~~ precinct officials, per diem and mileage for the ~~chairman~~ chair and vice ~~chairman~~ chair of the county election board, the cost of supplies and ballots and the rental of polling places.

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

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

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

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

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

E. One member of each such board serving a nursing home, veterans center or convalescent hospital, shall be allowed mileage

reimbursement at the rate prescribed for travel by state employees according to the State Travel Reimbursement Act.

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

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

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

Passed the Senate the 17th day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____