

OKLAHOMA STATUTES
TITLE 26. ELECTIONS

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§26-1-101. General elections.

On the first Tuesday succeeding the first Monday of November, 1976, and every four (4) years thereafter, a General Election shall be held, at which time electors for President and Vice President shall be elected. On said date, and every two (2) years thereafter, United States Senators and United States Representatives, whose terms expire before the next succeeding General Election, and state, district and county officers, whose terms expire before the next succeeding General Election, shall be elected. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such General Election.

Laws 1974, c. 153, § 1-101, operative Jan. 1, 1975; Laws 1977, c. 134, § 1.

§26-1-102. Primary elections.

A Primary Election shall be held on the last Tuesday in June of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate its candidates for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless such candidate shall have been nominated as herein provided, unless otherwise provided by law; provided further that this provision shall not exclude the right of a nonpartisan candidate to have his or her name printed upon the General Election ballots. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

Added by Laws 1974, c. 153, § 1-102, operative Jan. 1, 1975.
Amended by Laws 1977, c. 134, § 2; Laws 2003, c. 162, § 2; Laws
2011, c. 196, § 2, eff. Nov. 1, 2011.

§26-1-103. Runoff primary election.

If at any Primary Election no candidate for the nomination for office of any political party receives a majority of all votes cast for all candidates of such party for the office, no candidate shall be nominated by such party for the office, but the two candidates receiving the highest number of votes at such election shall be placed on the official ballot as candidates for such nomination at a Runoff Primary Election to be held on the fourth Tuesday of August in the same year. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Runoff Primary Election. Added by Laws 1974, c. 153, § 1-103, operative Jan. 1, 1975.
Amended by Laws 1977, c. 134, § 2; Laws 2003, c. 162, § 3.

§26-1-104. Closed primaries - Independent voters.

A. No registered voter shall be permitted to vote in any Primary Election or Runoff Primary Election of any political party except the political party of which his registration form shows him to be a member, except as otherwise provided by this section.

B. 1. A recognized political party may permit registered voters designated as Independents pursuant to the provisions of Section 4-112 of this title to vote in a Primary Election or Runoff Primary Election of the party.

2. The state chairman of the party shall, between November 1 and 30 of every odd-numbered year, notify the Secretary of the State Election Board as to whether or not the party intends to permit registered voters designated as Independents to vote in a Primary Election or Runoff Primary Election of the party. If the state chairman notifies the Secretary of the State Election Board of the party's intention to so permit, registered voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held in the following two (2) calendar years. If the state chairman of one party notifies the Secretary of the State Election Board of the party's intent to so permit, the notification period specified in this paragraph shall be extended to December 15 for the state chairman of any other party to so notify or to change prior notification. A registered voter designated as Independent shall not be permitted to vote in a Primary Election or Runoff Primary Election of more than one party.

3. Failure to so notify the Secretary of the State Election Board shall serve to prohibit registered voters designated as Independents from voting in a Primary Election or Runoff Primary Election of the party.

4. A group of persons seeking to form a recognized political party pursuant to the provisions of Section 1-108 of this title shall, upon filing of the petitions seeking recognition of the political party with the Secretary of the State Election Board, notify the Secretary of the State Election Board as to whether or not the party intends to permit registered voters designated as Independents to vote in a Primary Election or Runoff Primary Election of the party. If the party is recognized and the group of persons seeking recognition of the party notifies the Secretary of the State Election Board of such intention, registered voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held prior to January 1 of the following even-numbered year. Added by Laws 1974, c. 153, § 1-104, eff. Jan. 1, 1975. Amended by Amended by Laws 1987, c. 72, § 1, eff. Nov. 1, 1987.

§26-1-105. Substitute candidates.

A. In the event of the death of a political party's nominee for office prior to the date of the General Election, or in the event that a deceased person receives a political party's nomination for office, a substitute candidate will be permitted to have his or her name placed on the General Election ballot as follows:

1. If the nominee was a candidate for county office, the political party's central committee of the county shall notify the secretary of the county election board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after the death has occurred, but not later than five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's county central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office;

2. If the nominee was a candidate who filed a Declaration of Candidacy with the State Election Board, the state central committee of the party affected shall notify the Secretary of the State Election Board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after the death has occurred, but not later than five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's state central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office; and

3. Provided, if the death of a political party's nominee for an office described in paragraph 1 or 2 of this subsection should occur after the Friday following the date of the Runoff Primary Election, then the election shall proceed with the deceased candidate's name printed on the ballot.

B. In the event of the death of an independent candidate for an office described in paragraph 1 or 2 of subsection A of this section, the following procedure shall apply:

1. If the death occurs on or prior to the Friday following the date of the Runoff Primary Election, the candidate's name shall not be printed on the ballot; and

2. If the death occurs after the Friday following the date of the Runoff Primary Election, the candidate's name shall be printed on the ballot.

C. In the event a deceased candidate is certified by the appropriate Election Board as having won an election, a vacancy in the office shall occur upon the date the candidate would have taken office, and the vacancy shall be filled in the manner prescribed by law.

D. In the event of the death of a candidate who was unopposed for election, a Special Election shall be called by the Governor. The Special Election shall be conducted according to the laws governing such elections, Section 12-101 et seq. of this title. Added by Laws 1974, c. 153, § 1-105, operative Jan. 1, 1975. Amended by Laws 1983, c. 171, § 1, emerg. eff. June 6, 1983; Laws 1990, c. 190, § 1, eff. Sept. 1, 1990; Laws 2009, c. 221, § 1, eff. Nov. 1, 2009; Laws 2014, c. 69, § 1, eff. Jan. 1, 2015; Laws 2019, c. 127, § 1, eff. Nov. 1, 2019.

§26-1-106. Determining dates.

In determining the date of any event pertaining to elections which date is fixed by statute as occurring a certain number of days before or after an election, neither the day of the election nor the day of the event shall be counted. If the date set by law for an event pertaining to an election falls on an official holiday, the Secretary of the State Election Board shall have the authority to move the event to a preceding business day or to the next succeeding business day as appropriate for completion of the event. Laws 1974, c. 153, § 1-106, operative Jan. 1, 1975. Amended by Laws 2004, c. 545, § 1, eff. July 1, 2005.

§26-1-107. Recognized political parties.

Recognized political parties shall include parties whose candidates' names appeared on the General Election ballot in 1974, and those parties which shall be formed according to law. Laws 1974, c. 153, § 1-107, operative Jan. 1, 1975.

§26-1-108. Formation of new political parties.

A group of persons may form a recognized political party at any time except during the period between March 1 and November 15 of any even-numbered year if the following procedure is observed:

1. Notice of intent to form a recognized political party must be filed in writing with the Secretary of the State Election Board at any time except during the period between March 1 and November 15 of any even-numbered year;

2. After such notice is filed, petitions seeking recognition of a political party, in a form to be prescribed by the Secretary of the State Election Board, shall be filed with such Secretary, bearing the signatures of registered voters equal to at least three percent (3%) of the total votes cast in the last General Election for Governor. Each page of such petitions must contain the names of registered voters from a single county. Petitions may be circulated a maximum of one (1) year after notice is filed, provided that petitions shall be filed with the Secretary no later than March 1 of an even-numbered year. Such petitions shall not be circulated between March 1 and November 15 of any even-numbered year; and

3. Within thirty (30) days after receipt of such petitions, the State Election Board shall determine the sufficiency of such petitions. If such Board determines there are a sufficient number of valid signatures of registered voters, the party becomes recognized under the laws of the State of Oklahoma with all rights and obligations accruing thereto.

Added by Laws 1974, c. 153, § 1-108, operative Jan. 1, 1975.

Amended by Laws 1985, c. 269, § 1; Laws 2003, c. 485, § 1; Laws 2004, c. 53, § 6, emerg. eff. April 1, 2004; Laws 2011, c. 196, § 3, eff. Nov. 1, 2011; Laws 2015, c. 311, § 1, eff. Nov. 1, 2015.

§26-1-109. Party ceases to be recognized.

A. Any recognized political party shall continue to be a recognized political party if a candidate of that party for any statewide elected office receives at least two and one-half percent (2.5%) of the total votes cast for the office in either of the preceding two general elections. If such a political party fails to retain recognition, the party may regain recognition only by following the procedure prescribed for formation of new political parties. The State Election Board shall proclaim the fact of a party's failure to receive a sufficient number of votes and shall order that the party cease to be recognized.

B. Any recognized political party that ceases to be recognized under provisions of this section shall be designated as a political organization. Such political organization designation shall terminate four (4) years from the date that the political party ceases to be recognized or when the political organization regains recognition as a political party, whichever is earlier.

Added by Laws 1974, c. 153, § 1-109, operative Jan. 1, 1975.
Amended by Laws 1999, c. 88, § 1, emerg. eff. April 13, 1999; Laws 2016, c. 251, § 1, eff. Nov. 1, 2016; Laws 2018, c. 189, § 1.
NOTE: The effective date stated for Laws 2018, c. 189, § 1 was purportedly retroactive to Nov. 1, **2017**. For that reason, it was deleted here.

§26-1-110. Changes in party affiliation.

A. The Secretary of the State Election Board shall, within sixty (60) days after such proclamation by the State Election Board, change to Independent the party affiliation in the Oklahoma Election Management System of each registered voter of a political party which ceases to be a recognized political party.

B. The Secretary of the State Election Board shall change to Independent the party affiliation in the Oklahoma Election Management System of each registered voter of a political organization which ceases to be a political organization.

Added by Laws 1974, c. 153, § 1-110, operative Jan. 1, 1975.
Amended by Laws 1990, c. 331, § 1, eff. July 1, 1990; Laws 1999, c. 88, § 2, emerg. eff. April 13, 1999; Laws 2000, c. 358, § 2, eff. July 1, 2000.

§26-1-111. Repealed by Laws 1991, c. 129, § 5, eff. April 1, 1992.

§26-2-101. State Election Board - Number of members.

The State Election Board shall be composed of three (3) members and two (2) alternate members, each of whom shall be appointed by the Governor upon advice and consent of the Senate. An alternate shall serve on the State Election Board at any meeting that a member for whom the person is an alternate is unable to attend.

Added by Laws 1974, c. 153, § 2-101, operative Jan. 1, 1975.
Amended by Laws 1983, c. 9, § 178, emerg. eff. March 17, 1983; Laws 2011, c. 169, § 1.

§26-2-101.1. Appointment of members from certain political parties.

No later than March 1, 2015, and every four (4) years thereafter, the state central committee of the political party having the largest number of registered voters, based upon the latest January 15 registration report, shall submit to the Governor a list of ten (10) nominees for membership on the State Election Board, and the state central committee of the political party having the second largest number of registered voters, based upon the latest January 15 registration report, shall submit to the Governor a list of ten (10) nominees for membership on the State Election Board. The Governor shall be confined to the lists of names submitted by each party and shall appoint two (2) members and one (1) alternate member of the State Election Board from one political

party and one (1) member and one (1) alternate member of the State Election Board from the other political party. Appointments shall be made no later than March 15, 2015, and every four (4) years thereafter. Provided, for appointments to be made in 2011, such submissions shall be provided to the Governor within five (5) business days of the effective date of this act and such appointments shall be made by the Governor within ten (10) business days of the effective date of this act.
Added by Laws 1981, c. 286, § 2, emerg. eff. June 29, 1981. Amended by Laws 2011, c. 169, § 2.

§26-2-101.2. Vacancy by death or resignation - Filling.

In the event of a vacancy created by death or resignation, the Governor shall, within thirty (30) days after such vacancy occurs, appoint, upon the advice and consent of the Senate, a member of the same party to fill the unexpired term from a list of five (5) nominees submitted by the party's state central committee within fifteen (15) days after said vacancy occurs.
Laws 1981, c. 286, § 3, emerg. eff. June 29, 1981.

§26-2-101.3. Failure of political parties to submit nominees.

Should a state central committee fail to submit nominees within the period prescribed, the Governor shall make his appointment from within the ranks of said party.
Laws 1981, c. 286, § 4, emerg. eff. June 29, 1981.

§26-2-101.4. Vacancy by failure to attend meetings - Filling.

A vacancy shall occur when a member fails to attend five (5) consecutive meetings of the Board or when a member changes his party affiliation. It shall be the duty of the other two (2) members of the Board to notify the Governor and the state central committee affected should such a vacancy occur. Said vacancy shall be filled in the manner hereinbefore provided.
Laws 1981, c. 286, § 5, emerg. eff. June 29, 1981.

§26-2-101.5. Chairman and Vice Chairman of State Election Board to continue as members - Appointment of third member.

The Chairman and Vice Chairman of the State Election Board on the effective date of this act shall continue to serve as members of the State Election Board representing their respective political parties until their successors are appointed and qualified. Within thirty (30) days after the effective date of this act, the Governor shall appoint the third member of the State Election Board in the manner prescribed for filling vacancies.
Laws 1981, c. 286, § 6, emerg. eff. June 29, 1981.

§26-2-101.6. Secretary for State Election Board - Salary.

The Secretary of the Senate shall serve as Secretary of the State Election Board at a salary established annually by the Legislature. However, the Secretary shall not be a member of the State Election Board.

Laws 1981, c. 286, § 7, emerg. eff. June 29, 1981.

§26-2-101.7. Election of officers - Terms.

On the first Monday in April, 1983, and every four (4) years thereafter, the State Election Board shall meet upon the call of the Secretary to elect a Chairman and Vice Chairman. Terms of the Chairman, Vice Chairman and member shall begin at that time.

Laws 1981, c. 286, § 8, emerg. eff. June 29, 1981.

§26-2-101.9. Travel and expense.

Members of the State Election Board shall be paid Fifty Dollars (\$50.00) per diem for each meeting for the purpose of conducting hearings required by law, and Thirty-five Dollars (\$35.00) per diem for other meetings, and shall be allowed mileage reimbursement at the rate provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

Added by Laws 1992, c. 247, § 1, emerg. eff. May 21, 1992.

§26-2-106. State Election Board duties.

The State Election Board shall perform such duties as may be prescribed by law.

Laws 1974, c. 153, § 2-106, operative Jan. 1, 1975.

§26-2-107. Secretary's duties.

The Secretary of the State Election Board shall be the administrative officer of the State Election Board and shall have general supervisory authority over county election boards and shall have the authority to provide administrative supervision to any county election board, as well as the authority to stand in the place of the secretary of the county election board for the purpose of employing county election board personnel when a vacancy exists in the office of the secretary of the county election board. The Secretary shall have the authority to employ and fix the salaries and duties of such personnel as may be necessary to perform the duties of the State Election Board. The Secretary may promulgate, repeal or modify such rules or regulations as the Secretary deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a maximum degree of correctness, impartiality and efficiency in administration of the election laws; provided, however, that such rules or regulations, to be binding and effective, must have been officially adopted by the Secretary of the State Election Board; the procedure and adoption of such rules and

regulations shall be subject to the provisions of the Administrative Procedures Act. The Secretary shall promote and encourage voter registration and voter participation in elections. The Secretary shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993 and under the Help America Vote Act of 2002. The Secretary shall have the authority to implement programs for confirmation of voter registration and for removal of ineligible voters in compliance with general Oklahoma election law and requirements of the National Voter Registration Act of 1993. Added by Laws 1974, c. 153, § 2-107, operative Jan. 1, 1975. Amended by Laws 1979, c. 240, § 2, emerg. eff. June 1, 1979; Laws 1992, c. 247, § 2, emerg. eff. May 21, 1992; Laws 1994, c. 260, § 1, eff. Jan. 1, 1995; Laws 2003, c. 485, § 2; Laws 2004, c. 545, § 2, eff. July 1, 2005.

§26-2-107.1. Contracts for inspections, training and other functions.

The Secretary of the State Election Board is hereby authorized to enter into contracts with the secretary, assistant secretary, chief clerk or other personnel of a county election board, or other persons with similar qualifications, for such purposes as conducting inspections of county election boards, training and other functions which he deems necessary.

Added by Laws 1986, c. 270, § 3, operative July 1, 1986.

§26-2-108. Offices of State Election Board.

The State Election Board shall maintain an office or offices continuously in the seat of government.

Laws 1974, c. 153, § 2-108, operative Jan. 1, 1975.

§26-2-109. Maintenance of records - Records public.

The Secretary of the State Election Board shall maintain the records of the office, and such records shall be open for public inspection during regular office hours unless otherwise provided by law.

Laws 1974, c. 153, § 2-109, operative Jan. 1, 1975.

§26-2-110. County election boards - Number of members.

A county election board shall be appointed in each of the seventy-seven counties of Oklahoma and shall be composed of three (3) members.

Laws 1974, c. 153, § 2-110, operative Jan. 1, 1975.

§26-2-111. Appointment of members and alternates - Terms - Parties to submit nominations - Vacancies.

The State Election Board shall appoint two members of each county election board, and two alternates, to serve terms of four (4) years each. No later than April 15, 1975, and every four (4) years thereafter, the county central committees of the two political parties with the largest number of registered voters in the state, based upon the latest January 15 registration report, shall each submit to the State Election Board a nominee for membership on the county election board and a nominee to serve as the alternate. The nominations must be submitted in writing and signed by at least two members of each county central committee. If the county central committee for a party in a county fails to submit a nominee or if there is no county central committee for a party in a county, the state central committee for the party may submit to the State Election Board a nominee for membership on the county election board and a nominee to serve as the alternate. The State Election Board shall be confined to the nominees in making appointments, one from each party, to the county election board and one from each party to serve as the alternate. The appointments shall be made no later than May 1, 1975, and every four (4) years thereafter. If a county or state central committee fails to submit nominees by April 15, the State Election Board shall appoint a member and alternate to the county election board from the ranks of such party within the county. Alternates shall serve on the county election board at any meeting that the member for whom the person is an alternate is unable to attend. In the event of a vacancy, the State Election Board shall, within sixty (60) days after such vacancy occurs, appoint a member of the same party to fill the unexpired term, based on a nomination submitted by the party's county central committee in the manner hereinbefore provided within thirty (30) days after the vacancy occurs. Should a county or state central committee fail to submit a nominee within the prescribed period of time, the State Election Board shall appoint a member of the county election board from the ranks of the party within the county. Vacancies shall occur when a member fails to attend five consecutive meetings of the board or when a member changes the member's party affiliation. It shall be the duty of the other two members of the board to notify the Secretary of the State Election Board should a vacancy occur. A vacancy shall be filled in the manner hereinbefore provided. Added by Laws 1974, c. 153, § 2-111, operative Jan. 1, 1975. Amended by Laws 1993, c. 316, § 3, eff. Sept. 1, 1993; Laws 2000, c. 358, § 3, eff. July 1, 2000; Laws 2010, c. 189, § 1, eff. Jan. 1, 2011.

§26-2-111.1. Secretaries of county election boards - Appointment - Terms.

The State Election Board shall appoint the secretary of each county election board for a term of two (2) years beginning May 1,

1983, and every two (2) years thereafter; provided, beginning May 1, 2019, the State Election Board shall appoint the secretary of each county election board for a term of four (4) years beginning May 1, 2019, and every (4) years thereafter.

Added by Laws 1981, c. 329, § 8, emerg. eff. June 30, 1981. Amended by Laws 2018, c. 169, § 1, eff. Nov. 1, 2018.

§26-2-111.2. Election of officers of county election boards. On the first Monday in June, 1983, and every four (4) years thereafter, the county election board shall meet upon call of the secretary to elect a chairman and vice chairman. The secretary can be elected neither chairman nor vice chairman but shall be a voting member of the county election board.

Laws 1981, c. 329, § 9, emerg. eff. June 30, 1981.

§26-2-112. Secretary appointed by State Election Board.

The State Election Board shall appoint the secretary of each county election board. The State Election Board shall have the authority to remove the secretary of any county election board at any time.

Laws 1974, c. 153, § 2-112, operative Jan. 1, 1975.

§26-2-114. Removal of chair, vice chair, or alternate member.

The State Election Board shall have the authority to remove any chair, vice-chair or any alternate member of any county election board at any time.

Added by Laws 1974, c. 153, § 2-114, operative Jan. 1, 1975.

Amended by Laws 2011, c. 183, § 1, eff. Nov. 1, 2011.

§26-2-115. Compensation of chair and vice-chair.

The chair and vice-chair of each county election board shall be paid Thirty-five Dollars (\$35.00) per diem in lieu of subsistence for each meeting of the county election board and shall be allowed mileage reimbursement at the rate prescribed for travel by state employees. The per diem and mileage reimbursement shall be paid by the State Election Board, except for meetings chargeable to other governmental units as provided by law; provided, the State Election Board shall not pay such reimbursement for more than forty meetings per fiscal year.

Added by Laws 1974, c. 153, § 2-115, operative Jan. 1, 1975.

Amended by Laws 1983, c. 171, § 2, emerg. eff. June 6, 1983; Laws 1988, c. 101, § 1, emerg. eff. April 1, 1988; Laws 2000, c. 358, § 4, eff. July 1, 2000.

§26-2-116. Duties of county election board.

The county election board shall perform such duties as may be prescribed by law.

Laws 1974, c. 153, § 2-116, operative Jan. 1, 1975.

§26-2-117. Secretary's duties - Assistant secretary - Compensation.

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 all precinct officials and absentee voting board members within the county.

B. The secretary shall employ 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

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. 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 October 31, 2019.

E. Salaries of additional personnel, including personnel employed temporarily, shall not exceed the salary of the assistant secretary and shall be comparable to salaries paid for the same positions in other offices within the county.

F. The salaries of the assistant secretary and other personnel shall be paid from county funds on a monthly basis. In the event that the secretary, assistant secretary 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.

Added by Laws 1974, c. 153, § 2-117, operative Jan. 1, 1975.
Amended by Laws 2003, c. 485, § 3; Laws 2004, c. 307, § 1, emerg.
eff. May 17, 2004; Laws 2019, c. 491, § 1, eff. Nov. 1, 2019.

§26-2-118. Compensation of secretaries.

A. 1. Except as provided by subsection C of this section the secretary of each county election board shall be paid an annual salary to be determined by the following schedule. However, the salary of a county election board secretary shall not fall below the level of the April 30, 2003, salary, and the salary of any person who is reappointed to the position of county election board secretary shall not fall below the salary received in the immediately preceding term, regardless of the number of active registered voters in the county. A county election board secretary shall not receive a salary increase while the county is under the administrative supervision of the State Election Board.

2. Beginning May 1, 2007, and ending April 30, 2019, the annual salary, payable monthly shall be:

Registered Voters	Salary
0 to 10,000	\$22,667.69
10,001 to 15,000	\$23,507.68
15,001 to 17,500	\$27,565.07
17,501 to 25,000	\$30,901.43
25,001 to 50,000	\$37,639.29
50,001 to 75,000	\$47,433.39
75,001 to 150,000	\$53,141.82
150,001 or more	\$58,845.15

3. Beginning May 1, 2019, and ending April 30, 2023, the annual salary, payable monthly shall be:

Registered Voters	Salary
0 to 10,000	\$26,295.00
10,001 to 15,000	\$27,269.00
15,001 to 17,500	\$31,975.00
17,501 to 25,000	\$35,846.00
25,001 to 50,000	\$43,662.00
50,001 to 75,000	\$55,023.00
75,001 to 150,000	\$61,645.00
150,001 or more	\$68,260.00

4. Beginning May 1, 2023, the annual salary, payable monthly shall be:

Registered Voters	Salary
0 to 10,000	\$30,000.00
10,001 to 15,000	\$31,087.00
15,001 to 17,500	\$36,452.00
17,501 to 25,000	\$40,864.00
25,001 to 50,000	\$49,774.00
50,001 to 75,000	\$62,726.00

75,001 to 150,000	\$70,275.00
150,001 or more	\$77,817.00

B. The salary and fringe benefits paid to each secretary shall be paid from county funds on a monthly basis and shall be reimbursed from funds appropriated by the Legislature for that purpose at a rate of not to exceed one hundred thirty-five percent (135%) of the above-specified salaries. Claims for reimbursement shall be filed according to procedures prescribed by the Secretary of the State Election Board and approved by the Director of the Office of Management and Enterprise Services. Claims for reimbursement shall only be paid for actual expenditures made by the county. The number of registered voters, for the purposes of this section, shall be determined by the number of registered voters, excluding inactive voters, in the county on January 1 of each odd-numbered year.

C. The provisions of this section shall not preclude a county from providing additional compensation, payable from county funds, to the secretary of the county election board; provided, any such additional compensation shall not be considered part of the secretary's salary, and shall not be reimbursed by the State Election Board.

Added by Laws 1974, c. 153, § 2-118, operative Jan. 1, 1975.
 Amended by Laws 1975, c. 103, § 1, emerg. eff. May 2, 1975; Laws 1976, c. 228, § 5, emerg. eff. June 15, 1976; Laws 1978, c. 232, § 1, eff. July 1, 1978; Laws 1979, c. 240, § 3, eff. July 1, 1979; Laws 1980, c. 306, § 2, emerg. eff. June 17, 1980; Laws 1981, c. 329, § 5, eff. July 1, 1981; Laws 1982, c. 298, § 4, emerg. eff. May 28, 1982; Laws 1985, c. 261, § 4, emerg. eff. July 15, 1985; Laws 1987, c. 203, § 50, operative July 1, 1987; Laws 1988, c. 247, § 7, operative July 1, 1988; Laws 1989, c. 369, § 38, operative July 1, 1989; Laws 1990, c. 264, § 46, operative July 1, 1990; Laws 1991, c. 299, § 7, operative July 1, 1991; Laws 1992, c. 332, § 4, eff. July 1, 1992; Laws 1995, c. 315, § 1, eff. July 1, 1995; Laws 1996, c. 57, § 2, eff. July 1, 1996; Laws 1997, c. 384, § 13, eff. July 1, 1997; Laws 2000, c. 37, § 9, eff. Oct. 1, 2000; Laws 2001, c. 381, § 24, eff. July 1, 2001; Laws 2002, c. 447, § 2, emerg. eff. June 5, 2002; Laws 2003, c. 154, § 1, emerg. eff. April 30, 2003; Laws 2005, c. 248, § 5, eff. July 1, 2005; Laws 2006, 2nd Ex. Sess., c. 83, § 1, eff. Oct. 1, 2006; Laws 2010, c. 189, § 2, eff. Jan. 1, 2011; Laws 2012, c. 304, § 98; Laws 2018, c. 169, § 2, eff. Nov. 1, 2018.

§26-2-119. Appropriations to county election boards.

In addition to the salary paid the secretary and assistant secretary of chief clerk, it shall be the mandatory duty of the county excise board to appropriate annually adequate funds for operating expenses of the county election board in the discharge of its duties and responsibilities.

Laws 1974, c. 153, § 2-119, operative Jan. 1, 1975.

§26-2-121. Offices of county election boards - Election security measures.

A. It shall be the mandatory duty of the county commissioners of each county to furnish, at county expense, in each county seat a suitable office for the county election board. The office shall provide adequate space for storage of election records and supplies, voting devices, ballot boxes and adequate space for the exercise of other functions required by law of the county election board and shall be equipped with suitable furniture and office equipment and a telephone. The office shall be convenient to the public, shall have furniture, furnishings and fixtures and other equipment comparable to other county offices within the county, and necessary to the operation of the office.

B. 1. The county commissioners of each county shall, at county expense, implement security measures at the county election board that are equivalent to security measures the county provides to its other county agencies, in order to ensure the county election board office is adequately protected from physical intrusions or attacks and to provide cybersecurity for county-owned computer systems operated by the county election board.

2. County officials shall immediately notify the Secretary of the State Election Board upon learning of an attempted or successful physical or cyber attack or intrusion committed against the county election board.

C. To ensure the security of election records, equipment, computers, software, ballots, supplies and other materials necessary to conduct elections:

1. The county election board shall not share storage space where ballots, voter registration records or election equipment are stored with any other county agency unless authorized by the Secretary of the State Election Board; and

2. No county personnel other than those employed by the county election board shall be assigned workspace within the physical offices that are assigned to the county election board.

Provided, nothing in this subsection shall prohibit the county election board office from being located within the county courthouse or another county-owned building shared by multiple county agencies, nor shall it restrict the county election board from utilizing common areas intended for use by multiple county agencies other than as specifically prohibited in this subsection.

D. The Secretary of the State Election Board shall have the authority to enforce the requirements of, and may promulgate administrative rules to implement the provisions of, this section.

Added by Laws 1974, c. 153, § 2-121, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 1, eff. March 1, 1992; Laws 2019, c. 163, § 3, eff. Nov. 1, 2019.

§26-2-122. Maintenance of records - Records public.

The secretary of the county election board shall maintain the records of the office, and such records shall be open for public inspection during regular office hours unless otherwise provided by law. The county election board office shall be open a minimum of six (6) consecutive hours per day, excluding Saturdays, Sundays and holidays. The hours open for all election boards shall include 11:30 a.m. through 1:00 p.m. each regular work day.

Added by Laws 1974, c. 153, § 2-122, operative Jan. 1, 1975.

Amended by Laws 1981, c. 329, § 7, emerg. eff. June 30, 1981; Laws 1995, c. 315, § 2, eff. July 1, 1995.

§26-2-123. Precinct officials.

A. Each precinct within each county shall have at least three (3) 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.

Added by Laws 1974, c. 153, § 2-123, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 2, eff. Nov. 1, 2019.

§26-2-124. Appointment of inspector, judge and clerk - Terms.

A. The secretary of the county election board shall appoint the inspector, judge and clerk of each precinct, 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 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 nominees 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 utilize the list of nominees submitted by each party to appoint one precinct official for each precinct from each party no later than July 1 of the year following a General Election for a Governor. If no list is submitted by a county central committee by the specified date, or if the nominees 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 from the ranks of said party within the county.

C. Terms shall begin July 1 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 within the ranks of registered voters within the county in the manner described in Section 2-123 of this title.

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.

Added by Laws 1974, c. 153, § 2-124, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 4, emerg. eff. June 1, 1979; Laws 1998, c. 357, § 4, eff. Jan. 1, 1999; Laws 2019, c. 491, § 3, eff. Nov. 1, 2019.

§26-2-125. Authority to remove inspector.

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.

Added by Laws 1974, c. 153, § 2-125, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 4, eff. Nov. 1, 2019.

§26-2-126. Inspector's duties.

The inspector shall be the principal administrative officer of the precinct election board.

Laws 1974, c. 153, § 2-126, operative Jan. 1, 1975.

§26-2-127. Duties of precinct officials.

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.

Added by Laws 1974, c. 153, § 2-127, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 5, eff. Nov. 1, 2019.

§26-2-128. Appointment of counters - Compensation.

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 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.

Added by Laws 1974, c. 153, § 2-128, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 6, eff. Nov. 1, 2019.

§26-2-128.1. Appointment of additional precinct officials.

A. The Secretary of the State Election Board may authorize the secretary of any county election board to appoint additional precinct officials, as needed to assist the regular precinct officials.

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.

Added by Laws 1985, c. 193, § 9, eff. Nov. 1, 1985. Amended by Laws 2016, c. 38, § 1; Laws 2019, c. 491, § 7, eff. Nov. 1, 2019.

§26-2-128.2. Additional workers.

When authorized by the Secretary of the State Election Board, the secretary of the county election board may employ additional precinct board employees to assist the precinct election board members with specific tasks. Such additional workers, when authorized and employed, shall be compensated at the same rate as the judge and clerk.

Added by Laws 2003, c. 485, § 4.

§26-2-129. Compensation of precinct officials.

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. 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 election 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.

F. The secretary of the county election board may appoint volunteer precinct officials who shall not receive the compensation provided herein.

Added by Laws 1974, c. 153, § 2-129, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 5, eff. July 1, 1980; Laws 1981, c. 286, § 1, eff. July 1, 1981; Laws 1995, c. 315, § 3, eff. July 1, 1995; Laws 1998, c. 357, § 5, eff. Jan. 1, 1999; Laws 2000, c. 358, § 5, eff. July 1, 2000; Laws 2005, c. 248, § 6, eff. July 1, 2005; Laws 2013, c. 202, § 1, emerg. eff. May 6, 2013; Laws 2019, c. 491, § 8, eff. July 1, 2020.

§26-2-130. Removal of precinct officials and others.

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. Added by Laws 1974, c. 153, § 2-130, operative Jan. 1, 1975. Amended by Laws 2019, c. 491, § 9, eff. Nov. 1, 2019.

§26-2-131. Eligibility for membership on county election board or to serve as precinct official.

A. 1. To be eligible for membership on a county 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.

Added by Laws 1974, c. 153, § 2-131, operative Jan. 1, 1975. Amended by Laws 1976, c. 90, § 1, emerg. eff. May 6, 1976; Laws 1995, c. 290, § 1, eff. Nov. 1, 1995; Laws 1997, c. 176, § 1, eff. Nov. 1, 1997; Laws 2019, c. 491, § 10, eff. Nov. 1, 2019.

§26-2-132. Disqualification as board member or precinct official.

A. 1. No person shall serve as a secretary of a county election board, or as a member or alternate member of a county 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 precinct election 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 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 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 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.

Added by Laws 1974, c. 153, § 2-132, operative Jan. 1, 1975.

Amended by Laws 1983, c. 171, § 3, emerg. eff. June 6, 1983; Laws 1993, c. 316, § 5, eff. Sept. 1, 1993; Laws 1994, c. 55, § 1, eff. Sept. 1, 1994; Laws 1995, c. 290, § 2, eff. Nov. 1, 1995; Laws 1997, c. 176, § 2, eff. Nov. 1, 1997; Laws 2011, c. 183, § 2, eff. Nov. 1, 2011; Laws 2019, c. 491, § 11, eff. Nov. 1, 2019.

§26-2-133. Legal defense services.

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

Added by Laws 1976, c. 90, § 6, emerg. eff. May 6, 1976. Amended by Laws 1994, c. 260, § 2, eff. Jan. 1, 1995; Laws 2019, c. 491, § 12, eff. Nov. 1, 2019.

§26-3-101. Elections to be on Tuesdays - Scheduling of special elections - State holidays - Filing of resolution.

A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no regular or special election to fill an elective office shall be held by any county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections except as follows:

1. The second Tuesday of February in any year;
2. The first Tuesday of April in any year;
3. The date of any regularly scheduled statewide state or federal election in an even-numbered year;
4. The second Tuesday of September in an odd-numbered year; and
5. The second Tuesday of November in an odd-numbered year.

C. Except as otherwise provided by law, no election for any purpose other than to fill an elective office shall be held by any county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections except on:

1. The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent federal decennial census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

D. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday. In the event that any day of a candidate filing period occurs on a Saturday, Sunday or any official state holiday, that day of the filing period shall be scheduled for the next business day.

E. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period of three (3) days, if so required

by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

F. Any school district, technology center district, municipality, including any municipality governed by charter, rural fire protection district or any other entity seeking to hold a special election for the purpose of filling a vacancy shall schedule a candidate filing period of three (3) days to begin not more than twenty (20) days following the date the resolution calling the election is required to be filed with the secretary of the county election board.

Added by Laws 1974, c. 153, § 3-101, operative Jan. 1, 1975.

Amended by Laws 1991, c. 129, § 1, eff. April 1, 1992; Laws 1992, c. 247, § 3, emerg. eff. May 21, 1992; Laws 1997, c. 176, § 3, eff. Nov. 1, 1997; Laws 2001, c. 33, § 23, eff. July 1, 2001; Laws 2003, c. 485, § 5; Laws 2005, c. 224, § 1, eff. July 1, 2005; Laws 2011, c. 196, § 4, eff. Nov. 1, 2011; Laws 2012, c. 31, § 2, emerg. eff. April 9, 2012; Laws 2013, c. 15, § 20, emerg. eff. April 8, 2013; Laws 2015, c. 380, § 1, eff. Jan. 1, 2016; Laws 2016, c. 210, § 11, emerg. eff. April 26, 2016; Laws 2018, c. 110, § 1, eff. Nov. 1, 2018.

NOTE: Laws 2012, c. 152, § 1 repealed by Laws 2013, c. 15, § 21, emerg. eff. April 8, 2013. Laws 2015, c. 219, § 3 repealed by Laws 2016, c. 210, § 12, emerg. eff. April 26, 2016.

§26-3-101.1. Repealed by Laws 2011, c. 139, § 24.

§26-3-102. Forms provided by State Election Board.

All forms required by law for state and county elections, except such forms as are applicable only to county elections, shall be provided by the State Election Board.

Laws 1974, c. 153, § 3-102, operative Jan. 1, 1975.

§26-3-103. Registration forms provided by State Election Board.

Forms required for implementation of registration and election laws shall be prescribed by the Secretary of the State Election Board of a uniform character suitable for the voting system in use. Laws 1974, c. 153, § 3-103, operative Jan. 1, 1975.

§26-3-104. Costs - Payment from county or state funds.

The cost of rent for polling places, absentee ballot boxes, locks and keys, voting booths and United States flags shall be paid from county funds. The costs of notice and acknowledgement mailings as required in Sections 4-103.1 and 4-113 of this title shall be paid from county funds. The cost of central registries, maps and

other materials required to be maintained by the county election board shall be paid from county funds. The cost of other supplies necessary for the conduct of state elections shall be paid from state funds. The purchase and maintenance of computer hardware, software, voting devices and related supplies used in the Oklahoma Election Management System shall be paid from state funds. The cost of confirmation mailings required in Section 4-120.2 of this title shall be paid from state funds.

Added by Laws 1974, c. 153, § 3-104, operative Jan. 1, 1975.

Amended by Laws 1990, c. 331, § 3, eff. July 1, 1990; Laws 1991, c. 321, § 2, eff. March 1, 1992; Laws 1994, c. 260, § 3, eff. Jan. 1, 1995; Laws 2010, c. 189, § 3, eff. Jan. 1, 2011.

§26-3-105. Costs of county elections.

All costs for any county election not held concurrently with a state election shall be paid from county funds.

Laws 1974, c. 153, § 3-105, operative Jan. 1, 1975.

§26-3-105.1. Election personnel - Compensation and benefits - Election expenses.

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 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 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 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 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 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 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 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 officials and absentee voting board members in the payment made to the respective counties for elections for which the precinct 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 the county election board's share for each 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 officials and absentee voting board members.

Added by Laws 1984, c. 210, § 4, operative Jan. 1, 1985. Amended by Laws 1986, c. 1, § 1, eff. July 1, 1986; Laws 1995, c. 290, § 3, eff. Nov. 1, 1995; Laws 1998, c. 357, § 6, eff. Jan. 1, 1999; Laws 1999, c. 88, § 3, emerg. eff. April 13, 1999; Laws 2019, c. 491, § 13, eff. Nov. 1, 2019.

§26-3-105.2. Distribution of vouchers by mail.

In lieu of the procedure for distribution of vouchers for precinct 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.

Added by Laws 1988, c. 101, § 3, emerg. eff. April 1, 1988. Amended by Laws 1995, c. 290, § 4, eff. Nov. 1, 1995; Laws 1998, c. 357, § 7, eff. Jan. 1, 1999; Laws 2019, c. 491, § 14, eff. Nov. 1, 2019.

§26-3-106. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-3-107. State Election Board Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Election Board to be designated "The State Election Board Revolving Fund." The fund shall consist of monies received by the State Election Board pursuant to statutory provisions, but not including appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Secretary of the State Election Board. Expenditures from said fund shall be made pursuant to the laws of this state and the statutes relating to the said Board without legislative appropriation. Warrants for expenditures from said fund shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the said Board and approved for payment by the Director of the Office of Management and Enterprise Services.

Added by Laws 1974, c. 153, § 3-107, operative Jan. 1, 1975. Amended by Laws 1979, c. 47, § 11, emerg. eff. April 9, 1979; Laws 2012, c. 304, § 99.

§26-3-107.1. State Election Board System Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Election Board to be designated the "State Election Board Election System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received from federal payments unless otherwise provided by federal law or regulation, or any other source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Election Board for authorized purposes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2003, c. 155, § 2, emerg. eff. April 30, 2003.
Amended by Laws 2012, c. 304, § 100.

§26-3-107.2. State Election Board Help America Vote Act Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma State Election Board to be designated the "State Election Board Help America Vote Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received from federal grants related to the Help America Vote Act of 2002 unless otherwise provided by federal law or regulation, or any other source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Election Board for authorized purposes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
Added by Laws 2003, c. 155, § 3, emerg. eff. April 30, 2003.
Amended by Laws 2012, c. 304, § 101.

§26-3-108. County Election Board Special Depository Account.

A special depository account, to be designated "County Election Board Special Depository Account", shall be used in each county for receipt and disbursement of monies received by said county election board pursuant to statutory provisions, but not including appropriated funds. The special depository account shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the secretary of the county election board. Said special depository account shall be established and administered pursuant to Section 681 et seq. of Title 19 of the Oklahoma Statutes. Expenditures of forfeited filing fees from said fund may be made by the secretary of the county election board for any lawful purpose.

Added by Laws 1974, c. 153, § 3-108, operative Jan. 1, 1975.
Amended by Laws 1997, c. 176, § 4, eff. Nov. 1, 1997.

§26-3-108.1. Reimbursement of State Election Board for computer supplies.

County election boards are authorized to reimburse the State Election Board for computer supplies consumed for the benefit of schools, municipalities and other local entities for the conduct of the local elections. Such reimbursement shall be deposited in the State Election Board Revolving Fund.

Added by Laws 1992, c. 247, § 4, emerg. eff. May 21, 1992.

§26-3-109. Training for county election board personnel.

Prior to the General Election of 1976, and every two (2) years thereafter, the Secretary of the State Election Board shall cause to be conducted a training program for the members and employees of each county election board. The Secretary of the State Election Board shall cause regular inspections to be made of each county election board to achieve uniformity in administration of the election laws.

Laws 1974, c. 153, § 3-109, operative Jan. 1, 1975.

§26-3-110. Reimbursement for training.

The Secretary of the State Election Board shall be authorized to conduct a statewide or regional training program for members and employees of county election boards, in which event said members and employees shall be paid, from state funds, reimbursement for expenses at the rate provided by the State Travel Reimbursement Act. Laws 1974, c. 153, § 3-110, operative Jan. 1, 1975; Laws 1979, c. 240, § 6, emerg. eff. June 1, 1979.

§26-3-111. Training program for precinct officials.

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, 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) 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.

Added by Laws 1974, c. 153, § 3-111, operative Jan. 1, 1975.

Amended by Laws 1994, c. 260, § 4, eff. Jan. 1, 1995; Laws 2000, c. 358, § 6, eff. July 1, 2000; Laws 2019, c. 491, § 15, eff. Nov. 1, 2019.

§26-3-112. Instruction materials for precinct officials.

The Secretary of the State Election Board, for each statewide election, shall cause the officials of each precinct to be provided with instructional materials for conducting the election.

Added by Laws 1974, c. 153, § 3-112, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 16, eff. Nov. 1, 2019.

§26-3-113. Instructions to voters.

Instructions to voters describing the manner for casting one's vote shall be posted outside each polling place and inside each voting booth. Said instructions shall be prescribed by the Secretary of the State Election Board and shall include all information required by federal or state law.

Added by Laws 1974, c. 153, § 3-113, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 3, eff. March 1, 1992; Laws 2004, c. 545, § 3, eff. July 1, 2005.

§26-3-114. Public information.

It shall be the duty of the secretary of each county election board to disseminate information about voter registration, the dates and time of elections, locations of polling places, and other data as he deems necessary to inform the general public of same. Sample ballots shall be made available to the general public.

Laws 1974, c. 153, § 3-114, operative Jan. 1, 1975; Laws 1994, c. 260, § 5, eff. Jan. 1, 1995.

§26-3-115. Establishment of precincts - Map of precinct required.

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 the precincts shall be maintained in the county election board office at all times.

Added by Laws 1974, c. 153, § 3-115, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 17, eff. Nov. 1, 2019.

§26-3-116. Precinct boundaries.

A. The boundary line of any precinct shall not cross the boundary line of any district court judicial district electoral division or any congressional, legislative or county commissioner district.

B. Boundaries of all precincts shall enclose a contiguous area and follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census, provided that no municipal boundary that is not such a visible, definable and observable physical boundary shall be used as a precinct boundary.

Laws 1974, c. 153, § 3-116, operative Jan. 1, 1975; Laws 1979, c. 240, § 7, emerg. eff. June 1, 1979; Laws 1990, c. 213, § 2, emerg. eff. May 18, 1990; Laws 1993, c. 362, § 8, eff. Sept. 1, 1993.

§26-3-117. Precincts within municipalities.

If the governing board of any municipality requests in writing that precinct boundaries be altered to conform to ward boundaries of the municipality, the secretary of the county election board may, at 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.

Added by Laws 1974, c. 153, § 3-117, operative Jan. 1, 1975.

Amended by Laws 1990, c. 213, § 3, emerg. eff. May 18, 1990; Laws 2019, c. 491, § 18, eff. Nov. 1, 2019.

§26-3-118. Changes in precincts - Notice - Transfer of affected voters' registration.

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. 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, 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 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.

Added by Laws 1974, c. 153, § 3-118, operative Jan. 1, 1975.

Amended by Laws 1990, c. 213, § 4, emerg. eff. May 18, 1990; Laws 2019, c. 491, § 19, eff. Nov. 1, 2019.

§26-3-118.1. Repealed by Laws 1990, c. 213, § 6, eff. Oct. 1, 1992.

NOTE: Section 6 of Laws 1990, c. 213, repealing this section, was amended by Laws 1991, c. 311, § 1 to read: "Section 5 of this act shall be repealed October 1, 1992."

§26-3-119. Creation of subprecincts.

A. If fewer than 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. 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 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.

Added by Laws 1974, c. 153, § 3-119, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 8, emerg. eff. June 1, 1979; Laws 1991, c. 321, § 4, eff. March 1, 1992; Laws 1993, c. 362, § 9, eff. Sept. 1, 1993; Laws 2004, c. 545, § 4, eff. July 1, 2005; Laws 2005, c. 1, § 20, eff. July 1, 2005; Laws 2019, c. 491, § 20, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 307, § 2 repealed by Laws 2005, c. 1, § 21, eff. July 1, 2005.

§26-3-120. Polling places - Tort liability.

A. Except as otherwise provided for by law, there shall be one (1) polling place for each precinct, and the polling place 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.

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.

Added by Laws 1974, c. 153, § 3-120, operative Jan. 1, 1975.
Amended by Laws 1979, c. 240, § 9, emerg. eff. June 1, 1979; Laws 1981, c. 296, § 1, eff. July 1, 1981; Laws 1992, c. 346, § 1, eff. Sept. 1, 1992; Laws 2019, c. 491, § 21, eff. Nov. 1, 2019.

§26-3-121. Voting devices - Ballot boxes.

There shall be one voting device and ballot box for each precinct. Each voting device shall be equipped with an opening through which a ballot may be inserted, counted and deposited into an attached ballot box which must be constructed in such a manner that the box must be unlocked before the ballots can be removed. Laws 1974, c. 153, § 3-121, operative Jan. 1, 1975; Laws 1991, c. 321, § 5, eff. March 1, 1992.

§26-3-121.1. Repealed by Laws 1995, c. 290, § 18, eff. Nov. 1, 1995.

§26-3-122. Voting booths.

The secretary of the county election board shall cause at least two voting booths to be provided in each precinct. The booths shall contain a counter or shelf and shall be constructed in such a manner that a 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 ballots.

Added by Laws 1974, c. 153, § 3-122, operative Jan. 1, 1975.
Amended by Laws 2019, c. 491, § 22, eff. Nov. 1, 2019.

§26-3-123. Board to provide polling places.

The board of education of any school district may, and the governing board of any municipality shall, furnish a room or rooms in any school building or municipal building for use as a polling place at no cost.

Added by Laws 1974, c. 153, § 2-123, operative Jan. 1, 1975.
Amended by Laws 2008, c. 216, § 2, eff. Nov. 1, 2008.

§26-3-124. Official seals.

The State Election Board and each county election board shall have official seals, which seals shall be affixed to Certificates of Election and other official acts of said Board. Each board shall maintain written minutes of all official acts of said board, and such minutes shall be public record.

Laws 1974, c. 153, § 3-124, operative Jan. 1, 1975.

§26-3-125. Oaths of office.

All persons appointed as members of the State Election Board or a county election board shall, before entering upon the duties of their offices, take and subscribe to the oath of office prescribed

by the Constitution for state and county officers. Said oaths shall be retained in the office of the Clerk of the Supreme Court, with regard to members of the State Election Board, and in the office of the county clerk, with regard to members of a county election board. Added by Laws 1974, c. 153, § 3-125, operative Jan. 1, 1975.

§26-3-126. Maintenance of records.

Records required to be maintained by the State Election Board or any county election board in the performance of their duties shall be retained for a period of twenty-four (24) months, unless otherwise provided by law. However, the State Election Board and county election boards shall continuously maintain records of all official acts and certifications made by such boards.

Added by Laws 1974, c. 153, § 3-126, operative Jan. 1, 1975.

Amended by Laws 1983, c. 171, § 4, emerg. eff. June 6, 1983; Laws 1994, c. 260, § 6, eff. Jan. 1, 1995.

§26-3-127. Maintenance of election results.

The State Election Board, with regard to elections certified by same, and the county election boards, with regard to elections certified by same, shall retain permanently results of said elections by precinct.

Laws 1974, c. 153, § 3-127, operative Jan. 1, 1975. d

§26-3-128. Repealed by Laws 1990, c. 331, § 21, emerg. eff. May 31, 1990.

§26-3-129. Publication of state directory and other materials.

The Secretary of the State Election Board is authorized to publish the Roster of State and County Officials, along with election results and statistics, lists of candidates filing for office and such other publications as he deems necessary for the discharge of his duties.

Laws 1974, c. 153, § 3-129, operative Jan. 1, 1975; Laws 1981, c. 329, § 6, emerg. eff. June 30, 1981.

§26-3-130. Post-election audit of election results - Report by county election board to the Secretary of State Election Board.

A. The Secretary of the State Election Board shall have the authority to direct the secretary of a county election board to conduct a post-election audit of election results, for the purpose of maintaining the security of the election system by ensuring that voting devices and software used in a particular election correctly tabulated votes.

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

C. The secretary of a county election board shall report the findings of a post-election audit to the Secretary of the State Election Board, and such report shall be available to the public.

D. The Secretary of the State Election Board may promulgate policies, rules and procedures to implement the requirements of this section.

E. For the purposes of this title, a "post-election audit" is defined as a manual or electronic examination of a limited number of ballots by a secretary of a county election board or other authorized election officials following an election. A post-election audit shall be conducted only at the direction of the Secretary of the State Election Board and only subject to the Secretary's previously promulgated policies, rules or procedures. Added by Laws 2019, c. 163, § 1, eff. Nov. 1, 2019.

§26-3-131. Authority to employ security measures to protect voting process.

Subject to available funding, the Secretary of the State Election Board is authorized to employ such security measures as may be necessary to protect the voting devices, election system or voter registration system, and any associated hardware, software or networks of these systems, from cyber security threats or physical security threats. The Secretary may promulgate rules and procedures to implement the requirements of this section.

Added by Laws 2019, c. 163, § 2, eff. Nov. 1, 2019.

§26-3-301.1. Local elections - Compliance with the Let the Troops Vote Act of 2011.

Any local entity seeking to hold an election on the same date as a state or federal election shall ensure that the election board can comply with the provisions of the Let the Troops Vote Act of 2011, including, but not limited to, submitting the resolution calling for the election, conducting a candidate filing period and conducting any related elections not conducted by the county election board on dates that ensure such compliance.

Added by Laws 2012, c. 31, § 1, emerg. eff. April 9, 2012.

§26-4-101. Persons entitled to become registered voters - Exceptions.

Every person who is a qualified elector as defined by Section 1 of Article III of the Oklahoma Constitution shall be entitled to become a registered voter in the precinct of his or her residence, with the following conditions:

1. Persons convicted of a felony shall be eligible to register to vote when they have fully served their sentence of court-mandated calendar days, including any term of incarceration, parole or

supervision, or completed a period of probation ordered by any court; and

2. Any person who has been adjudged to be an incapacitated person as such term is defined by Section 1-111 of Title 30 of the Oklahoma Statutes shall be ineligible to register to vote. When such incapacitated person has been adjudged to be no longer incapacitated such person shall be eligible to become a registered voter. The provisions of this paragraph shall not prohibit any person adjudged to be a partially incapacitated person as such term is defined by Section 1-111 of Title 30 of the Oklahoma Statutes from being eligible to register to vote unless the order adjudging the person to be partially incapacitated restricts such person from being eligible to register to vote.

Added by Laws 1974, c. 75, § 1, emerg. eff. April 19, 1974.

Renumbered from § 93.31 of this title by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1979, c. 240, § 11, emerg. eff. June 1, 1979; Laws 1989, c. 174, § 1, eff. Nov. 1, 1989; Laws 2002, c. 447, § 3, eff. July 1, 2003; Laws 2019, c. 112, § 1, eff. Nov. 1, 2019.

§26-4-102. Registration required.

No person shall be permitted to vote in any election conducted by any county election board unless such person is a registered voter, unless otherwise provided by law.

Laws 1974, c. 75, § 2, emerg. eff. April 19, 1974; Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976.

§26-4-103. Persons who will become qualified electors - Time for registration.

A. Except for persons described in subsection B of this section, any person who will become a qualified elector during the sixty (60) days before the next ensuing election at which he or she could vote shall be entitled to become a registered voter of the precinct of his or her residence not more than sixty (60) and not less than twenty-four (24) days prior to the date of such election.

B. Any person who is at least seventeen (17) years and six (6) months of age, but less than eighteen (18) years of age, may submit a voter registration application as provided by law, and shall be entitled to become a registered voter of the precinct of residence upon his or her eighteenth birthday.

Added by Laws 1974, c. 75, § 3, emerg. eff. April 19, 1974.

Renumbered from § 93.33 of this title by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1994, c. 260, § 7, eff. Jan. 1, 1995; Laws 1997, c. 176, § 5, eff. Nov. 1, 1997; Laws 2019, c. 216, § 1, eff. Nov. 1, 2019.

§26-4-103.1. Procedure to register or update registration

A. A qualified elector may apply to register to vote or update a registration to vote by:

1. Delivering by mail or otherwise a completed voter registration application to the State Election Board or any county election board;

2. Completing a voter registration application in person with any official of an agency described in Section 4-109.2 of this title;

3. Completing a voter registration application in person as part of an application for issuance, renewal or change of address for a driver license or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes with a designated representative of the Department of Public Safety; or

4. Completing a voter registration application electronically as provided in Section 4-109.4 of this title.

B. The secretary of the county election board for the county of the applicant's residence shall send to each applicant by nonforwardable, first-class United States mail a notice of the disposition of the application. Notice mailing costs shall be paid by the county. Provided, the Secretary of the State Election Board may authorize such notices to be sent by electronic means for voter registration applications submitted electronically.

Added by Laws 1994, c. 260, § 8, eff. Jan. 1, 1995. Amended by Laws 2015, c. 87, § 2, eff. Nov. 1, 2015; Laws 2016, c. 326, § 1, emerg. eff. May 24, 2016.

§26-4-104. Time and place of registration.

The secretary of each county election board and his assistant secretary and other designated employees shall be authorized to register voters at any place within the county during the time prescribed by law.

Laws 1974, c. 75, § 4, emerg. eff. April 19, 1974; Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976; Laws 1979, c. 240, § 12, emerg. eff. June 1, 1979. d

§26-4-105. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-105.1. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-106. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-107. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-108. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-109. Locations.

The Secretary of the State Election Board shall designate locations where voter registration applications will be available for distribution. The secretary of each county election board may, with approval of the Secretary of the State Election Board, designate additional locations where voter registration applications will be available for distribution. Preference shall be given to public libraries, public buildings and other locations where large numbers of potential voters may be located. Particular emphasis shall be placed on making voter registration applications available for organized voter registration programs.

Added by Laws 1974, c. 75, § 9, emerg. eff. April 19, 1974.

Renumbered from § 93.39 by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1992, c. 247, § 5, emerg. eff. May 21, 1992; Laws 1994, c. 260, § 9, eff. Jan. 1, 1995.

§26-4-109.1. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-109.2. Voter registration agencies

A. The Secretary of the State Election Board shall designate offices in the state which provide public assistance, and offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities as voter registration agencies. The Secretary shall identify certain other agencies of state and local government and, with their agreement, of federal and nongovernmental entities as optional voter registration agencies where voter registration services prescribed by the Secretary shall be available. Recruitment offices of the Armed Forces of the United States and offices of the county election boards shall be voter registration agencies.

B. Each designated voter registration agency shall, with each application for service or assistance and with each recertification, renewal or change of address form relating to the service or assistance of voter registration:

1. Provide a voter registration application which may include all statements and declination form required under the National Voter Registration Act of 1993.

2. Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

3. Require each applicant either to complete a voter registration application or to sign a declination form.

C. No information relating to a declination to register to vote in connection with an application made at an office designated a

voter registration agency may be used for any purpose other than voter registration.

D. Declination forms signed by each applicant shall be retained by designated voter registration agencies for twenty-four (24) months from the date of the declination.

E. The identity of a voter registration agency through which a particular voter registered may not be disclosed to the public.

F. Optional voter registration agencies where voter registration services prescribed by the Secretary shall be available, shall provide such services during regular business hours of the agency during the time prescribed by law for making such transactions.

G. Voter registration agencies which are not county election boards shall transmit all completed voter registration applications at the close of business each week to the State Election Board in preaddressed, postage prepaid envelopes provided by the State Election Board.

H. The Secretary of the State Election Board is authorized to develop with any agency designated in subsection A of this section a system to electronically transmit voter registration applications from the agency to the State Election Board or county election boards. Such system shall be consistent with the requirements for electronic submission of voter registration applications provided in Section 4-109.4 of this title.

Added by Laws 1994, c. 260, § 10, eff. Jan. 1, 1995. Amended by Laws 2015, c. 87, § 3, eff. Nov. 1, 2015; Laws 2016, c. 326, § 2, emerg. eff. May 24, 2016.

§26-4-109.3. Motor vehicle licensing agencies - Voter registration.

A. When a qualified elector applies for issuance or renewal of an Oklahoma driver license, or issuance of a state identification card issued pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes, he or she shall be provided voter registration services as required by the National Voter Registration Act. All completed paper voter registration applications shall be transmitted by the agency accepting the application at the close of business each week to the State Election Board in preaddressed, postage prepaid envelopes provided by the State Election Board. If a person registers or declines to register to vote, the office at which the person submits the voter registration application or the fact that the person declined to register shall remain confidential and will be used only for voter registration purposes.

B. A change of address for an Oklahoma driver license or state identification card submitted by a registered voter shall also serve as a change of address for voter registration purposes if the new address is within the same county where the voter is registered to vote. If the new address is outside the county where the voter is

currently registered to vote, the voter shall be sent a notice and application with instructions for registering to vote at the new address. A change of address for an Oklahoma driver license or state identification card shall not be used to update a voter registration address if the registrant states in writing that the change of address is not for voter registration purposes.

C. Motor license agents shall receive fifty cents (\$0.50) per valid paper voter registration application or application for change in voter registration taken by themselves and employees of the motor license agent's office taken at the agent's office, payable by the State Election Board.

D. The Oklahoma Tax Commission shall notify the Secretary of the State Election Board of motor license agent appointments. The Oklahoma Department of Public Safety shall notify the Secretary of the State Election Board of motor license agents qualified to issue driver licenses.

E. The Secretary of the State Election Board is authorized to develop with the Department of Public Safety a system to electronically transmit voter registration applications from motor license agencies to the State Election Board or county election boards. Such system shall be consistent with the requirements for electronic submission of voter registration applications provided in Section 4-109.4 of this title.

F. The Secretary of the State Election Board shall promulgate rules and procedures to implement the requirements of this section. Added by Laws 1994, c. 260, § 11, eff. Jan. 1, 1995. Amended by Laws 2015, c. 87, § 4, eff. Nov. 1, 2015; Laws 2016, c. 326, § 3, emerg. eff. May 24, 2016; Laws 2017, c. 242, § 1, emerg. eff. May 12, 2017.

§26-4-109.4. Electronic submission of voter registration application.

A. A person may submit a voter registration application electronically as provided in this section if such person:

1. Has a current and valid Oklahoma driver license or identification card issued by the Department of Public Safety pursuant to the provisions of Section 6-101 et seq. of Title 47 of the Oklahoma Statutes;
2. Is registering to vote at the address shown on the driver license or identification card; and
3. Is a qualified elector and entitled to become a registered voter as provided by law.

B. The Secretary of the State Election Board, subject to available funding, shall establish a secure website to permit persons described in subsection A of this section to submit voter registration applications electronically. The website must permit such persons to submit an application to register to vote or to

update an existing registration. The Secretary may employ security measures he or she deems necessary to ensure the accuracy and integrity of voter registration applications submitted electronically and may establish an initial date on which voter registration applications may be submitted electronically after establishment of the website.

C. 1. The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true and correct. Any person who submits false information on an electronic voter registration application shall be deemed guilty of a felony as described in Sections 16-103 and 16-103.1 of this title.

2. The applicant must consent to the comparison of the information entered into an electronic voter registration application to the information contained in his or her driver license or identification card record and also to the use of the signature included in the driver license or identification card record for voter registration purposes.

3. A voter registration application properly submitted electronically shall be processed by the State Election Board and the appropriate county election board in the same manner as a voter registration application submitted on a paper form.

D. 1. When an applicant submits a voter registration application electronically, the Secretary shall generate an electronic confirmation on the website that the application has been received, with instructions as to how the applicant may check the status of the application thereafter.

2. a. The Secretary shall submit the information entered into the electronic voter registration application by the applicant to the Department of Public Safety for comparison to the record of the applicant's driver license or identification card.
- b. The Department of Public Safety shall respond to the submission and shall indicate if the information submitted matches the information in the applicant's driver license record.
- c. If the information matches, the electronic voter registration application may proceed and the Department of Public Safety shall provide the State Election Board with the digital image of the signature included in the applicant's driver license or identification card record. If the information does not match, the application shall not proceed, and the applicant shall be notified of the failed match and may be provided information and instruction for updating the driver license or identification card record with the Department of Public Safety.

3. a. Following a match of records by the Department of Public Safety described in subparagraph b of paragraph 2 of this subsection, and if the Secretary finds that the electronic voter registration application is in compliance with this section and all applicable laws relating to voter registration, the digital image of the signature from the applicant's driver license or identification card record shall be included on the application and the application shall be submitted and processed as provided by law. Provided, the Secretary of the State Election Board is authorized to designate an alternative method of obtaining the signature of the applicant, if necessary.
- b. If the Secretary does not find that the electronic voter registration application is in compliance with this section and all applicable laws relating to voter registration, the applicant shall be notified that the electronic voter registration application cannot be submitted and the reasons it cannot be submitted, and shall provide information about other methods to submit a voter registration application.

E. The provisions of Section 24A.5 of Title 51 of the Oklahoma Statutes relating to confidentiality of personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, shall be applicable to information obtained by the State Election Board from the Department of Public Safety during the information matching procedure described in this section. Provided, however, this subsection shall not apply to information entered into the electronic voter registration application by the voter registration applicant nor to the digital image of the applicant's signature provided to the Secretary of the State Election Board by the Department of Public Safety, upon the consent of the applicant, for use on the electronic voter registration application as provided in this section.

F. The Secretary of the State Election Board may establish a system whereby a registered voter may electronically submit a change to his or her voter registration information, including a change of name, political party affiliation or address of residence within the county in which the voter is currently registered to vote. An electronically submitted change in voter registration information shall include:

1. Such information as the Secretary of the State Election Board deems necessary to confirm the identity of the voter; and
2. An oath that the voter is eligible to register to vote in Oklahoma.

Upon receipt of a valid electronically submitted change in voter registration, the secretary of the appropriate county election board shall update the voter's registration information in the voter registration database and shall file a notation of such changes with the voter's original voter registration application.

G. The Secretary shall promulgate rules as may be necessary to implement the provisions of this section.

Added by Laws 2015, c. 87, § 1, eff. Nov. 1, 2015. Amended by Laws 2016, c. 326, § 4, emerg. eff. May 24, 2016; Laws 2017, c. 203, § 1, eff. Nov. 1, 2017.

§26-4-110. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-110.1. Time for submission of voter registration applications - Notice of disposition.

A. Voter registration applications may be submitted at any time. However, completed applications received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as part of a driver license or identification card application twenty-four (24) or fewer days prior to an election; any mail application postmarked or any electronic application submitted twenty-four (24) or fewer days prior to an election or any mail application received without a postmark nineteen (19) or fewer days prior to an election shall not be approved for that election if the applicant's residence is located within the geographical boundaries of the entity for which the election is being conducted.

B. No more than seven (7) days after any election, each county election board secretary for the county of the applicant's residence shall send a notice of disposition as required in Section 4-103.1 of this title to all persons whose voter registration applications were received twenty-four (24) or fewer days prior to the election.

C. Registration for voting purposes occurs when a completed voter registration application is approved by the county election board secretary for the county of the applicant's residence and on the date that the information is entered into the voter registration database for the county of the applicant's residence.

D. Registration for candidate filing or party affiliation purposes occurs at the earliest time the completed voter registration application is received at the State Election Board, any county election board, any agency designated to accept voter registration applications or any Motor License Agent as part of a driver license or identification card application provided that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence; or, in the case of mail applications, registration for candidate filing or party affiliation purposes shall occur at the time when the

completed voter registration application is postmarked provided that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence; or, in the case of a mail application received without a postmark, registration for candidate filing or party affiliation purposes shall occur at the earliest time when the completed application is received by the State Election Board or any county election board provided that the application is subsequently approved by the secretary of the county election board for the county of the applicant's residence.

E. Registration for any purpose of a person who is under the age of eighteen (18) years and who has submitted an application pursuant to the provisions of subsection B of Section 4-103 of this title occurs upon the eighteenth birthday of the person, regardless of the time the application is received or approved.

Added by Laws 1994, c. 260, § 12, eff. Jan. 1, 1995. Amended by Laws 2010, c. 189, § 4, eff. Jan. 1, 2011; Laws 2015, c. 87, § 5, eff. Nov. 1, 2015; Laws 2019, c. 216, § 2, eff. Nov. 1, 2019.

§26-4-111. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-111.1. Repealed by Laws 1994, c. 260, § 28, eff. Jan. 1, 1995.

§26-4-112. Registration applications

A. The Secretary of the State Election Board shall devise and distribute a registration application form to be used for registering voters. Such registration application shall contain the following information:

1. The applicant's full name and date of birth, county and place of residence, and mailing address pursuant to the provisions of subsection G of this section;
2. A space or section to designate a political party recognized by the laws of the State of Oklahoma with which the applicant chooses to be affiliated;
3. The Oklahoma driver license or identification card number if the applicant has been issued a current and valid driver license or identification card by the Department of Public Safety, or if the applicant does not have a valid Oklahoma driver license or identification card, the last four digits of the voter's social security number;
4. An oath of the eligibility of the applicant to become a registered voter; and
5. Such other information as may be deemed necessary by the Secretary to identify such applicant and to ascertain his or her eligibility.

B. A voter registration application shall be signed by the applicant in writing. The applicant shall personally subscribe his or her name to or make his or her mark on the application, and no agent, representative or employee of the applicant may sign or mark on the applicant's behalf. The signature or mark must be the original, handwritten signature, autograph or mark of the applicant. No facsimile, reproduction, typewritten or other substitute signature, autograph or mark will be valid. Notwithstanding any law to the contrary, the Secretary of the State Election Board shall prescribe procedures to authorize any person incapable of personally making a mark to complete a voter registration application with assistance of an official of any voter registration agency or motor license agency specified in Sections 4-109.2 and 4-109.3 of this title. Provided, for applications submitted electronically, in lieu of the signature requirements set forth in this subsection, the applicant shall consent to the use of his or her driver license or identification card signature as provided in Section 4-109.4 of this title.

C. Persons who do not indicate a recognized political party or political organization on their registration application shall be designated as Independents.

D. Any person may apply in writing to the Secretary of the State Election Board for permission to print, copy or otherwise prepare and distribute the registration applications designed by the Secretary of the State Election Board. The Secretary may revoke any such permission at any time.

E. All registration applications shall be distributed to the public at no charge.

F. The Secretary also shall prescribe procedures to accept and use the National Mail Voter Registration Form, or its successor, as required by the National Voter Registration Act of 1993. Provided, to be accepted as a valid voter registration application, the form shall include the applicant's original, handwritten signature, autograph or mark as described in subsection B of this section.

G. Applicants for voter registration or for change of voter registration in any way shall provide a residence address and, if different from the residence address, a mailing address. A residence address shall include the street address of the residence, including a full house number, street name or number, apartment or suite number, if applicable, and zip code. If a street address is not available for the residence, applicants shall provide such information as the Secretary of the State Election Board deems necessary for voter registration purposes. A post office box may not be given as a residence address. A mailing address, which shall include the city and zip code, may be the actual emergency notification or 911 address on file in the local community, a rural route and box number, a post office box number or a street address.

H. A full or partial Social Security number or driver license number in a voter registration record or a voter registration application shall not be considered a public record and shall be kept confidential by the State Election Board and each county election board.

Added by Laws 1974, c. 75, § 12, emerg. eff. April 19, 1974.
Renumbered from § 93.42 of this title by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1994, c. 260, § 13, eff. Jan. 1, 1995; Laws 1998, c. 357, § 8, eff. Jan. 1, 1999; Laws 1999, c. 88, § 4, emerg. eff. April 13, 1999; Laws 2002, c. 447, § 4, emerg. eff. June 5, 2002; Laws 2004, c. 545, § 5, eff. July 1, 2005; Laws 2015, c. 87, § 6, eff. Nov. 1, 2015; Laws 2016, c. 326, § 5, emerg. eff. May 24, 2016.

§26-4-113. Voter identification cards.

A. The Secretary of the State Election Board shall devise a voter identification card which shall be issued to every person who becomes a registered voter in Oklahoma. The voter identification card shall contain such information as is necessary to determine a registered voter's eligibility.

B. When a person registers to vote or changes his or her registration in any manner to require a new voter identification card, or upon the eighteenth birthday of a person who has submitted a voter registration application pursuant to the provisions of subsection B of Section 4-103 of this title, the county election board secretary in the county of the voter's residence shall transmit the new voter identification card as acknowledgment of the transaction which may be the notice required in Section 4-103.1 of this title.

Added by Laws 1974, c. 75, § 13, emerg. eff. April 19, 1974.
Renumbered from § 93.43 of this title by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1994, c. 260, § 14, eff. Jan. 1, 1995; Laws 2004, c. 545, § 6, eff. July 1, 2005; Laws 2019, c. 216, § 3, eff. Nov. 1, 2019.

§26-4-114. Maintenance of registration information.

The secretary of each county election board shall cause the registration information of every registered voter in the county to be entered into the voter registration database.

Added by Laws 1974, c. 75, § 14, emerg. eff. April 19, 1974.
Amended by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976; Laws 1990, c. 331, § 4, eff. July 1, 1990; Laws 2010, c. 189, § 5, eff. Jan. 1, 2011.

§26-4-115. Central registry.

The secretary of each county election board shall cause registration forms of every registered voter in said county to be

retained in a central registry in alphabetical order. Said central registry shall be maintained in a secure manner in the offices of the county election board.

Laws 1974, c. 75, § 15, emerg. eff. April 19, 1974; Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976; Laws 1990, c. 331, § 5, eff. July 1, 1990.

§26-4-115.1. Correction of clerical or administrative errors.

The secretary of each county election board is authorized to correct clerical or administrative errors in the voter registration database and to conform voter registration information to recognized standards, as determined by the Secretary of the State Election Board, for promotion of uniformity and consistency in address designations. No corrections shall be made to the original registration form signed by the voter except as provided by law or rule of the State Election Board.

Added by Laws 1991, c. 321, § 6, eff. March 1, 1992. Amended by Laws 2010, c. 189, § 6, eff. Jan. 1, 2011.

§26-4-115.2. Confidentiality of residence and mailing address.

A. The Secretary of the State Election Board is authorized to promulgate rules to keep confidential the residence and mailing address, upon application to do so, of individual registered voters who are members of certain classes. These classes shall be limited to the judiciary, district attorneys, assistant district attorneys, Uniformed Services members, law enforcement personnel and the immediate family of law enforcement personnel, correctional officers, persons who are protected by victim's protection orders, the spouses and dependents of the members of such classes, and persons who are certified by the Secretary of State as participants in the Address Confidentiality Program established by Section 60.14 of Title 22 of the Oklahoma Statutes. Such address information shall be provided to a candidate or candidate representative or other lawful authority in anticipation or as part of a contest of candidacy or contest of an election as provided for in this title or as part of a petition challenge as provided by law. However, no information concerning the address of a certified Address Confidentiality Program participant shall be released by election officials to any person for any purpose except under court order.

B. As used in this section, "immediate family of law enforcement personnel" means a spouse, child by birth or adoption, stepchild or parent living at the same residence as the law enforcement personnel.

Added by Laws 2002, c. 447, § 5, emerg. eff. June 5, 2002. Amended by Laws 2003, c. 485, § 6; Laws 2016, c. 152, § 2, eff. Nov. 1, 2016; Laws 2018, c. 15, § 1, eff. Nov. 1, 2018.

§26-4-116. Transfer of registrations.

If a registered voter of a county changes his or her residence to another precinct within the same county, he or she shall be entitled to transfer his or her registration in a manner prescribed by the Secretary of the State Election Board. The secretary of the county election board shall change the registration information of such registered voter in the voter registration database and shall issue a new voter identification card to the voter. Information given by the voter shall be under oath.

Added by Laws 1974, c. 75, § 16, emerg. eff. April 19, 1974.

Renumbered from Title 26, § 93.46 by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1979, c. 240, § 13, emerg. eff. June 1, 1979; Laws 1990, c. 331, § 6, eff. July 1, 1990; Laws 1994, c. 260, § 15, eff. Jan. 1, 1995; Laws 2010, c. 189, § 7, eff. Jan. 1, 2011.

§26-4-117. Change of name or of residence within same county.

If a registered voter of a county has changed name or residence within the same county, and has not executed a transfer as hereinbefore provided, the voter shall be entitled to a change upon executing an application on a form to be prescribed by the Secretary of the State Election Board and presenting such form along with the voter identification card or other proof of identity as described in Section 7-114 of this title to the inspector of the precinct in which the voter is registered or to a member of an in-person absentee voting board of the county in which the voter is registered on the day of the next ensuing election or of in-person absentee voting. Upon doing so, such registered voter shall be permitted to vote on the ballots of such precinct, and only of such precinct, for the election being conducted on that day only. The inspector or in-person absentee voting board member shall deliver such form to the secretary of the county election board, who shall change the registration in the manner prescribed by the Secretary of the State Election Board.

Added by Laws 1974, c. 75, § 17, emerg. eff. April 19, 1974.

Renumbered from § 93.47 by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1990, c. 306, § 2, emerg. eff. May 30, 1990; Laws 1994, c. 260, § 16, eff. Jan. 1, 1995; Laws 1995, c. 290, § 5, eff. Nov. 1, 1995; Laws 2013, c. 34, § 1, eff. Nov. 1, 2013.

§26-4-118. Change of residence to another county.

Any registered voter who changes his or her residence to another county may apply for registration as an initial registrant in such other county. Such person shall indicate his or her prior registration information, including name, residence address and county and political affiliation, as appropriate, on the voter

registration application. The secretary of the election board of the second county shall immediately notify the Secretary of the State Election Board of such transaction.

Added by Laws 1974, c. 75, § 18, emerg. eff. April 19, 1974.

Renumbered from § 93.48 by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1990, c. 331, § 7, eff. July 1, 1990; Laws 1994, c. 260, § 17, eff. Jan. 1, 1995.

§26-4-118.1. National Change of Address dataset.

A. Any state agency that purchases, subscribes to, or is an authorized or licensed user of the United States Postal Service's National Change of Address dataset is authorized to share the records from the dataset with the State Election Board.

B. The Secretary of the State Election Board is authorized to utilize records from the United States Postal Service's National Change of Address dataset to determine if a registered voter in the State of Oklahoma has changed his or her address of residence.

C. Subject to available funding, the Secretary of the State Election Board is authorized to mail a notice to any registered voter whose records in the National Change of Address dataset indicate he or she may have changed his or her address of residence. Such notice shall advise the voter of the requirement to be registered at the voter's address of residence, and shall include information and forms necessary to enable the voter to transfer his or her voter registration to a new address of residence.

D. For the purposes of this section, "National Change of Address dataset" shall refer to any dataset of change-of-address records consisting of the names and addresses of individuals, families and businesses who have filed a change-of-address with the United States Postal Service.

Added by Laws 2015, c. 377, § 1, eff. Jan 1, 2016.

§26-4-119. Change of political affiliation.

Any registered voter may make application under oath to change political affiliation by executing a form prescribed by the Secretary of the State Election Board at any time. The county election board secretary in the applicant's county of residence shall process and approve any such application for political affiliation change upon receipt, except as provided in Section 4-110.1 of this title and except during the period from April 1 through August 31, inclusive, in any even-numbered year. The secretary shall process and approve such applications for change of political affiliation received or postmarked from April 1 through August 31 in any even-numbered year after August 31.

Added by Laws 1974, c. 75, § 19, emerg. eff. April 19, 1974.

Renumbered from § 93.49 of this title by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1979, c. 240, § 14, emerg.

eff. June 1, 1979; Laws 1994, c. 260, § 18, eff. Jan. 1, 1995; Laws 2000, c. 358, § 7, eff. July 1, 2000; Laws 2003, c. 485, § 7; Laws 2011, c. 196, § 5, eff. Nov. 1, 2011.

§26-4-120. Cancellation of registrations.

The registration of any registered voter may be cancelled only for one of the following reasons: Written notice from the voter; death; conviction of a felony; judicial determination of mental incapacitation under Title 30 of the Oklahoma Statutes; registration in another county or state; or failure to respond to a confirmation of address mailing and failure to vote as prescribed in Section 21 of this act.

Added by Laws 1974, c. 75, § 20, emerg. eff. April 19, 1974.

Amended by Laws 1976, c. 90, § 2, emerg. eff. May 6, 1976.

Renumbered from § 93.50 by Laws 1976, c. 90, § 10, emerg. eff. May 6, 1976. Amended by Laws 1979, c. 240, § 15, emerg. eff. June 1, 1979; Laws 1981, c. 45, § 1, emerg. eff. April 8, 1981; Laws 1992, c. 247, § 6, emerg. eff. May 21, 1992; Laws 1994, c. 260, § 19, eff. Jan. 1, 1995.

§26-4-120.1. Voluntary cancellation of registration.

A registered voter may have his or her name removed from the voter registration database by executing a written notice for same to the Secretary of the State Election Board or any county election board. Such written notice shall be personally signed by the voter and either shall be notarized or shall be witnessed by two persons whose names and addresses shall be included on the notice.

Added by Laws 1981, c. 45, § 2, emerg. eff. April 8, 1981. Amended by Laws 1994, c. 260, § 20, eff. Jan. 1, 1995; Laws 1995, c. 290, § 6, eff. Nov. 1, 1995; Laws 2010, c. 189, § 8, eff. Jan. 1, 2011.

§26-4-120.2. Inactive voters.

A. No later than June 1 of each odd-numbered year, any voter identified within the previous twenty-four (24) months as subject to the provisions of this subsection shall be sent an address confirmation mailing prescribed by the Secretary of the State Election Board and paid for by the state. The following shall be subject to the provisions of this subsection:

1. Any voter for whom a first-class mailing from the county election board or the State Election Board was returned;

2. Any voter identified by the Secretary of the State Election Board as a potential duplicate voter in another county in this state or in another state;

3. Any voter who has surrendered his or her Oklahoma driver license to the Department of Public Safety upon being issued a driver license in another state;

4. Any voter identified in subsection C of Section 4-118.1 of this title who has not updated his or her voter registration;

5. Any registered voter identified in subsection F of Section 4-120.3 of this title whose voter registration has not been canceled;

6. Any active registered voter who did not vote in the second previous general election or any election conducted by a county election board since the second previous general election and who has initiated no voter registration change; and

7. Any registered voter who was sent a notice and application to update a voter registration address as required by subsection B of Section 4-109.3 of this title, but whose voter registration address has not been updated or canceled.

Voters who do not respond to the confirmation mailing or whose mailing is returned as nonforwardable or undeliverable as addressed shall be designated as inactive sixty (60) days after the mailing.

B. An inactive voter's status shall be changed to active under the following conditions:

1. With any registration change initiated by the voter; or
2. By voting in any election conducted by a county election board.

board.

An inactive voter who does not vote in any election conducted by a county election board during the period beginning on the date of the confirmation mailing and ending on the day after the date of the second successive general election for federal office shall be removed as a registered voter and all the information on that voter shall be destroyed. Each county election board secretary shall maintain a list of the names and addresses of all persons sent a confirmation mailing as described in this section and information on whether or not each such person has responded to the notice. The list shall be maintained for twenty-four (24) months following the date of the second successive federal general election after the date of the confirmation mailing.

C. The secretary of each county election board shall cause all inactive voters in a precinct to be identified on the precinct registry.

D. No later than June 1 of each odd-numbered year, the Secretary of the State Election Board shall identify duplicate voter registrations in the state and shall direct appropriate county election board secretaries to cancel the voter registration of all but the latest registration of duplicate voter registrations. Each county election board secretary shall maintain for twenty-four (24) months a list of the names and addresses of all canceled duplicate voter registrations. For the purposes of this subsection, duplicate voter registrations are those registrations which contain the following identical information on more than one registration:

1. First name, middle name or initial, last name, and date of birth;
2. Driver license number and date of birth; or
3. Last name, date of birth, and the last four digits of the Social Security number.

Added by Laws 1981, c. 45, § 3, emerg. eff. April 8, 1981. Amended by Laws 1983, c. 171, § 5, emerg. eff. June 6, 1983; Laws 1990, c. 331, § 8, eff. July 1, 1990; Laws 1991, c. 321, § 7, eff. March 1, 1992; Laws 1994, c. 260, § 21, eff. Sept. 1, 1994; Laws 1997, c. 177, § 1, eff. Nov. 1, 1997; Laws 1998, c. 357, § 9, eff. Jan. 1, 1999; Laws 1999, c. 88, § 5, emerg. eff. April 13, 1999; Laws 2010, c. 189, § 9, eff. Jan. 1, 2011; Laws 2015, c. 377, § 2, eff. Jan. 1, 2016; Laws 2017, c. 242, § 2, emerg. eff. May 12, 2017.

§26-4-120.3. Deceased persons - Cancellation of registration.

A. The State Department of Health shall each month transmit to the Secretary of the State Election Board a certified list of all deaths of residents that have occurred within the state for the immediately preceding month. The Secretary of the State Election Board shall transmit such list to the secretary of the county election board who shall then use such list to ascertain those voters who are deceased, and shall thereafter remove such deceased person's name from the central registry and voter registration database. Such list shall be used only for the purposes hereinbefore described.

B. The registration of a deceased voter may be canceled by the secretary of a county election board upon the receipt of a certified copy of a death certificate from any person or upon the execution by the next of kin of such deceased voter of a form and upon the nature of proof of the fact thereof as prescribed by the Secretary of the State Election Board. Such form must be executed in person by the deceased voter's next of kin at the county election board office, in which case it shall be witnessed by the secretary or other designated employees, at the deceased voter's precinct polling place or at the next of kin's precinct polling place in the same county on the day of any election, in which case it shall be witnessed by the inspector of such precinct, or the form may be personally signed by the next of kin, such signature to be notarized by a notary public or witnessed by two persons whose signatures and addresses shall appear on the form, and returned to the county election board.

C. The administrator of a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or the administrator of a veterans center established pursuant to Title 72 of the Oklahoma Statutes, also may execute a form prescribed by the Secretary of the State Election Board to notify the secretary of the county election board of the death of a nursing facility resident who is a registered voter. The administrator's signature on such

form shall be witnessed by a member of the nursing home absentee voting board, shall be notarized or shall be witnessed by two persons whose signatures and addresses shall appear on the form.

D. A funeral director, as defined in Section 396.2 of Title 59 of the Oklahoma Statutes, may execute a form prescribed by the Secretary of the State Election Board to notify the secretary of the county election board of the death of a resident of the county. The funeral director's signature on such form either shall be notarized or shall be witnessed by two persons whose signatures and addresses shall appear on the form. Upon receipt of such form or any notice setting forth substantially the same facts and witnessed or notarized as provided in this section, the secretary of the county election board shall be authorized to cancel the voter registration of such deceased person.

E. The registration of a deceased voter who was a member of the Oklahoma National Guard or the armed forces of the United States and who died in the line of duty may be canceled by the secretary of a county election board upon the receipt of notification of the voter's death from the Oklahoma National Guard or the armed forces of the United States. The Secretary of the State Election Board may prescribe the forms of such notification to be accepted by the county election board in order to cause the registration of the voter to be canceled. The Secretary shall further request the Oklahoma National Guard and the armed forces of the United States to provide notifications to the county election board as provided for in this section.

F. The Secretary of the State Election Board is authorized to obtain official death records from the Social Security Administration and from other states. The Secretary of the State Election Board may compare such death records against the state's voter registration database. Any possible match of a death record to a registered voter shall be transmitted to the secretary of the county election board in the county in which the voter is registered. The secretary of the county election board shall ascertain any voter who is deceased, and shall remove such deceased person's name from the central registry and voter registration database.

Added by Laws 1981, c. 45, § 4, emerg. eff. April 8, 1981. Amended by Laws 1990, c. 331, § 9, eff. July 1, 1990; Laws 1998, c. 357, § 10, eff. Jan. 1, 1999; Laws 1999, c. 88, § 6, emerg. eff. April 13, 1999; Laws 2002, c. 447, § 6, emerg. eff. June 5, 2002; Laws 2004, c. 307, § 3, emerg. eff. May 17, 2004; Laws 2010, c. 189, § 10, eff. Jan. 1, 2011; Laws 2012, c. 10, § 1, eff. Nov. 1, 2012; Laws 2012, c. 213, § 1, eff. Nov. 1, 2012; Laws 2015, c. 377, § 3, eff. Jan. 1, 2016.

§26-4-120.4. Convicted felons - Cancellation of registration - Liability.

A. The Secretary of the State Election Board shall accept written notice from the United States Attorney of persons convicted of felonies in a district court of the United States. The Secretary of the State Election Board shall cause the voter registrations of persons listed in the written notice to be cancelled in the county of the person's residence and shall notify the secretary of the appropriate county election board of the cancellation.

B. The court clerk in each county shall prepare a list monthly of all persons convicted in the county of a felony and shall transmit the list to the secretary of the county election board. The list shall include information necessary to identify a person on the list as a registered voter prescribed by the Secretary of the State Election Board. The secretary shall cancel the registration of registered voters in the county included on the list. The secretary of the county election board shall forward the names of any persons on the list who are not residents of the county to the Secretary of the State Election Board. The Secretary of the State Election Board shall cause the voter registrations of persons from a list who are forwarded to the Secretary to be cancelled in the county of the person's residence.

C. The Secretary of the State Election Board, secretaries of county election boards, and their agents and employees shall not be held civilly liable for any action taken based upon information concerning felony convictions received from a United States Attorney or a county court clerk pursuant to subsections A and B of this section if a reasonable effort was made to make an accurate match of the information provided with voter registration records before canceling any voter's registration.

Added by Laws 1981, c. 45, § 5, emerg. eff. April 8, 1981. Amended by Laws 1990, c. 331, § 10, eff. July 1, 1990; Laws 1994, c. 260, § 22, eff. Jan. 1, 1995; Laws 1995, c. 290, § 7, eff. Nov. 1, 1995; Laws 2002, c. 447, § 7, eff. July 1, 2003.

§26-4-120.5. Incapacitated persons - Cancellation of registration.

The court clerk in each county shall prepare each month a list of all persons who have been adjudged incapacitated and hold said list for the secretary of the county election board. The secretary shall cancel the registration of each registered voter included on said list, and such person shall be ineligible for registration until he has been adjudged no longer incapacitated by a court of competent jurisdiction.

Laws 1981, c. 45, § 6, emerg. eff. April 8, 1981; Laws 1992, c. 247, § 7, emerg. eff. May 21, 1992.

§26-4-120.6. Registration in another county or state - Cancellation or registration.

The secretary of each county election board shall cancel the registration of all registered voters who have registered in another county in Oklahoma, or in another state, upon receipt of notice of same.

Laws 1981, c. 45, § 7, emerg. eff. April 8, 1981.

§26-4-120.7. Registration applications - Removal from registries - Destruction.

The registration application of registered voters whose registration has been canceled, upon written notice of the voter, death, conviction of a felony, judicial determination of mental incapacitation or registration in another county or state in the manner hereinbefore provided, shall be removed from the central registry and maintained separately for a period of twenty-four (24) months by the secretary of each county election board. Reason for cancellation and date of said cancellation shall be noted on said registration application. After twenty-four (24) months, the registration application shall be destroyed.

Added by Laws 1981, c. 45, § 8, emerg. eff. April 8, 1981. Amended by Laws 1983, c. 171, § 6, emerg. eff. June 6, 1983; Laws 1990, c. 331, § 11, eff. July 1, 1990; Laws 1994, c. 260, § 23, eff. Jan. 1, 1995.

§26-4-120.8. Reregistration of cancelled voter.

A person whose registration has been cancelled according to law shall be required to register again in the manner provided by law for initial registrations before he can vote in an election for which registration is required.

Laws 1981, c. 45, § 9, emerg. eff. April 8, 1981.

§26-4-120.9. Repealed by Laws 1990, c. 331, § 21, emerg. eff. May 31, 1990.

§26-4-120.10. Voting in precinct from which registration transferred.

Any person whose voter registration has been transferred and the transfer has been completed by the appropriate election board pursuant to Section 4-116 or 4-118 of Title 26 of the Oklahoma Statutes shall not vote in the precinct in which the person was registered prior to the transfer of registration.

Added by Laws 2003, c. 403, § 1, eff. Nov. 1, 2003.

§26-5-101. Declarations of candidacy required.

A person may become a candidate for office and have his name appear on a ballot only after he files a Declaration of Candidacy as hereinafter provided.

Laws 1974, c. 153, § 5-101, operative Jan. 1, 1975.

§26-5-102. Candidates filing with Secretary of State Election Board.

Candidates for United States Senator, United States Representative, state officer, State Senator, State Representative, district judge, associate district judge and district attorney shall file Declarations of Candidacy with the Secretary of the State Election Board.

Amended by Laws 1987, c. 33, § 6, emerg. eff. April 20, 1987.

§26-5-103. Candidates filing with secretary of county election board.

Candidates for county office shall file Declarations of Candidacy with the secretary of the county election board in the county in which said candidates seek election.

Laws 1974, c. 153, § 5-103, operative Jan. 1, 1975.

§26-5-104. Party must be recognized.

Candidates may file for the nomination of a political party only if said party is recognized by the laws of the State of Oklahoma.

Laws 1974, c. 153, § 5-104, operative Jan. 1, 1975.

§26-5-105. Candidate must be registered - Exceptions.

A. To file as a candidate for nomination by a political party to any state or county office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state or county office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

Added by Laws 1974, c. 153 § 5-105, operative Jan. 1, 1975. Amended by Laws 1981, c. 178, § 4, emerg. eff. May 18, 1981; Laws 1987, c. 27, § 1, eff. Nov. 1, 1987; Laws 2004, c. 53, § 7, emerg. eff. April 1, 2004; Laws 2011, c. 289, § 7, eff. Nov. 1, 2011.

§26-5-105a. Misdemeanor embezzlement and felony offenders barred from public office for certain time - Pardons.

A. A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement or felony or who has been convicted of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such crime shall not be eligible to be a candidate for or to be elected to any state, county, municipal, judicial or school office or any other elective office of any political subdivision of this state for a period of fifteen (15) years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

B. The provisions of this section shall not be construed to preclude a person who has received a pardon from being eligible for or from holding public office.

Added by Laws 1986, c. 234, § 1, emerg. eff. June 11, 1986.

§26-5-106. Candidate may file for only one office.

Candidates may file for no more than one office at any election. A Special Election and a Regular Election held on the same date shall be considered one election.

Added by Laws 1974, c. 153, § 5-106, operative Jan. 1, 1975.

Amended by Laws 1994, c. 260, § 26, emerg. eff. May 26, 1994; Laws 2004, c. 369, § 2, emerg. eff. May 28, 2004.

§26-5-107. Identical names prohibited.

No person may become a candidate for any office enumerated in Section 5-102 of this title whose name is identical to the name of the incumbent or of any publicly announced candidate for such office, or similar thereto, where it appears that the identity or similarity of names is used for the purpose of confusing the voters. Any person desiring to become a candidate for one of said offices whose name is identical or similar to the name of the incumbent or of any publicly announced candidate for said office shall observe the following procedure.

The potential candidate shall file a preliminary Declaration of Candidacy with the Secretary of the State Election Board between the hours of 8 a.m. on Monday and 5 p.m. on Friday of the third week prior to the beginning of the regular filing period. The preliminary Declaration of Candidacy shall be accompanied by a cashier's or certified check in the amount of Two Hundred Fifty Dollars (\$250.00).

When such a preliminary Declaration of Candidacy is filed the Secretary of the State Election Board shall immediately set the

matter for hearing and shall cause at least five (5) days' notice to be given by publication in one issue of a newspaper of general circulation in the state so that any person may object to said filing and be heard thereon at said hearing.

At said hearing the candidate may present proof and testimony of his good faith. The burden of proof shall be upon the candidate to show that his candidacy is in good faith and is not intended to confuse the voters.

After a full and complete hearing the State Election Board shall render its decision, and if it finds that he is acting in good faith and not for the purpose of confusing the voters, said candidate shall be permitted to file a Declaration of Candidacy during the regular filing period, and his deposit shall be returned to him. If the Board finds that said candidate's candidacy is designed for the purpose of confusing the voters, he shall not be permitted to file as a candidate, and the balance of his deposit, after the costs of the hearing are deducted, shall be returned to him.

Laws 1974, c. 153, § 5-107, operative Jan. 1, 1975; Laws 1976, c. 90, § 5, emerg. eff. May 6, 1976.

§26-5-108. Adopting name of incumbent prohibited.

No person may become a candidate for any office who adopts or has adopted a name identical or similar to that of the incumbent of such office, or of any candidate who has previously made public announcement of his candidacy for such office.

Laws 1974, c. 153, § 5-108, operative Jan. 1, 1975.

§26-5-109. Adopting name of person of state or national reputation prohibited.

No person may become a candidate for any office who adopts or has adopted the name of any person of state or national reputation, living or dead.

Laws 1974, c. 153, § 5-109, operative Jan. 1, 1975.

§26-5-110. Filing period.

Declarations of Candidacy provided herein must be filed with the secretary of the appropriate election board no earlier than 8:00 a.m. on the second Wednesday of April of any even-numbered year and no later than 5:00 p.m. on the next succeeding Friday. Such Declarations of Candidacy may be transmitted by United States mail, but in no event shall the secretary of any election board accept such Declarations after the time prescribed by law.

Added by Laws 1974, c. 153, § 5-110, operative Jan. 1, 1975.

Amended by Laws 2003, c. 162, § 1; Laws 2004, c. 53, § 8, emerg. eff. April 1, 2004; Laws 2011, c. 196, § 6, eff. Nov. 1, 2011.

§26-5-111. Declaration of candidacy forms.

A. Forms to be used for filing Declarations of Candidacy shall be prescribed by the Secretary of the State Election Board and shall contain the following information:

1. The name of the candidate as it shall appear on the ballot;
2. The legal name of the candidate;
3. The candidate's place of residence and mailing address;
4. The name of the office sought;
5. The candidate's date of birth;
6. The party affiliation of the candidate seeking political party nomination;
7. The precinct and county wherein the candidate is a registered voter;
8. An oath wherein the candidate swears or affirms that he or she is qualified to become a candidate for the office sought, and that, if elected, the candidate will be qualified to hold the office; and
9. Any additional information which the Secretary deems necessary.

B. If the candidate has ever been ultimately determined by a court of proper authority to be guilty of an offense specified in subsection A of Section 5-105a of this title or at the time of filing the Declaration of Candidacy is named in an outstanding warrant for arrest for such an offense, in this or any other state, the candidate shall provide the following information on a form prescribed by the Secretary of the State Election Board:

1. The name of the offense;
2. The date of conviction or issuance of the outstanding warrant; and
3. The county and state of conviction or issuance of the outstanding warrant.

The provisions of this subsection shall not apply to an offense for which the candidate has received a pardon.

C. A Declaration of Candidacy form must be signed by the candidate, and the signature must be properly notarized by a notary public or other person authorized by law to administer oaths.

D. In addition to the information required by this section, a candidate may include a telephone number, email address and website address. Such additional information shall not be required of any candidate but if provided shall be made available to the public.

Added by Laws 1974, c. 153, § 5-111, operative Jan. 1, 1975.
Amended by Laws 2012, c. 10, § 2, eff. Nov. 1, 2012; Laws 2013, c. 96, § 1, eff. Nov. 1, 2013; Laws 2013, c. 402, § 1, eff. Nov. 1, 2013.

§26-5-111.1. Declaration of Candidacy - Signature of candidate.

To be valid, a Declaration of Candidacy submitted to the secretary of any county election board or to the Secretary of the

State Election Board shall be signed by the candidate in writing. The candidate shall personally subscribe his name to the Declaration of Candidacy, and no agent, representative or employee of the candidate may sign on the candidate's behalf. The signature must be the original, handwritten signature or autograph of the candidate. No facsimile, reproduction, typewritten or other substitute signature or autograph will be valid.
Added by Laws 1988, c. 101, § 4, emerg. eff. April 1, 1988.

§26-5-112. Petitions and filing fees.

A. A declaration of candidacy must be accompanied by:

1. A petition supporting a candidate's filing signed by not fewer than two percent (2%) of the number of registered voters in the district, county or state, as appropriate for the office sought; or

2. A cashier's check or certified check as follows:

- a. for candidates for Governor, Two Thousand Dollars (\$2,000.00),
- b. for candidates for United States Senator, Two Thousand Dollars (\$2,000.00),
- c. for candidates for United States Congress, One Thousand Dollars (\$1,000.00),
- d. for candidates for Lieutenant Governor, Corporation Commission, Attorney General, State Auditor and Inspector, State Superintendent of Public Instruction, State Treasurer, Commissioner of Insurance and Commissioner of Labor, One Thousand Dollars (\$1,000.00),
- e. for candidates for the State House of Representatives, Five Hundred Dollars (\$500.00),
- f. for candidates for the State Senate, Seven Hundred Fifty Dollars (\$750.00),
- g. for candidates for District Judge or Associate District Judge, Five Hundred Dollars (\$500.00),
- h. for candidates for District Attorney, Five Hundred Dollars (\$500.00), and
- i. for candidates for county office, Three Hundred Dollars (\$300.00).

B. A filing fee received by the Secretary of the State Election Board shall be deposited in the State Election Board Revolving Fund created pursuant to Section 3-107 of this title. A filing fee received by a secretary of a county election board shall be deposited in the County Election Board Special Depository Account authorized by Section 3-108 of this title.

Added by Laws 1974, c. 153, § 5-112, operative Jan. 1, 1975.
Amended by Laws 1978, c. 11, § 1, emerg. eff. Feb. 7, 1978; Laws 1988, c. 48, § 1, emerg. eff. March 21, 1988; Laws 1990, c. 306, §

3, emerg. eff. May 30, 1990; Laws 2002, c. 447, § 8, emerg. eff. June 5, 2002; Laws 2010, c. 376, § 1; Laws 2017, c. 268, § 1, eff. Nov. 1, 2017.

§26-5-113. Repealed by Laws 2010, c. 376, § 2.

§26-5-114. Designation of term.

In all primary elections where there are two or more nominations to be made for the same office in name, one of said offices being for a longer term than the other, each candidate, in filing for nomination for said office, shall state whether he is filing for the long or short term, and the same shall be reflected on the ballot for said offices.

Laws 1974, c. 153, § 5-114, operative Jan. 1, 1975.

§26-5-115. Withdrawals from primary.

Any candidate may withdraw as a candidate only upon the filing of a written notice of withdrawal as a candidate with the secretary of the election board which accepted such candidate's declaration of candidacy. Such notice shall be signed by the candidate or a lawfully appointed personal representative or a lawfully appointed special administrator of any deceased candidate, whose signature shall be notarized by a notary public, and shall be filed on or before 5:00 p.m. on the second business day following the close of the filing period prescribed by law.

Added by Laws 1974, c. 153, § 5-115, operative Jan. 1, 1975.

Amended by Laws 2003, c. 88, § 1, eff. Nov. 1, 2003; Laws 2004, c. 307, § 4, emerg. eff. May 17, 2004; Laws 2011, c. 196, § 7, eff. Nov. 1, 2011.

§26-5-116. Withdrawals from runoff primary.

A candidate in a Runoff Primary Election may withdraw as a candidate upon the filing of a written notice of withdrawal as a candidate with the secretary of the election board which accepted said candidate's declaration of candidacy. Said notice shall be signed by the candidate or the lawfully appointed personal representative or a lawfully appointed special administrator of any deceased candidate, whose signature shall be notarized by a notary public, and shall be filed on or before 5:00 p.m. on the Friday following the date of the Primary Election.

Added by Laws 1974, c. 153, § 5-116, operative Jan. 1, 1975.

Amended by Laws 1997, c. 176, § 6, eff. Nov. 1, 1997; Laws 2003, c. 88, § 2, eff. Nov. 1, 2003.

§26-5-116.1. Withdrawal from General Election.

A candidate in a General Election may withdraw his candidacy upon filing a written notice of withdrawal as a candidate with the

secretary of the election board which accepted said candidate's declaration of candidacy. Said notice shall be signed by the candidate, whose signature shall be notarized by a notary public, and shall be filed on or before 5:00 p.m. on the Friday following the date of the Runoff Primary Election.

Added by Laws 1983, c. 171, § 21, emerg. eff. June 6, 1983. Amended by Laws 1997, c. 176, § 7, eff. Nov. 1, 1997.

§26-5-117. Declarations of Candidacy must be accepted - Exceptions.

The secretary of any election board shall accept any Declaration of Candidacy which the secretary is authorized to accept, except such Declaration which on its face shows that the candidate does not meet the qualifications to become a candidate for the office set forth as contained in the Oklahoma Constitution, statutes or resolution calling the election. Such acceptance shall entitle the candidate to have the candidate's name appear on the appropriate ballots unless the candidate withdraws candidacy according to law, or unless a contest to said candidacy is sustained in the manner hereinafter described.

Added by Laws 1974, c. 153, § 5-117, operative Jan. 1, 1975.

Amended by Laws 2000, c. 358, § 8, eff. July 1, 2000.

§26-5-118. Contests of candidacy.

Any candidate, hereafter referred to as petitioner, may contest the candidacy of any other candidate for the same office, hereafter referred to as contestee, by filing a written petition with the secretary of the election board with whom said candidate filed the declaration of candidacy. In the event only one candidate files for an office, a petition contesting the candidacy may be filed by any registered voter who is eligible to vote for the candidate.

Added by Laws 1974, c. 153, § 5-118, operative Jan. 1, 1975.

Amended by Laws 1990, c. 306, § 4, emerg. eff. May 30, 1990; Laws 1994, c. 360, § 1, eff. July 1, 1994; Laws 1997, c. 130, § 1, emerg. eff. April 17, 1997.

§26-5-119. Time for filing contest.

The petition must be filed no later than 5:00 p.m. on the second business day following the close of the filing period.

Added by Laws 1974, c. 153, § 5-119, operative Jan. 1, 1975.

Amended by Laws 2011, c. 196, § 8, eff. Nov. 1, 2011.

§26-5-120. Grounds for contest.

Said petition must allege that the contestee was not qualified by law to become a candidate for the office for which he filed a Declaration of Candidacy and must contain the reasons therefor. Reasons not appearing on the face of the petition shall be considered waived and shall not be grounds for a contest.

Laws 1974, c. 153, § 5-120, operative Jan. 1, 1975.

§26-5-121. Deposit required for contest.

The petition must be accompanied by a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00).

Added by Laws 1974, c. 153, § 5-121, operative Jan. 1, 1975.

Amended by Laws 1976, c. 90, § 3, emerg. eff. May 6, 1976; Laws 1999, c. 88, § 7, emerg. eff. April 13, 1999.

§26-5-122. Date for hearing contest.

When such a petition is properly filed, the secretary of the appropriate election board shall set the matter down for a hearing, said hearing to be not fewer than three (3) days from the date of filing of said petition.

Added by Laws 1974, c. 153, § 5-122, operative Jan. 1, 1975.

§26-5-123. Service of notice.

It shall be the duty of the petitioner to cause a true copy of the petition and notice of the date and place of the hearing to be served on the contestee.

Laws 1974, c. 153, § 5-123, operative Jan. 1, 1975.

§26-5-124. Time for service of notice.

Said service shall be made in person, where possible, within twenty-four (24) hours after the date and place of the hearing has been set by the election board secretary.

Laws 1974, c. 153, § 5-124, operative Jan. 1, 1975.

§26-5-125. Sheriff to serve notice - Secretary of election board made agent for constructive service.

Service shall be made by the sheriff of the county of residence of the contestee as to all offices, except that of sheriff, in which case the same shall be served by the county clerk of the appropriate county, and the certificate of returns of such sheriff or county clerk, showing the inability to make such service within the aforementioned time, shall be deemed sufficient proof of the absence of the contestee, or the inability to serve such petition and notice upon him, and to justify the constructive service herein provided.

When personal service is impossible, within said time, it is hereby made the duty of said petitioner to serve said true copies upon the secretary of the appropriate election board. Provided that for the purpose of such constructive service, the Secretary of the State Election Board and the secretaries of the county election boards are hereby made and constituted the service agents for all candidates who file declarations of candidacy with them. By filing his declaration of candidacy, each candidate shall thereby be

conclusively presumed to have accepted the terms and provisions hereof and specifically the aforesaid constructive service. When constructive service becomes necessary, said constructive service shall be made at the date, time and place of said hearing, after proof of inability to personally serve the contestee has been returned to the petitioner.

Amended by Laws 1983, c. 171, § 8, emerg. eff. June 6, 1983.

§26-5-126. Hearing of contest.

The petition may be heard without formal pleadings being filed in answer or reply thereto. The election board with whom the petition is filed shall have the authority to issue subpoenas and compel the attendance of witnesses and the production of evidence. Such election board shall have the authority to receive the testimony of witnesses under oath, said oath to be administered by the secretary of the board. At the conclusion of the hearing, the board shall render its decision and the vote of the individual members in writing. The decision of such board shall in all cases be final.

Laws 1974, c. 153, § 5-126, operative Jan. 1, 1975.

§26-5-127. Candidacy may be stricken.

If the election board determines that the contestee was not qualified to become a candidate for the office for which he filed a Declaration of Candidacy, it may order that his candidacy be stricken and that his name not be placed on the ballot.

Added by Laws 1974, c. 153, § 5-127, operative Jan. 1, 1975.

§26-5-128. Declaration may be amended.

If said contestee's Declaration of Candidacy may be amended or corrected to conform to law, the election board may order the same to be done, if the board determines such amendment or correction to be proper at the time of its order or decision.

Laws 1974, c. 153, § 5-128, operative Jan. 1, 1975.

§26-5-129. Answer to contest - Deposit required.

Should the contestee desire to appear in answer to said contest, said contestee shall be required, at the time of filing his answer, or, if no answer is filed, at the time of his appearance, to deposit with the secretary of the election board a cashier's check or certified check in the same amount as that filed by the petitioner.

Laws 1974, c. 153, § 5-129, operative Jan. 1, 1975.

§26-5-130. Burden of proof on petitioner.

The burden of proof shall be upon the petitioner to sustain the allegations in his petition. However, failure of the contestee to appear or answer thereto shall be deemed to place him in default,

and shall constitute an admission of the allegations of the petition, in which event, if the board determines that the factual allegations of the petition constitute appropriate grounds for disqualification, such contestee's candidacy shall be stricken. Laws 1974, c. 153, § 5-130, operative Jan. 1, 1975.

§26-5-131. Disposition of deposits.

In the event the petitioner is successful at said hearing, his deposit shall be returned to him, and all costs of such hearing shall be deducted from the deposit of the contestee, and the balance, if any, shall be returned to said contestee. If the contestee does not file an answer or make an appearance, or if the petitioner is unsuccessful, all costs incurred shall be paid from the deposit made by the petitioner, and the balance, if any, shall be returned to said petitioner.

Laws 1974, c. 153, § 5-131, operative Jan. 1, 1975.

§26-6-101. Appearance of candidate's name.

The name of any candidate for any office shall be printed on the official ballot as said candidate designated on the declaration of candidacy; provided, however, that no candidate shall have any prefix, suffix or title placed before or after the candidate's name. Added by Laws 1974, c. 153, § 6-101, operative Jan. 1, 1975.

Amended by Laws 2013, c. 96, § 2, eff. Nov. 1, 2013.

§26-6-102. Unopposed candidates.

Any candidate who is unopposed in any election shall be deemed to have been nominated or elected, as the case may be, and his name will not appear on the ballot at any election in which he is so unopposed.

Laws 1974, c. 153, § 6-102, operative Jan. 1, 1975.

§26-6-102.1. Definitions.

As used in this title, the following definitions shall apply to counties using voting devices:

1. "Ballot" means a printed paper document upon which votes for various offices or measures may be marked;

2. "Count" means the process by which votes marked on a ballot card are examined manually or electronically by a voting device and a determination is made as to whom or for what the votes are cast;

3. "Election results storage medium" means the apparatus which contains electronic instructions for a voting device and in which electronic results are stored;

4. "Results" means the manual or electronic tabulation of the votes counted for a candidate or issue;

5. "Seal" means a device or devices prescribed by the Secretary of the State Election Board to permit detection of opening or

tampering with contents of voting devices, ballot boxes, transfer cases and election results storage media;

6. "Transfer case" means a container, prescribed by the Secretary of the State Election Board, which can be closed and sealed and is constructed so as to, when sealed, prevent accidental opening or opening by any other reasonable means, except by removing, breaking, tearing or otherwise damaging the seal so if opened by any means it would be obvious in the normal situation that the container had been subject to tampering; and

7. "Voting device" means an optical scanning apparatus that electronically counts votes marked on ballots and produces printed results.

Added by Laws 1991, c. 2, § 2, emerg. eff. Feb. 25, 1991. Amended by Laws 2010, c. 189, § 11, eff. Jan. 1, 2011; Laws 2011, c. 139, § 3.

§26-6-103. Ballots printed by State Election Board.

The State Election Board shall cause ballots to be printed for statewide Primary, Runoff Primary, General Elections and special elections at such time as to insure delivery of said ballots to the several county election boards for distribution to the several precinct election boards prior to election day. Said board shall cause ballots to be printed for the following offices: Electors for President and Vice President; United States Senators; United States Representatives; state officers; Justices of the Supreme Court; Judges of the Court of Criminal Appeals; Judges of the Court of Appeals; district judges and associate district judges; State Senators; State Representatives; district attorneys; county officers, and such other officers as required by law, in the order they appear in the statutes, and shall cause ballots to be printed for state questions.

Added by Laws 1974, c. 153, § 6-103, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 8, eff. March 1, 1992; Laws 1997, c. 176, § 8, eff. Nov. 1, 1997.

§26-6-104. Ballots printed by county election board.

Each county election board shall cause ballots to be printed for county, municipal, school or other local elections at such time as to insure distribution of said ballots to the several precinct election boards within each county prior to election day. Said board shall cause ballots to be printed for offices in the order they appear in the statutes. The county election board shall cause a sufficient number of ballots to be printed for each precinct, taking into account the highest percentage of registered voters likely to vote in a given election based on historical experience and other factors, but shall not necessarily require a ballot to be printed for each registered voter.

Added by Laws 1974, c. 153, § 6-104, operative Jan. 1, 1975.
Amended by Laws 1991, c. 321, § 9, eff. March 1, 1992; Laws 1992, c. 247, § 9, emerg. eff. May 21, 1992; Laws 1997, c. 176, § 9, eff. Nov. 1, 1997.

§26-6-105. Separate ballots for general election.

At the General Election, the ballot shall contain a separate section for the following:

1. President and Vice President;
2. United States Senators and United States Representatives;
3. State officers;
4. Justices of the Supreme Court, Judges of the Court of Criminal Appeals and Judges of the Court of Appeals;
5. District judges and associate district judges;
6. State questions; and
7. State Senators, State Representatives, district attorneys and county officers.

Added by Laws 1974, c. 153, § 6-105, operative Jan. 1, 1975.
Amended by Laws 1991, c. 321, § 10, eff. March 1, 1992; Laws 2011, c. 139, § 4; Laws 2016, c. 38, § 2.

§26-6-106. Manner of printing ballot cards for general election.

The official ballot for the General Election shall be printed so that the nominees of the various political parties and nonpartisan candidates will appear in order as determined according to this section. For each section of the ballot for which there are partisan candidates, the candidates of the recognized parties shall be printed first in lot order followed by candidates of unrecognized parties in lot order followed by independent candidates in lot order. Candidates of recognized and unrecognized parties shall be printed in the lot order of their respective party. Each political party shall have the right to select an emblem to be used in designating its candidates on the ballot; provided, however, that no party shall be allowed to use the coat of arms or seal of Oklahoma or of the United States, or the respective flags thereof. Until changed by resolution of a political party, in state convention, the emblem of the Democratic party shall be a rooster and that of the Republican party an eagle. Change in a party emblem shall be authorized by the Secretary of the State Election Board only after receipt of written notice of the change by the Secretary from the state central committee of a party. At the top of each ballot on which there are partisan candidates shall appear the name of each recognized party with the emblem of the party in lot order as prescribed by the Secretary of the State Election Board. The name of the office entitled to the first place, preceded by the word "for", shall appear in bold type, as "For Governor". Immediately after same shall be the names of the nominees for such office

printed with the name of the nominee's party followed by candidates who file as Independents for such office printed with the word "Independent". The list shall be continued, naming the officers in the order in which they are set out by the Constitution and statutes, until all the nominees are given space. The sections of the ballot shall be set off with well-defined lines or by other means as prescribed by the Secretary of the State Election Board. Added by Laws 1974, c. 153, § 6-106, operative Jan. 1, 1975. Amended by Laws 1976, c. 90, § 4, emerg. eff. May 6, 1976; Laws 1991, c. 321, § 11, eff. March 1, 1992; Laws 1997, c. 177, § 2, eff. Nov. 1, 1997; Laws 2010, c. 189, § 12, eff. Jan. 1, 2011; Laws 2011, c. 139, § 5.

§26-6-107. Order of names for absentee ballots for primary.

Immediately following the close of the filing period prescribed by law, the Secretary of the State Election Board shall determine the order in which the name of each candidate for each of the offices shall appear on the absentee ballots printed for the Primary Election. The determination shall be at a drawing conducted in a public meeting in which the names of all candidates for each office of each political party shall be drawn from a receptacle. In the event that a candidate withdraws or is removed from the ballot as a result of a successful contest of candidacy after the drawing is conducted, the withdrawn or removed candidate shall be deleted and the order of any remaining candidates in the race shall be adjusted accordingly. The determination of the order of names of candidates on absentee ballots printed by county election boards shall be made in the same manner as provided heretofore for the State Election Board.

Laws 1974, c. 153, § 6-107, operative Jan. 1, 1975; Laws 1991, c. 321, § 12, eff. March 1, 1992; Laws 1992, c. 247, § 10, emerg. eff. May 21, 1992; Laws 2011, c. 139, § 6.

§26-6-108. Order of names for absentee ballots for runoff primary.

The candidate receiving the highest number of votes for each office in the Primary Election whose name is required by law to be placed on the Runoff Primary Election ballot shall have his name placed first on absentee ballots for said Runoff Primary Election. Laws 1974, c. 153, § 6-108, operative Jan. 1, 1975.

§26-6-109. Order of names for Primary and Runoff Primary.

On all Primary and Runoff Primary Election ballots, except absentee ballots, the names of the candidates for each office shall be rotated in such a manner that all candidates' names appear in each position on the ballots an equal number of times, to the extent practicable. Provided, however, the names of candidates for

judicial, school, city and town offices shall be placed on the ballot according to lot.

Added by Laws 1974, c. 153, § 6-109, operative Jan. 1, 1975.

Amended by Laws 1992, c. 247, § 11, emerg. eff. May 21, 1992; Laws 1997, c. 176, § 10, eff. Nov. 1, 1997; Laws 2013, c. 200, § 1, eff. Nov. 1, 2013.

§26-6-110. Separate ballots for primary and runoff primary.

The names of candidates of the several political parties shall be printed on separate ballots for the Primary and Runoff Primary Elections, and each party's ballot shall be differentiated by color or by other conspicuous means determined by the Secretary of the State Election Board.

Added by Laws 1974, c. 153, § 6-110, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 13, eff. March 1, 1992; Laws 2011, c. 139, § 7; Laws 2016, c. 38, § 3.

§26-6-111. Stubs for ballots.

All ballots for Primary, Runoff Primary and General Elections shall be printed with a stub so perforated that the ballot may be easily detached from the stub. Upon the stub shall be printed the number of the stub and the words, "Primary Election Ballot", "Runoff Primary Election Ballot" or "General Election Ballot", as the case may be; in the event of Primary and Runoff Primary Elections, the name of the political party shall be printed above the words.

Added by Laws 1974, c. 153, § 6-111, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 17, emerg. eff. June 1, 1979; Laws 1993, c. 316, § 6, eff. Sept. 1, 1993; Laws 2010, c. 189, § 13, eff. Jan. 1, 2011.

§26-6-112. Identification of ballot as to precinct.

All ballots for Primary, Runoff Primary and General Elections must be designated in such a manner as the Secretary of the State Election Board may prescribe to achieve the identification of a ballot for a particular precinct.

Laws 1974, c. 153, § 6-112, operative Jan. 1, 1975; Laws 1992, c. 247, § 12, emerg. eff. May 21, 1992.

§26-6-113. Ballots for state questions.

Ballots for state questions shall be printed in such a manner as to include the number of the state question, the ballot title, and the following language, "SHALL THE PROPOSAL BE APPROVED?" followed by the words "FOR THE PROPOSAL - YES" and "AGAINST THE PROPOSAL - NO", one above the other.

Added by Laws 1974, c. 153, § 6-113, Jan. 1, 1975. Amended by Laws 1991, c. 321, § 14, eff. March 1, 1992; Laws 1997, c. 176, § 11, eff. Nov. 1, 1997.

§26-6-114. Ballots to be bound and designated.

All ballots for a precinct shall be bound in a book or books and must be designated in such a manner as the Secretary of the State Election Board may prescribe to achieve identification of a book for a particular precinct.

Added by Laws 1974, c. 153, § 6-114, operative Jan. 1, 1974.

Amended by Laws 1983, c. 171, § 9, emerg. eff. June 6, 1983; Laws 2011, c. 139, § 8.

§26-6-115. Number of ballots.

In every Primary, Runoff Primary and General Election, the Secretary of the State Election Board shall determine the number of ballots to be printed for statewide elections and the secretary of the county election board shall determine the number of ballots to be printed for county, school, municipal and other local elections. Laws 1974, c. 153, § 6-115, operative Jan. 1, 1975; Laws 1992, c. 247, § 13, emerg. eff. May 21, 1992.

§26-6-116. Absentee ballots.

A. As soon as practicable, the State Election Board or each county election board, when ballots are printed by a county election board, shall cause to be printed a sufficient number of absentee ballots, prepared as nearly as practicable in the same manner as provided for other ballots for the Primary, Runoff Primary and General Elections, in time for the ballots to be issued during the time prescribed by law.

B. The Secretary of the State Election Board may authorize the use of regular ballots as absentee ballots in any county for any election. In the event that regular ballots are authorized for use as absentee ballots at any election, the first order of rotation of candidate names for all partisan offices in Primary Elections shall be determined as outlined in Section 6-107 of this title and the candidate names shall be rotated to the extent practicable on all ballots printed for the election. The first order of rotation of candidate names for all partisan offices in the Runoff Primary Election shall be determined as outlined in Section 6-108 of this title and the candidate names shall be rotated to the extent practicable on all ballots printed for the election. Regular ballots used as absentee ballots shall not be required to be designated on their face as absentee ballots.

Added by Laws 1974, c. 153, § 6-116, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 15, eff. March 1, 1992; Laws 2013, c. 200, § 2, eff. Nov. 1, 2013.

§26-6-117. Sample ballots.

Sample ballots for all elections conducted by any county election board shall be prepared as prescribed by the Secretary of the State Election Board and the words "Sample Ballot" shall be printed on the face of the ballot. Sample ballots shall be printed in a sufficient number to be used at each precinct polling place and as otherwise provided by law.

Added by Laws 1974, c. 153, § 6-117, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 16, eff. March 1, 1992; Laws 1995, c. 290, § 8, eff. Nov. 1, 1995; Laws 2011, c. 139, § 9.

§26-6-118. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-6-119. Ballots for educational purposes.

It shall be unlawful to print or distribute ballots, or duplicates thereof, except as authorized by law; provided, however, that for educational purposes, the contents of said ballots may be reproduced in sizes of at least twenty percent (20%) smaller than or twenty percent (20%) larger than the official ballots and provided further than such reproductions must bear the words "FOR EDUCATIONAL PURPOSES ONLY".

Laws 1974, c. 153, § 6-119, operative Jan. 1, 1975.

§26-6-120. Contracts for ballots - Advertising for bids.

The State Election Board is authorized to contract with the Office of Management and Enterprise Services for all ballots required by the State Election Board. If ballots are not printed by the Office of Management and Enterprise Services, the State Election Board and each county election board, for required ballot printing, shall cause advertisement for bids for printing of all ballots to be made, and shall provide specifications and copy for the ballots. A contract for printing the ballots shall be awarded to the lowest and best bidder or to the bidder evaluated as "best value" in accordance with The Oklahoma Central Purchasing Act. The successful bidder shall be required to provide a copy of the bidder's certificate of insurance to the State Purchasing Director or the county purchasing agent, as the case may be, in an amount as specified by the State Purchasing Director or county purchasing agent at the time of contract award to ensure proper and prompt completion of the work in accordance with the provisions of the contract and bidding documents. The successful bidder shall provide proof of insurance coverage for the duration of the contract.

Added by Laws 1974, c. 153, § 6-120, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 17, eff. March 1, 1992; Laws 1995, c. 290, § 9, eff. Nov. 1, 1995; Laws 1999, c. 88, § 8, emerg. eff. April 13, 1999; Laws 2002, c. 447, § 10, emerg. eff. June 5, 2002; Laws 2012, c. 304, § 102.

§26-7-101. Employees to be allowed time to vote - Penalties.

A. Every corporation, firm, association or individual, hereinafter referred to as "employer", who has a registered voter employed or in service shall grant the employee two (2) hours of time in which to vote, subject to the following provisions:

1. Such time to vote shall be allowed on the day of the election or on a day on which in-person absentee voting is allowed by law;

2. If such employee is at such distance from the voting place that more than two (2) hours are required in which to attend such elections, then the employee shall be allowed a sufficient time in which to cast a ballot;

3. No such employee shall be entitled to such time to vote unless the employee notifies orally or in writing an employer's representative of the employee's intention to be absent at least three (3) days preceding the day of the election or the day of in-person absentee voting. Such employer may select the days and hours which such employees are to be allowed to attend such elections, and may notify each of the employees which days and hours he or she has in which to vote. This section shall not apply to an employee whose work day begins three (3) hours or more subsequent to the time of opening of the polls, or ends three (3) hours or more prior to the time of closing the polls. The employer may change the work hours to allow such three (3) hours before the beginning of work or after the work hours; and

4. Upon proof of voting, such employee shall not be subject to any loss of compensation or other penalty for such absence.

B. Any employer who fails to comply with this section shall be subject to a civil penalty of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

Added by Laws 1974, c. 153, § 7-101, operative Jan. 1, 1975.

Amended by Laws 2000, c. 358, § 9, eff. July 1, 2000; Laws 2019, c. 303, § 1, emerg. eff. May 6, 2019.

§26-7-102. Supplies and ballots provided by State Election Board.

Prior to the day of any Primary, Runoff Primary or General Election, it shall be the duty of the State Election Board to provide for each county election board the supplies and ballots required by law to conduct the election.

Laws 1974, c. 153, § 7-102, operative Jan. 1, 1975.

§26-7-102.1. Precinct registry - Duty to provide.

Prior to the day of the election, it shall be the duty of the secretary of the county election board to prepare for each precinct where an election is to be held in the county, a precinct registry which shall contain information on all registered voters in the precinct as prescribed by the Secretary of the State Election Board.

The information which is or would be contained in such a registry shall at all times be public information.

Added by Laws 1990, c. 331, § 12, eff. July 1, 1990.

§26-7-103. Supplies and ballots distributed to precinct inspectors.

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 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 the precinct.

Added by Laws 1974, c. 153, § 7-103, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 23, eff. Nov. 1, 2019.

§26-7-103.2. Current list of registered voters.

County election boards shall maintain a current list of all registered voters in each precinct, which will reflect the address and party affiliation of each voter. Said list shall be public information.

Added by Laws 1990, c. 331, § 13, eff. July 1, 1990.

§26-7-104. Hours for voting - Conformity with federal law.

A. At every Primary, Runoff Primary and General Election, each polling place in the state shall open at 7:00 a.m. and shall remain open continuously until 7:00 p.m., and every registered voter of a precinct who presents himself between said hours shall be entitled to vote, as provided by law, provided further, all qualified voters who are in line waiting to vote at 7:00 p.m. shall be allowed to vote.

B. If any provision of federal law specifies hours for voting in federal elections, the Secretary of the State Election Board shall direct the county election boards to allow voting in all elections held on the same day as such federal elections during the hours specified by federal law.

Amended by Laws 1988, c. 101, § 2, emerg. eff. April 1, 1988.

§26-7-105. Delivery of supplies and ballots.

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

Added by Laws 1974, c. 153, § 7-105, operative Jan. 1, 1975.

Amended by Laws 1992, c. 247, § 14, emerg. eff. May 21, 1992; Laws 2019, c. 491, § 24, eff. Nov. 1, 2019.

§26-7-106. Installation of voting booths.

Prior to 7:00 a.m., the inspector shall cause voting booths to be properly installed and other equipment, supplies and ballots to be arranged for the orderly conduct of the election.

Added by Laws 1974, c. 153, § 7-106, operative Jan. 1, 1975.

§26-7-107. Empty ballot box - Tape verifying no counted votes.

When all else is in readiness for the opening of the polls, the inspector shall, in view of the judge, clerk and any registered voters at the polling place, confirm that the ballot box is empty and locked and shall cause the voting device to print out a paper tape to verify that no votes have been counted. This tape shall remain attached to the voting device and in evidence throughout the voting process. The key or other device used for obtaining printed totals shall be retained by the inspector.

Added by Laws 1974, c. 153, § 7-107, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 18, eff. March 1, 1992; Laws 2010, c. 189, § 14, eff. Jan. 1, 2011.

§26-7-107.1. Repealed by Laws 1995, c. 290, § 18, eff. Nov. 1, 1995.

§26-7-108. Electioneering prohibited.

No person shall be allowed to electioneer within three hundred (300) feet of any ballot box while an election is in progress, nor shall any person or persons, except election officials and other persons authorized by law, be allowed within fifty (50) feet of any ballot box while an election is in progress. No printed material other than that provided by the election board shall be publicly placed or exposed within three hundred (300) feet of any ballot box, while an election is in progress.

Laws 1974, c. 153, § 7-108, operative Jan. 1, 1975.

§26-7-108.1. Exit poll - Notice.

Any person desiring to conduct an exit poll within three hundred (300) feet of any ballot box shall notify the secretary of the county election board of his intentions to do so no later than 5 p.m. on the Wednesday preceding the election.

Added by Laws 1987, c. 126, § 1, eff. Nov. 1, 1987.

§26-7-108.2. Exit poll pollster - Identification.

Any person conducting an exit poll within three hundred (300) feet of any ballot box, hereinafter referred to as "pollster", shall display identification prescribed by the Secretary of the State Election Board at all times he is conducting the poll. The identification shall be provided to the pollster by the secretary of the county election board.

Added by Laws 1987, c. 126, § 2, eff. Nov. 1, 1987.

§26-7-108.3. Pollster restrictions - Violation deemed misdemeanor.

The prohibition against electioneering contained in Section 7--108 of this title shall apply to any pollster. No pollster shall be permitted within fifty (50) feet of any ballot box while an election is in progress. A pollster who violates the law prescribed for pollsters shall be deemed guilty of a misdemeanor.

Added by Laws 1987, c. 126, § 3, eff. Nov. 1, 1987. Amended by Laws 2004, c. 307, § 5, emerg. eff. May 17, 2004.

§26-7-108.4. Pollsters - Written polling materials - Restrictions on oral interviews and recordings.

A pollster shall be limited to written polling materials. Any oral interviews of voters or recording by electronic means shall be no closer than one hundred fifty (150) feet to any ballot box.

Added by Laws 1987, c. 126, § 4, eff. Nov. 1, 1987.

§26-7-108.5. Exit polls - Restriction - Voluntariness.

A pollster may approach only voters who have completed their voting concerning participation in the exit poll. Participation by a voter shall be voluntary.

Added by Laws 1987, c. 126, § 5, eff. Nov. 1, 1987.

§26-7-109. Disclosure of vote within election enclosure - Prohibition - Sharing of digital image or photograph - Admissibility as evidence.

No person shall, within the election enclosure, disclose to any other person how he or she voted; nor shall any person expose his or her ballot to any other person within the election enclosure. A voter may take a digital image or photograph of his or her marked ballot and distribute or share the image via social media or by any other means if performed voluntarily and in compliance with state and federal law. Testimony as to how any individual cast his or her ballot, whether or not said ballot was lawfully cast, shall not be admissible as evidence in any court of law or public hearing in this state.

Added by Laws 1974, c. 153, § 7-109, operative Jan. 1, 1975.

Amended by Laws 1979, c. 61, § 1; Laws 2019, c. 457, § 1, eff. Nov. 1, 2019.

§26-7-110. Intoxicating liquor prohibited.

No person shall take intoxicating liquors of any kind or quantity to within one-half (1/2) mile of any polling place on an election day. No person shall attend an election or be within three hundred (300) feet of a polling place in an intoxicated condition on an election day.

Laws 1974, c. 153, § 7-110, operative Jan. 1, 1975.

§26-7-111. Voter must use ballot they were issued.

No person shall vote any ballot except such ballot issued to the voter by the precinct officials, and each ballot cast must be voted without removing same from the polling place.

Added by Laws 1974, c. 153, § 7-111, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 25, eff. Nov. 1, 2019.

§26-7-112. Persons allowed in enclosure - News reporter or photographer.

At no time during the hours of voting shall any person, other than the election officials and other persons authorized by law, be allowed inside the election enclosure except for one registered voter in each voting booth and one other registered voter for each voting booth. However, a news reporter or photographer may, in the course of covering the election being conducted, be allowed inside the election enclosure for a period not to exceed five (5) minutes. Such reporter or photographer shall not interfere with voters or election officials and shall neither observe any individual voter while the voter marks a ballot nor photograph any voter who is marking a ballot.

Added by Laws 1974, c. 153, § 7-112, operative Jan. 1, 1975.

Amended by Laws 2004, c. 307, § 6, emerg. eff. May 17, 2004.

§26-7-113. Order of entering enclosure.

Registered voters shall be permitted to enter the election enclosure in the order in which they present themselves at the door or entrance.

Laws 1974, c. 153, § 7-113, operative Jan. 1, 1975.

§26-7-114. Procedure for determining eligibility.

A. Each person appearing to vote shall announce that person's name to the judge of the precinct and shall provide proof of identity, whereupon the judge shall determine whether the person's name is in the precinct registry. As used in this section, "proof of identity" shall mean a document that satisfies all of the following:

1. The document shows the name of the person to whom the document was issued, and the name substantially conforms to the name in the precinct registry;

2. The document shows a photograph of the person to whom the document was issued;

3. The document includes an expiration date, which is after the date of the election in which the person is appearing to vote. The provisions of this paragraph shall not apply to:

- a. an identification card that is valid indefinitely, or

- b. an identification card issued by a branch of the armed services of the United States to a person who is a member of such branch or is retired therefrom; and

4. The document was issued by the United States, the State of Oklahoma or the government of a federally recognized Indian tribe or nation.

Provided, if the person presents a voter identification card issued by the appropriate county election board, such card may serve as proof of identity without meeting the requirements of paragraphs 2 and 3 of this subsection.

B. 1. If a person declines to or is unable to produce proof of identity, the person may sign a statement under oath, in a form approved by the Secretary of the State Election Board, swearing or affirming that the person is the person identified on the precinct registry, and shall be allowed to cast a provisional ballot in a manner consistent with the provisions of Section 7-116.1 of this title.

2. A provisional ballot cast by a voter who declines or is unable to produce proof of identity shall only be considered verified and approved for counting if:

- a. the voter's name on the affidavit substantially conforms to the voter's name in the voter registration database, except as provided in paragraph 3 of this subsection,
- b. the voter's residence address on the affidavit substantially conforms to the voter's residence address in the voter registration database, except as provided in paragraph 4 of this subsection,
- c. the voter's date of birth matches the information in the voter registration database,
- d. the voter's Oklahoma driver license number or the last four digits of the voter's Social Security number on the affidavit matches the information in the voter registration database. The provisions of this subparagraph shall not apply if the voter was not required to provide a driver license number or the last four digits of the voter's Social Security number at the time of registration, and
- e. the provisional ballot meets the eligibility requirements set forth in Section 7-116.1 of this title.

3. A voter casting a provisional ballot as provided in this section who has legally changed his or her name, but has not updated the name on the voter registry, may note this fact on the affidavit and submit a form prescribed by the Secretary of the State Election Board to update his or her name. In such a case, and where the requirements of Section 4-117 of this title are satisfied, the

provisional ballot shall be deemed to meet the requirements of subparagraph a of paragraph 2 of this subsection.

4. A voter casting a provisional ballot as provided in this section who has changed his or her address of residence, but has not updated the address on the voter registry, may note this fact on the affidavit and submit a form to update the address prescribed by the Secretary of the State Election Board. In such a case, and where the requirements of Section 4-117 of this title are satisfied, the provisional ballot shall be deemed to meet the requirements of subparagraph a of paragraph 2 of this subsection.

5. False swearing or affirming under oath shall be punishable as a felony as provided in Section 16-103 of this title, and the penalty shall be distinctly set forth on the face of the statement. Added by Laws 1974, c. 153, § 7-114, operative Jan. 1, 1975. Amended by Laws 1990, c. 331, § 14, eff. July 1, 1990; Laws 2009, c. 31, § 2, eff. July 1, 2011 (State Question No. 746, Legislative Referendum No. 347, adopted at election held on Nov. 2, 2010); Laws 2013, c. 34, § 2, eff. Nov. 1, 2013; Laws 2014, c. 4, § 5, emerg. eff. April 2, 2014.

NOTE: Laws 2013, c. 38, § 1 repealed by Laws 2014, c. 4, § 6, emerg. eff. April 2, 2014.

§26-7-115. Absentee ballot affidavit.

If a registered voter has requested an absentee ballot, he shall be required by the judge to sign an affidavit swearing or affirming that he has not cast such absentee ballot and is entitled to vote in person.

Laws 1974, c. 153, § 7-115, operative Jan. 1, 1975.

§26-7-115.1. Inactive voter address confirmation form.

Before being issued a ballot, an inactive voter or a voter identified by the Secretary of the State Election Board as possibly having changed his or her address of residence based on National Change of Address data, who appears to vote during in-person absentee voting or at the voter's precinct, shall be required to complete an address confirmation form prescribed by the Secretary of the State Election Board.

Added by Laws 1997, c. 177, § 3, eff. Nov. 1, 1997. Amended by Laws 2015, c. 377, § 4, eff. Jan. 1, 2016.

§26-7-115.2. Repealed by Laws 2009, c. 31, § 7, eff. July 1, 2011 (State Question No. 746, Legislative Referendum No. 347, adopted at election held on Nov. 2, 2010).

§26-7-116. Repealed by Laws 2004, c. 545, § 32, eff. July 1, 2005.

§26-7-116.1. Provisional ballots - Persons authorized to use - Counting - Release of information - Retention.

A. Provisional ballots shall be available for all elections conducted by the county election board. Provisional ballots shall include all offices, candidates and questions and shall be identical to the regular ballots for each precinct. The Secretary of the State Election Board shall promulgate rules and shall prescribe materials necessary for the implementation of provisional ballots.

B. Persons who are not listed in the precinct registry, but who claim to be registered voters in the precinct and eligible to vote in the election, shall be entitled to vote a provisional ballot upon execution of an affidavit prescribed by the Secretary of the State Election Board. Registered voters required to show identification, as described in Section 7-114, 14-115.4 or 14-121 of this title and who are unable to show one of the acceptable forms of identification described in such sections, shall be entitled to cast a provisional ballot. Persons identified in Section 14-121 of this title shall be entitled to vote a provisional ballot upon execution of an affidavit prescribed by the Secretary of the State Election Board. Persons who are listed in the precinct registry for a partisan primary election, but who dispute the political affiliation indicated by such precinct registry, shall be entitled to vote a provisional ballot for a party other than the one indicated. However, such provisional ballot shall be counted only if evidence is found by the secretary of the county election board of the voter's valid voter registration in the party for which the provisional ballot was cast.

C. Provisional ballots shall be segregated from the regular ballots cast in the precinct in the manner prescribed by the Secretary of the State Election Board and shall not be inserted in the precinct voting device. Information provided by a person who votes a provisional ballot shall be investigated by the secretary of the county election board after the election. A provisional ballot shall be counted only if it is cast in the precinct of the voter's residence and if evidence of the provisional voter's valid voter registration, or of the voter's identity, is found, except a provisional ballot cast by a voter identified in Section 14-121 of this title shall be counted.

D. No information concerning provisional ballots, except the number of provisional ballots cast in the county, shall be made public by any election official prior to 1:00 p.m. on Friday following the election. The county sheriff shall secure sealed ballot transfer cases containing provisional ballots that have been counted after 1:00 p.m. on Friday following the election until 5:00 p.m. on Tuesday next succeeding the election or, in the event a recount contest is filed, until such times as the transfer cases are delivered to the district courtroom.

E. In the event that the secretary of any county election board is unable to complete the investigation and verification of provisional ballots by 1:00 p.m. on Friday following the election, the Secretary of the State Election Board shall be authorized to extend the period for the investigation and verification of provisional ballots. When such an extension is required by any county for a statewide election, the extension shall apply statewide. The Secretary shall promulgate rules establishing procedures for requesting and granting such extensions.

F. All materials used for procuring and casting a provisional ballot shall be retained by the secretary of the county election board for a period of twenty-four (24) months after the day of the election.

Added by Laws 2004, c. 545, § 8, eff. July 1, 2005. Amended by Laws 2009, c. 31, § 3, eff. July 1, 2011 (State Question No. 746, Legislative Referendum No. 347, adopted at election held on Nov. 2, 2010).

§26-7-117. Signing precinct registry.

Persons who have been determined to be eligible to vote shall sign, in the presence of the clerk, the proper precinct registry. Said clerk shall thereupon issue proper ballots to said person. The voter's signature on said precinct registry shall be the best evidence of said voter's having voted at said election. Said precinct registry shall be retained in the office of the county election board for a period of twenty-two (22) months following the election and shall be subject to public inspection during regular office hours.

Amended by Laws 1983, c. 171, § 10, emerg. eff. June 6, 1983; Laws 1990, c. 331, § 16, eff. July 1, 1990.

§26-7-118. Ballots to be marked in voting booth.

The voter shall mark his ballots within a voting booth. At no time shall more than one person occupy a voting booth, unless specifically authorized by law.

Laws 1974, c. 153, § 7-118, operative Jan. 1, 1975.

§26-7-119. Manner of voting.

The voter shall vote by marking the ballot as prescribed by the Secretary of the State Election Board for the party of his choice or for the candidates of his choice or for the answer he desires to select on each question.

Laws 1974, c. 153, § 7-119, operative Jan. 1, 1975; Laws 1991, c. 321, § 19, eff. March 1, 1992.

§26-7-120. Secrecy folders.

Before leaving the voting booth, the voter may insert the ballot into a secrecy folder in such a manner that the voter's votes cannot be seen. The voter then shall insert the ballot in the voting device. The voter thereupon shall immediately leave the polling place.

Added by Laws 1974, c. 153, § 7-120, operative Jan. 1, 1975.

Amended by Laws 1978, c. 80, § 1, operative July 1, 1978; Laws 1991, c. 321, § 20, eff. March 1, 1992; Laws 1993, c. 316, § 7, eff. Sept. 1, 1993; Laws 2010, c. 189, § 15, eff. Jan. 1, 2011; Laws 2011, c. 139, § 10.

§26-7-121. Time limit.

No voter who is voting without assistance may remain in the voting booth more than five (5) minutes if other voters are waiting, nor more than ten (10) minutes in any event.

Laws 1974, c. 153, § 7-121, operative Jan. 1, 1975.

§26-7-122. Spoiled ballots.

Should a voter spoil any ballot in an effort to vote the same, the voter shall fold the ballot and return it to the clerk. The clerk shall destroy the ballot in the presence of the voter and shall issue the voter another ballot in the same manner that the first one was provided. The voter must execute an affidavit prescribed by the Secretary of the State Election Board in which the voter swears or affirms that he or she spoiled the original ballot, returned the ballot to the clerk, that the clerk destroyed the ballot in the voter's presence and that the voter was issued a new ballot.

Laws 1974, c. 153, § 7-122, operative Jan. 1, 1975; Laws 1991, c. 321, § 21, eff. March 1, 1992; Laws 1993, c. 316, § 8, eff. Sept. 1, 1993; Laws 2011, c. 139, § 11.

§26-7-123.1. Physical inability to enter election enclosure - Oath - Assistance.

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 the voter in which 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) precinct officials, of different political parties, to give the voter such assistance as needed in voting. Such assistance shall afford as much privacy to the voter in marking ballots as is practical. The precinct officials assisting in such voting shall make a written record of the circumstances involved.

Added by Laws 1981, c. 116, § 1, operative July 1, 1981. Amended by Laws 2019, c. 491, § 26, eff. Nov. 1, 2019.

§26-7-123.3. Voter who requires assistance to vote.

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. The Secretary of the State Election Board shall prescribe procedures to be used that require such voters to swear or affirm that such assistance is required and that require the person providing such assistance to swear or affirm that the voter's ballots are being voted in accordance with the voter's wishes.

Added by Laws 1983, c. 171, § 23, emerg. eff. June 6, 1983.

§26-7-125. Repealed by Laws 2010, c. 189, § 22, eff. Jan. 1, 2011.

§26-7-126. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-7-127. Rules governing counting.

The following rules shall govern the counting and recounting of votes:

1. If the name of any person is written on a ballot, the name shall not be counted;

2. A valid vote shall be any mark prescribed by the Secretary of the State Election Board made by voters indicating the voter's choice of party, candidate or issue on a ballot. Such marking shall be hereinafter referred to as "valid markings". Such valid markings located otherwise on the ballot shall not be counted;

3. Marks used to designate the intention of the voter, other than those herein defined as valid markings, shall not be counted;

4. Failure to properly mark a ballot as to one or more candidates or questions shall not of itself invalidate the entire ballot if the same has been properly marked as to other candidates or questions;

5. A valid marking marked for a political party shall be counted as a vote for each of the political party's candidates on that ballot, except that a valid marking marked for a candidate's name shall take precedence, for that office, over a valid marking for a political party. Provided, further, that if valid markings are marked for more than one political party on a ballot, the ballot shall not be counted for any party offices thereon; and

6. Any ballot or part of a ballot on which it is impossible to determine the voter's choice of candidate shall be void as to the candidate or candidates thereby affected.

Added by Laws 1974, c. 153, § 7-127, operative Jan. 1, 1975.
Amended by Laws 1978, c. 57, § 2, emerg. eff. March 17, 1978; Laws 1983, c. 171, § 11, emerg. eff. June 6, 1983; Laws 1991, c. 321, § 23, eff. March 1, 1992; Laws 2010, c. 189, § 16, eff. Jan. 1, 2011.

§26-7-128. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-7-129. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-7-129.1. Ballots mutilated by electronic counting equipment to be counted.

In the event ballots are counted electronically by a voting device, writing or other marks on the ballot shall not invalidate a ballot or any portion of the ballot, provided the ballot is properly marked otherwise so that it may be counted by the voting device according to law.

Added by Laws 1984, c. 38, § 1, operative July 1, 1984.

§26-7-129.2. Substitute ballots.

A. In the event an absentee ballot is mutilated, defaced or damaged in a manner that it cannot be read by the voting device and thus not counted during the counting process, then two members of the county election board of different political party affiliations or two members of an absentee voting board under the supervision of the county election board shall be authorized to mark a substitute ballot in identical fashion, insofar as is possible. Once so marked, the substitute ballot shall be entered for counting into the voting device. A written record of such action shall be made by the two county election board members.

B. In the event of an absentee ballot that was delivered electronically to a voter as described in Section 14-118 of this title, or an absentee ballot that was received from a voter by facsimile device as described by Section 14-118.1 of this title, and the ballot cannot be read by the voting device, then two members of the county election board of different political party affiliations or two members of an absentee voting board under the supervision of the county election board shall be authorized to mark a substitute ballot in identical fashion, insofar as is possible. Once so marked, the substitute ballot shall be entered for counting into the voting device. A written record of such action shall be made by the two county election board members.

C. In the event there is a disagreement about how a substitute ballot should be marked for any race, the matter shall be brought immediately before the full county election board, which shall vote to decide how to mark the ballot.

Added by Laws 1984, c. 38, § 2, operative July 1, 1984. Amended by Laws 1991, c. 321, § 24, eff. March 1, 1992; Laws 2011, c. 139, § 12; Laws 2013, c. 200, § 3, eff. Nov. 1, 2013.

§26-7-130. Watchers - Commission - Duties - Violation deemed misdemeanor.

Any candidate or any recognized political party shall be entitled to have a watcher present at any place where an official count is being conducted. Such watcher must be commissioned in writing by the candidate, or by the chair of the recognized political party of the county in which the watcher is being authorized. Such commission must be filed with the secretary of the appropriate county election board no later than 5:00 p.m. on Wednesday preceding the election. Watchers must subscribe to an oath to observe all laws and rules prescribed for watchers as hereinafter provided. Such oath must be administered by the inspector of the precinct in which the watcher is authorized. Watchers shall be entitled to observe the voting device both before the polls are opened and after the polls are closed; provided, further, that such watchers shall not be present at the polling place at other times. Watchers may be commissioned to observe voting device testing and to accompany personnel assigned to repair or maintain machines during the period of the election. In such case, the watchers shall be limited to observing the repair or maintenance work being performed and making a written record of such work. Any watcher who violates the law prescribed for watchers shall be deemed guilty of a misdemeanor.

Added by Laws 1974, c. 153, § 7-130, operative Jan. 1, 1975.

Amended by Laws 1983, c. 171, § 13, emerg. eff. June 6, 1983; Laws 1990, c. 306, § 5, emerg. eff. May 30, 1990; Laws 1991, c. 321, § 25, eff. March 1, 1992; Laws 1995, c. 290, § 11, eff. Nov. 1, 1995; Laws 2004, c. 307, § 7, emerg. eff. May 17, 2004; Laws 2010, c. 189, § 17, eff. Jan. 1, 2011.

§26-7-132. Certificate of vote - Electronic results of election results storage medium.

After the last voter has voted, the inspector shall insert the key or other device in the voting device and obtain printouts of results from the election results storage medium. The Secretary of the State Election Board shall prescribe the number of such printouts to be obtained. The inspector, judge and clerk shall each sign all printouts which shall be certificates that the results of the precinct are true and correct. The printed certificate of vote and electronic results of the election results storage medium shall be official results of the precinct. The inspector shall cause one copy of each certificate to be posted on the door or entrance of the polling place. The secretary of the county election board shall

cause the official results of the precinct to be transmitted forthwith to the Secretary of the State Election Board in the manner prescribed by the Secretary of the State Election Board.

Added by Laws 1974, c. 153, § 7-132, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 26, eff. March 1, 1992; Laws 2010, c. 189, § 18, eff. Jan. 1, 2011; Laws 2016, c. 38, § 4.

§26-7-132.1. Repealed by Laws 2010, c. 189, § 22, eff. Jan. 1, 2011.

§26-7-132.2. Voting devices - Removal and transfer of election results storage medium.

After the results have been printed from the election results storage medium, the voting device shall be unlocked and the seal removed from the election results storage medium compartment. The election results storage medium shall be removed and prepared for transfer to the county election board as prescribed by the Secretary of the State Election Board.

Added by Laws 1991, c. 2, § 5, emerg. eff. Feb. 25, 1991. Amended by Laws 2010, c. 189, § 19, eff. Jan. 1, 2011.

§26-7-133. Ballot cards - Certificate of vote - Return to county election board.

After certificates of vote have been printed, the ballot box shall be unlocked and all ballot cards and a copy of the signed certificate of vote shall be placed in a transfer case. Said transfer case shall be sealed, and the inspector shall return it, along with all other election materials and a copy of the certificate of vote, forthwith to the county election board.

Laws 1974, c. 153, § 7-133, operative Jan. 1, 1975; Laws 1991, c. 321, § 27, eff. March 1, 1992.

§26-7-133.1. Repealed by Laws 2010, c. 189, § 22, eff. Jan. 1, 2011.

§26-7-134. Retention of transfer case.

The county election board shall not disturb anything in the transfer case, and the case shall remain sealed and retained by the secretary of the county election board until opened by court order or until it is necessary to open same for use at another election, at which time the ballots shall be destroyed; provided, however, that in no case shall the ballots be destroyed until thirty (30) days after the election at which they were cast. Provided, the secretary of the county election board shall be authorized to open a sealed transfer case for the purpose of conducting a post-election audit as described in Section 1 of this act.

Added by Laws 1974, c. 153, § 7-134, operative Jan. 1, 1975.
Amended by Laws 1991, c. 321, § 28, eff. March 1, 1992; Laws 2011,
c. 139, § 13; Laws 2019, c. 163, § 4, eff. Nov. 1, 2019.

§26-7-134.1. Voting devices - Recounts.

In counties using voting devices, if on election night the uncounted ballots in a precinct exceed two percent (2%) of the total number of persons voting in the precinct or if the voting device has malfunctioned in such a way that there are no totals on the printout or if the printout is illegible or if, due to the malfunction, properly cast ballots placed in the emergency bin were not processed through the device, the county election board is authorized to open the transfer case and to recount the ballots on election night using a preassigned voting device in public view and in the presence of a representative of the sheriff's office. Upon completion of the recount the transfer case shall be resealed by members of the county election board.

Added by Laws 1991, c. 2, § 7, emerg. eff. Feb. 25, 1991. Amended by Laws 2011, c. 139, § 14.

§26-7-135. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-7-136. Canvassing returns.

The county election board shall convene at the county courthouse, or at such other place as the county election board may designate on the day of each election, for the purpose of receiving the official precinct returns and shall remain in session until such precinct returns are all delivered. The board shall cause to be accumulated and listed the results of such election, as the official precinct returns are received, in a manner and upon forms prescribed by the Secretary of the State Election Board. The county election board shall use such precinct returns to certify the results of such election for county officers and questions and shall transmit electronically or in writing as prescribed by the Secretary of the State Election Board after 5 p.m. on Friday following the election to the State Election Board the completed county returns for all state officers and questions. Such county returns shall be prima facie evidence of the correctness of the result in the several counties. The State Election Board shall use such county returns to certify the results of such election for all state officers and questions after 5 p.m. on Tuesday next succeeding the election.

Added by Laws 1974, c. 153, § 7-136, operative Jan. 1, 1975.
Amended by Laws 1991, c. 321, § 29, eff. March 1, 1992; Laws 2004,
c. 545, § 9, eff. July 1, 2005.

§26-7-137. Methods of sealing.

The State Election Board shall prescribe methods of sealing all ballots, all certificates of vote and all materials used in recording the count of the ballots in such a manner that any tampering with, or altering of same after said sealing has been accomplished can be detected.

Laws 1974, c. 153, § 7-137, operative Jan. 1, 1975.

§26-7-138. Credit for voting.

Following the election, the secretary of the county election board shall cause each registered voter who cast a ballot to be credited with voting in said election according to procedures specified by the Secretary of the State Election Board.

Added by Laws 1990, c. 331, § 17, eff. July 1, 1990. Amended by Laws 2004, c. 545, § 10, eff. July 1, 2005.

§26-8-101. Certifying nominees.

The county election board shall certify a list of nominees of each political party for county offices following the Primary and Runoff Primary Elections. The State Election Board shall certify a list of nominees of each political party for the offices for which the Board accepts filings of Declarations of Candidacy following the Primary and Runoff Primary Elections.

Laws 1974, c. 153, § 8-101, operative Jan. 1, 1975.

§26-8-102. Certificates of nomination not required.

Neither the State Election Board nor the county election board shall be required to provide Certificates of Nomination to candidates.

Laws 1974, c. 153, § 8-102, operative Jan. 1, 1975.

§26-8-103. Certificates of election.

The county election board shall certify a list of successful candidates for county offices and shall provide Certificates of Election to the same following the General Election, except that Certificates of Election may be issued to unopposed candidates after 5 p.m. on the second day following the close of the filing period. The State Election Board shall certify a list of successful candidates for offices for which the Board accepts filings of Declarations of Candidacy and shall provide Certificates of Election to the same following the General Election, except that Certificates of Election may be issued to unopposed candidates after 5 p.m. on the second day following the close of the filing period.

Added by Laws 1974, c. 153, § 8-103, operative Jan. 1, 1975. Amended by Laws 1999, c. 88, § 9, emerg. eff. April 13, 1999.

§26-8-104. Lists and certificates to be prescribed by Secretary of State Election Board.

The lists and certificates prescribed in Section 8-103 of this act shall be prescribed by the Secretary of the State Election Board.

Laws 1974, c. 153, § 8-104, operative Jan. 1, 1975.

§26-8-105. Tie votes.

A. When a tie vote is certified in the nomination or election of any candidate in any Runoff Primary, General Election or any Primary Election, the election board which is authorized by law to issue the certified list or certificate of election shall, at a public meeting of the board and in the presence of the candidates involved or their designee, if they or any of them desire to be present, select the nominee or electee by lot.

B. When a nominee or electee is to be selected by lot pursuant to the provisions of this section, the following procedures shall be observed:

1. The secretary of the appropriate election board shall, on or before the tenth day following the election, notify each of the tying candidates for which the vote was tied. The notice shall include the time, date and location of the selection, shall be made in writing by registered or certified mail and shall be postmarked not fewer than five (5) days prior to the meeting;

2. A candidate may designate one person as a witness to attend the meeting on the candidate's behalf. The designation shall be made in writing, signed by the candidate and presented to the secretary of the appropriate election board;

3. The secretary of the appropriate election board shall, in full view of those present at the meeting, clearly write or print the name of each tied candidate on separate pieces of paper measuring approximately equal size. The names of the candidates shall be written or printed on the same color and type of paper. The papers shall be folded in half one time so that the written names are not visible and shall be placed into a container selected by the secretary of the appropriate election board;

4. The secretary shall draw, or may designate a person other than the candidates, witnesses or other person directly interested in the election to draw, one paper, and the name of the nominee or electee appearing on the first drawn paper shall be declared the winner. The secretary shall then expose the other name or names not drawn to all witnesses present; and

5. The meeting shall be held on a weekday, holidays excepted, between the hours of 7:00 a.m. and 7:00 p.m.

C. When there are three (3) or more candidates and a tie for first place occurs for the nomination of a candidate at a Primary Election for which a Runoff Primary will be held, the names of the tied candidates shall be placed on the Runoff Primary ballot.

Added by Laws 1974, c. 153, § 8-105, operative Jan. 1, 1975.
Amended by Laws 1988, c. 72, § 1, eff. Jan. 1, 1989; Laws 1991, c. 129, § 2, eff. Sept. 1, 1991; Laws 2000, c. 358, § 10, eff. July 1, 2000; Laws 2004, c. 545, § 11, eff. July 1, 2005.

§26-8-106. Time for issuing lists or certificates.

No lists or certificates provided for in Section 8-103 of this title shall be issued either by the county election board or State Election Board before 5:00 p.m. Friday next following a Primary, Runoff Primary or General Election.

Added by Laws 1974, c. 153, § 8-106, operative Jan. 1, 1975.
Amended by Laws 2004, c. 545, § 12, eff. July 1, 2005.

§26-8-107. Right to certificate.

Right to a Certificate of Election shall not be considered a property right to any extent whatsoever, unless and until such right to such certificate shall be determined, and such certificate issued as hereinafter provided.

Laws 1974, c. 153, § 8-107, operative Jan. 1, 1975.

§26-8-108. Lists and certificates to be issued.

If no contest shall be filed by 5:00 p.m. Friday next following an election, the county election boards and State Election Board shall declare the result of such election and shall issue the appropriate lists or certificates to the successful party as provided by law. Provided, however, that no such lists or certificates shall be issued until the total of all returns has been verified, and a complete tabulation thereof made.

Laws 1974, c. 153, § 8-108, operative Jan. 1, 1975.

§26-8-109. Time for filing contest - Contests alleging irregularities or fraud.

Any candidate whose name appeared on a Primary, Runoff Primary or General Election ballot, or any individual authorized to request a recount pursuant to Section 8-111 of this title may, at any time before 5:00 p.m. Friday next following an election, contest the correctness of the announced results of said election by filing a written petition with the appropriate election board. Contests alleging irregularities or fraud shall not be permitted in any election except those in which candidates are seeking office. Nothing in this section shall be construed to prohibit any proceedings in district court, which are otherwise authorized by law, alleging irregularities or fraud in an election.

Laws 1974, c. 153, § 8-109, operative Jan. 1, 1975.

§26-8-110. Sheriff to provide security for ballot boxes or transfer cases.

It shall be the duty of the sheriff in each county to provide security for the ballot boxes or transfer cases from the time the ballot boxes or transfer cases are stored by the county election board following an election until the election results have been certified or, in the event a recount contest is filed, until such time as the ballot boxes or transfer cases are delivered to the district courtroom. Provided, ballot boxes or transfer cases may be returned to the custody of the secretary of the county election board for the purpose of conducting a post-election audit as described in Section 1 of this act.

Added by Laws 1974, c. 153, § 8-110, operative Jan. 1, 1975.

Amended by Laws 1991, c. 321, § 30, eff. March 1, 1992; Laws 2004, c. 545, § 13, eff. July 1, 2005; Laws 2019, c. 163, § 5, eff. Nov. 1, 2019.

§26-8-111. Petition for recount - Deposit required - Service of notice - Recounts of issue or question elections.

A. 1. In the event a candidate or individual authorized to request a recount requests a recount of the ballots cast in an election, it must set forth in the petition the precincts and absentee ballots which are to be recounted.

2. The petition must be accompanied by either a cashier's check or certified check in the amount of Six Hundred Dollars (\$600.00) for each county affected by the petition.

3. The candidate or individual may indicate in the petition requesting the recount that the candidate or individual desires to have the ballots recounted manually. Failure by the candidate or individual to state such preference for a manual recount in the petition shall result in a recount by electronic voting devices.

4. If the candidate or individual requests that the ballots be recounted manually, the petition must be accompanied by a cashier's check or certified check in the amount of Six Hundred Dollars (\$600.00) for the first three thousand (3,000) ballots and Six Hundred Dollars (\$600.00) for each additional six thousand (6,000) ballots or fraction thereof, to be recounted for each county affected.

5. If the petition for a manual recount is filed with the State Election Board, the petition must be accompanied by a cashier's check in the amount of Three Hundred Dollars (\$300.00) in addition to the amount required in paragraph 4 of this subsection.

6. In elections involving candidates, an additional deposit equal to the total of the deposits required by paragraphs 2, 4 and 5 of this subsection shall be required if the margin between the first-place candidate and second-place candidate is ten percent (10%) or greater. Provided, in a Primary Election involving three or more candidates where a Runoff Primary may be required, and where the margin between the second-place candidate and third-place

candidate is less than one percent (1%), or where the first place candidate is one percent (1%) above or below a majority, then no additional deposit shall be required.

7. For an election involving candidates, the petition shall be filed with the secretary of the election board with whom the candidate filed the candidate's declaration of candidacy, unless otherwise provided for by law. The petition may only be filed by a candidate whose name was printed on the ballot for that office in that election.

8. When such petition is properly filed, it shall be the duty of the secretary of the appropriate election board to order the recount to begin not less than three (3) nor more than ten (10) days from the date of filing of the petition.

9. a. In elections involving candidates, it shall be the duty of such contestant to cause to be served upon the opposing candidate or candidates, and directly affected by the contest, a true copy of the petition and a true copy of the order.
- b. Service shall be made in person where possible, within twenty-four (24) hours after the filing of the original petition of contest. Service shall be made by the sheriff of the county as to all offices, except that of sheriff, in which case the same shall be served by the county clerk and the certificate of returns of such sheriff or county clerk, showing the inability to make such service within the above-mentioned time, shall be deemed sufficient proof of the absence of such candidate, or candidates, or the inability to serve such notice upon the candidate, and to justify the constructive service hereafter provided.
- c. Where personal service is impossible, within the time, it is hereby made the duty of the contestant to serve true copies upon the secretary of the appropriate election board. Provided that for the purpose of such constructive service, the secretaries of the county election boards are hereby made and constituted the service agents for all contests of elections filed in accordance herewith. By filing declaration of candidacy for election, a candidate shall thereby be conclusively presumed to have accepted the terms and provisions hereof and specifically the aforesaid constructive service. When constructive service becomes necessary, constructive service shall be made at the date, time and place of the hearing.

B. For elections on issues or questions when no candidate is involved and a majority is required for approval, recounts shall be authorized only when:

1. The margin of votes between those for and those against the issue is one hundred fifty (150) or less when fifteen thousand (15,000) or more total votes are counted for and against the issue or question; or

2. The margin of votes between those for and those against the issue is one percent (1%) or less of the total number of votes cast on the issue when fourteen thousand nine hundred ninety-nine (14,999) or fewer total votes are cast for and against the issue or question.

Provided, furthermore, that a recount is authorized only after an individual, who is a registered voter and who participated in the election, presents to the appropriate county election board a petition signed by one hundred fifty (150) registered voters who participated in the election when fifteen thousand (15,000) or more total votes are counted for and against the question, or if fourteen thousand nine hundred ninety-nine (14,999) or fewer votes are cast for and against the issue, by a number of registered voters who participated in the election equal to one percent (1%) or more of the total votes cast for and against the issue.

C. For elections on issues or questions when no candidate is involved and more than a majority is required for approval, recounts shall be authorized only when:

1. The margin of votes between those for the issue and the number required for approval is one hundred fifty (150) or less when fifteen thousand (15,000) or more total votes are counted for and against the issue or question; or

2. The margin of votes between those for the issue and the number required for approval is one percent (1%) or less of the total number of votes cast on the issue when fourteen thousand nine hundred ninety-nine (14,999) or fewer total votes are cast for and against the issue or question.

Provided, furthermore, that a recount is authorized only after an individual, who is a registered voter and who participated in the election, presents to the appropriate county election board a petition signed by one hundred fifty (150) registered voters who participated in the election when fifteen thousand (15,000) or more total votes are counted for and against the question, or if fourteen thousand nine hundred ninety-nine (14,999) or fewer votes are cast for and against the issue, by a number of registered voters who participated in the election equal to one percent (1%) or more of the total votes cast for and against the issue.

D. Within twenty-four (24) hours after a petition required in subsections B and C of this section is filed, not counting Saturday, Sunday or legal holidays, the secretary of the county election board

who received the petition shall determine, pursuant to rules promulgated by the Secretary of the State Election Board, if the petition contains a sufficient number of valid signatures of registered voters who participated in the election.

E. Recounts of issue or question elections shall not be permitted of any statewide election.

Added by Laws 1974, c. 153, § 8-111, operative Jan. 1, 1975.
Amended by Laws 1983, c. 171, § 14, emerg. eff. June 6, 1983; Laws 1989, c. 289, § 2, emerg. eff. May 24, 1989; Laws 1991, c. 321, § 31, eff. March 1, 1992; Laws 1997, c. 176, § 12, eff. Nov. 1, 1997; Laws 1999, c. 88, § 10, emerg. eff. April 13, 1999; Laws 2002, c. 447, § 11, emerg. eff. June 5, 2002; Laws 2013, c. 275, § 1, eff. Nov. 1, 2013.

§26-8-111.1. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-8-112. Conduct of recount - Duties of presiding judge.

Once service has been accomplished, the recount shall commence pursuant to the order executed by the secretary of the appropriate election board. In the event of a recount for an office under the jurisdiction of the State Election Board, the actual recount of ballots shall be conducted by the county election board or boards as assigned by the Secretary of the State Election Board. The recount shall be conducted in the courtroom of the district court in the county or counties for which the recount is requested, and it shall be the duty of a judge of said court in and for said county to attend and, in conjunction with said county election board, conduct such recount. The petitioner or petitioner's agent shall be present and remain in attendance when the district court judge calls the proceedings to order. In the event the petitioner or petitioner's agent is not present, the recount shall not be conducted and the deposit shall be forfeited by the petitioner. It shall be the exclusive and sole duty of said judge to hear evidence as to whether the ballots have been preserved in the manner and by the officers prescribed by law, and as to whether they are the identical ballots cast by the voters, and that they have not been exposed to the reach of unauthorized persons, as to afford a reasonable opportunity of their having been changed or tampered with. The judgment of said court upon such questions shall be final and conclusive. If the court cannot determine that the ballots have been properly preserved, then no recount shall be conducted. If the judgment of the court is that the ballots have been properly preserved, then the recount of the ballots shall be conducted immediately thereafter under the exclusive supervision of the county election board.

Added by Laws 1974, c. 153, § 8-112, operative Jan. 1, 1975.
Amended by Laws 2019, c. 65, § 1, eff. Nov. 1, 2019.

§26-8-113. Agents for candidates.

The candidate or individual authorized to request a recount pursuant to Section 8-111 of this title shall be authorized to commission in writing no more than one agent in each county wherein the recount is being conducted to act in his behalf. Said commission shall be filed with the secretary of the appropriate county election board. The same authority shall be granted to any contestee. Such agent, or agents, shall have full authority to act on behalf of the contestant he is commissioned to represent in the absence of said contestant.

Laws 1974, c. 153, § 8-113, operative Jan. 1, 1975.

§26-8-114. Procedure for recount - Determination of validity of ballots - Watchers and counters.

A. If a recount is to be conducted using electronic voting devices, the devices used shall be tested for accuracy by the county election board, giving all contestants, or their agents, an opportunity to view the testing procedure. In conducting a recount using electronic voting devices, the county election board shall open the transfer cases containing regular ballots and counted provisional ballots from each requested precinct or for absentee ballots individually and shall assign the ballots to one or more voting devices operated by persons appointed by the secretary of the county election board. The county election board shall supervise such counting and its decision shall be final in all cases. The county election board shall have the authority, by a majority vote, to determine if a ballot is valid and if the ballot should be counted. Each contestant is entitled to have a watcher present at each place where a voting device is being used. The watcher shall be limited to a challenge, in writing, of any action taken by operators of the voting devices. Such challenge shall be made immediately to the county election board, whose decision on the challenge shall be final.

B. In conducting a manual recount of ballots, the county election board shall open the transfer cases containing regular ballots and counted provisional ballots from each requested precinct or for absentee ballots individually and shall assign the ballots to a group of counters appointed by the secretary of the county election board. Counters shall then conduct the recount in the same manner as provided by law for counting ballots in Primary, Runoff Primary and General Elections. The county election board shall supervise such counting and its decision shall be final in all cases. The county election board shall have the authority, by a majority vote, to determine if a ballot is valid and if the ballot should be counted. Each candidate affected by or individual petitioning for the recount is entitled to have a watcher present at

each place where a count is being made. The watcher shall be limited to a challenge, in writing, of any decision made by the counters with regard to counting of a ballot. Such challenge shall be made immediately to the county election board, whose decision on the challenge shall be final. Each group of counters shall have representation of at least two political parties, where possible. The counters shall be appointed from among the registered voters of the county and shall meet such qualifications as may be imposed for a precinct inspector, judge or clerk. Counters shall be paid on the same basis as precinct judges and clerks are paid for Primary, Runoff Primary or General Elections.

Added by Laws 1974, c. 153, § 8-114, operative Jan. 1, 1975.

Amended by Laws 1989, c. 289, § 5, emerg. eff. May 24, 1989; Laws 1991, c. 321, § 32, eff. March 1, 1992; Laws 2004, c. 545, § 14, eff. July 1, 2005; Laws 2009, c. 151, § 1, eff. Nov. 1, 2009; Laws 2011, c. 139, § 15.

§26-8-114.1. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-8-115. Certification of results - Ties involving candidates.

When all the ballots have been counted, the county election board shall tabulate the votes and shall certify the results. In the case of county office, said certification shall be used to issue appropriate lists and certificates. In the case of state or district office, copies of said certification shall be transmitted immediately to the State Election Board, whose duty it shall be to retabulate all pertinent county returns and issue appropriate lists and certificates.

In the event of a tie involving candidates, the election board authorized by law to issue the certified list or certificate of election shall, at the meeting called to conduct the recount or to issue the certified list or certificate of election, in the presence of the candidates involved, if they or any of them desire to be present, select the nominee or electee by lot substantially as prescribed in paragraphs 3 and 4 of Section 8-105 of this title. Laws 1974, c. 153, § 8-115, operative Jan. 1, 1975; Laws 1992, c. 247, § 15, emerg. eff. May 21, 1992.

§26-8-116. Recount may cease - Rights of contestee.

Should the contestant at any time during the proceeding desire that the recount be terminated, he may announce the same to the county election board. In such event, the recount shall end at that point, and any changes be made a part of the certificate of vote. Provided further, however, that should any contestee desire that the recount continue, he may petition in writing at the time of said announcement for the remainder of the ballots in that county to be

recounted. Said petition must be filed immediately with the county election board conducting said recount, and petition must be accompanied by either a cashier's check or certified check in an amount equal to the deposit made by the contestant to conduct the recount. If said recount was ordered by the Secretary of the State Election Board, said check shall be transmitted forthwith to the State Election Board. In the event contestee files such petition, the recount shall continue until such time as all the ballots in said county have been recounted, and the recount is complete. Recounts of issue or question elections shall not cease until all precincts and absentee ballots in the designated county or counties have been recounted.

Amended by Laws 1987, c. 86, § 1, eff. Nov. 1, 1987; Laws 1989, c. 289, § 6, emerg. eff. May 24, 1989.

§26-8-116.1. Counting of all ballots in precinct upon recount - Application of section.

When a recount is initiated, all ballots in the precinct involved must be counted, and neither party to the recount shall be allowed to terminate the recount process until all such ballots have been recounted. This provision shall apply to all elections. Added by Laws 1987, c. 86, § 2, eff. Nov. 1, 1987.

§26-8-117. Expenses of recount.

Deposits accompanying petitions shall be used by the appropriate election board to defray the actual expenses of a recount. Expenses shall include mileage and salaries of the county election board members, which shall be made on a per diem basis at the same rate as for normal compensation; salaries for counters deemed necessary by the secretary of the board to conduct an expedient and accurate recount; the expense of service of process; court reporter fees and transcript expense; travel reimbursement for the court reporter and the presiding judge; mileage and per diem of witnesses; and for all other actual and necessary expenses. The balance, if any, shall be returned to the contestant. In the event the contestant is successful in the recount, the deposit shall be returned to the contestant, and the expense of the recount shall be borne by the county or state, as the case may be. Provided, no portion of a deposit required by paragraph 6 of subsection A of Section 8-111 of this title shall be refundable unless the contestant is successful in the recount in changing the outcome of the election.

Added by Laws 1974, c. 153, § 8-117, operative Jan. 1, 1975.

Amended by Laws 2013, c. 275, § 2, eff. Nov. 1, 2013.

§26-8-118. Election contested due to fraud or other irregularity.

In the event a candidate contests the correctness of the announced results of an election by alleging either fraud or any

other irregularities, the secretary of the election board receiving the petition shall set a hearing in the same manner as provided for recounts. Provisions for service of notice shall be the same as for recounts. The petition shall be filed with the secretary of the election board with whom the candidate filed the candidate's declaration of candidacy, unless otherwise provided for by law.

The district judge conducting the hearing or such other judge as may be assigned by the Supreme Court shall have the authority to issue subpoenas and compel the attendance of witnesses and the production of evidence.

Added by Laws 1974, c. 153, § 8-118, operative Jan. 1, 1975.

Amended by Laws 1983, c. 171, § 15, emerg. eff. June 6, 1983; Laws 2000, c. 358, § 11, eff. July 1, 2000; Laws 2013, c. 275, § 3, eff. Nov. 1, 2013.

§26-8-119. Petition alleging fraud - Procedure.

When a petition alleging fraud is filed, said petition must be accompanied by a cash bond of Five Thousand Dollars (\$5,000.00) for each county in which fraud is alleged to have occurred, running in favor of the contestee and conditioned upon payment of any and all liabilities or judgments arising from the contest so filed. In said petition, contestant must allege that fraud occurred in certain precincts or in the casting of absentee ballots. He must further allege the name of the precincts wherein such fraud occurred, the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud. If such petition is filed in the manner herein provided, the district judge of the county in which the alleged fraud occurred, or such other judge as may be assigned by the Supreme Court, shall hear and determine said issue without delay or continuance of more than one (1) day. On the day of such hearing, the contestee may file answer to such petition or may file cross petition, setting forth in detail, as required of a petitioner herein, such claim of fraud. An original petition or cross petition must be under oath and under penalty of perjury. The judge shall try and determine the issues formed by such pleadings and render such judgment as he may deem just and proper, according to the evidence submitted. The decision of said district judge shall be final as to any changes in the total votes, and a copy of such judgment and decision shall be furnished the appropriate election board. In any case where fraud is proved on the part of a candidate, he shall be declared ineligible for the office for which he was a candidate. In all cases where a petition is filed which alleges fraud, but after hearing said allegations are not reasonably sustained by competent evidence, the contestant shall be civilly liable in damages to the contestee for all damages sustained, including a reasonable attorney fee and all reasonable and proper costs of conducting such contest; and in the event it be alleged and

found that such petition was frivolous in nature, the contestee may also be allowed punitive damages to be paid by said petitioner. Laws 1974, c. 153, § 8-119, operative Jan. 1, 1975.

§26-8-120. Petition alleging irregularities - Procedure.

When a petition alleging irregularities other than fraud is filed, said petition must allege a sufficient number of irregularities and of such nature as to:

1. Prove that the contestant is lawfully entitled to be certified the party's nominee or to be issued a certificate of election, or to have his name appear on the Runoff Primary Election ballot; or

2. Prove that it is impossible to determine with mathematical certainty which candidate is entitled to be certified as the party's nominee or to be issued a certificate of election, or to have his name appear on the Runoff Primary Election ballot.

Additional irregularities may be presented at the hearing if not known to the contestant at the time the petition is filed. If such allegations are not made, the petition shall be deemed frivolous by the presiding judge and shall be dismissed. Said petition must be accompanied by either a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00) for each county affected by the petition. Said petition must set forth specific allegations of irregularities in certain precincts or in the casting of absentee ballots. If said petition is filed in the manner herein provided, the district judge of the county or such other judge as may be assigned by the Supreme Court shall hear and determine said issue in the same manner as provided for a petition alleging fraud. On the day of the hearing, the contestee may file an answer to the petition or may file a cross petition setting forth in detail, as required of petitioner herein, such claim of irregularities. A cross petition must be accompanied by either a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00) for each county affected by the cross petition. Deposits shall be used to defray actual costs as provided for recounts.

Amended by Laws 1983, c. 171, § 16, emerg. eff. June 6, 1983.

Amended by Laws 1990, c. 306, § 6, emerg. eff. May 30, 1990.

§26-8-121. Disqualification mandatory.

It shall be mandatory, whenever a petition to disqualify is filed by either party, for the district judge to disqualify himself. Laws 1974, c. 153, § 8-121, operative Jan. 1, 1975.

§26-8-121.1. Hearings on petitions alleging irregularities or fraud involving two or more counties.

When a petition is filed alleging irregularities or fraud involving two or more counties, the hearings for all counties shall

be scheduled at a single location by the election board secretary who accepted the petition. When such a petition is filed with the Secretary of the State Election Board, the Supreme Court shall assign a single judge to hear and determine the issue for all affected counties.

Added by Laws 1997, c. 176, § 13, eff. Nov. 1, 1997.

§26-8-122. Determination of successful party impossible - Procedure - Governor to call special election.

In the event, after a hearing is conducted, it is deemed impossible to determine who should be certified as the party's nominee or to whom a certificate of election shall be issued, or which candidates are entitled to have their names appear on the Runoff Primary Election ballot, the judge shall notify the appropriate election board secretary of same. It shall then be the duty of the election board secretary to notify the Governor of said decision. The Governor shall then order a new election to be conducted as soon as is practicable in the same manner as the contested election, with the identical candidates, provided that any candidate upon whom fraud has been proved shall not be a candidate in the new election. Provided further, the above shall not apply to elections resulting in tie votes, which elections shall be determined as provided by law.

Added by Laws 1974, c. 153, § 8-122, operative Jan. 1, 1975.

§26-9-100. Experimental voting devices or equipment.

The Secretary of the State Election Board shall be authorized to allow for the experimental use of one or more vote counting devices or other equipment in one or more election precincts in one or more counties, without a formal purchase thereof. The experimental use of such vote counting device or other equipment in any election shall be as valid for all purposes as if it had been purchased.

Added by Laws 1991, c. 321, § 33, eff. March 1, 1992. Amended by Laws 2004, c. 545, § 15, eff. July 1, 2005.

§26-9-101. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-102. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-103. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-103.1. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-104. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-105. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-106. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-107. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-108. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-109. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-110. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-111. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-112. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-113. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-114. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-115. Notice of testing of voting devices.

Not less than ten (10) days prior to the testing of the voting devices for any partisan election, the secretary of the county election board shall mail a notice to the county chair of each political party stating the time and place the voting devices will be tested for the election and stating a time at which one representative of each political party shall be afforded an opportunity to see that the voting devices are in proper condition for use in the election. The representatives may observe the testing of the voting devices but shall not interfere with the employees or assume any of their duties.

Laws 1974, c. 153, § 9-115, operative Jan. 1, 1975; Laws 1991, c. 321, § 34, eff. March 1, 1992; Laws 2011, c. 139, § 16.

§26-9-116. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-117. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-118. Unlawful acts relating to voting devices.

Any person who defaces a voting device, breaks, tampers with, impairs, impedes or otherwise interferes with the maintenance, adjustment, delivery, use or operation of any voting device or part thereof shall be guilty of a felony.

Laws 1974, c. 153, § 9-118, operative Jan. 1, 1975; Laws 1991, c. 321, § 35, eff. March 1, 1992.

§26-9-119. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-9-120. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-10-101. Nomination of Presidential Electors - Certification.

A. The nominees for Presidential Electors of any recognized political party shall be selected at a convention of the party in a manner to be determined by the party.

B. The nominees for Presidential Electors shall be certified by the party's chair to the Secretary of the State Election Board no later than July 15 of a presidential election year.

C. Failure of a political party to properly certify the names of its nominees for Presidential Electors within the time specified shall bar such party from placing any candidates for Presidential Electors on the ballot at the General Election.

D. A recognized political party shall certify its nominees for President of the United States and Vice President of the United States to the Secretary of the State Election Board no later than seventy-five (75) days prior to the date of the General Election to ensure the State Election Board and the county election boards have sufficient time to meet the deadline for sending absentee ballots to uniformed services voters pursuant to federal and state law.

Added by Laws 1974, c. 153, § 10-101, operative Jan. 1, 1975. Amended by Laws 1977, c. 136, § 1; Laws 2017, c. 214, § 1, eff. Nov. 1, 2017.

§26-10-101.1. Candidates pledged to Independent candidate for President.

A. The following procedure shall be observed for Presidential Electors pledged to an independent candidate for President of the United States:

1. A person wishing to appear on the General Election ballot as an independent candidate for President of the United States shall file a Statement of Candidacy with the Secretary of the State Election Board no later than July 15 of a presidential election year;

2. a. the Statement of Candidacy shall be in a form to be prescribed by the Secretary of the State Election Board, and shall include the candidate's full legal name, the candidate's address of residence, the candidate's mailing address, the name of the candidate as it should appear on the ballot and any other information required by the Secretary of the State Election Board,

b. the candidate shall swear an oath or affirm on the Statement of Candidacy that the candidate meets the qualifications for President of the United States set forth in the Constitution of the United States, and

the candidate's signature shall be witnessed by a notary public;

3. The Statement of Candidacy shall be accompanied by a certification of the name and address of residence for each candidate for Presidential Elector pledged to the independent candidate for President of the United States. The number of electors so certified shall be equal to the number apportioned to the State of Oklahoma pursuant to the provisions of Section 1 of Article II of the United States Constitution. Each candidate for Presidential Elector so nominated shall subscribe to an oath prescribed by the Secretary of the State Election Board, which shall be in the same manner, substance and form as the oath described in Section 10-102 of this title;

4. a. the Statement of Candidacy shall be accompanied by a petition supporting a candidate's filing,
- b. the form of the petition shall be prescribed by the Secretary of the State Election Board. Each page of the petition must contain the names of registered voters from a single county,
- c. the petition shall bear the same number of signatures of registered voters that is required to form a recognized political party as described in Section 1-108 of this title,
- d. within thirty (30) days after receipt of the petition, the Secretary of the State Election Board shall determine the sufficiency of the petition,
- e. in lieu of the petition required by this subsection, a filing fee for each Presidential Elector committed to the independent candidate for President of the United States may be submitted in the form of a cashier's check or certified check made payable to the Secretary of the State Election Board. The filing fee for each Presidential Elector shall be in an amount equal to the filing fee described in Section 20-102 of this title. The sum of the filing fees for each Presidential Elector may be paid in a single cashier's check or certified check. The filing fees shall be deposited in the State Election Board Revolving Fund created pursuant to Section 3-107 of this title; and

5. If the requirements set forth in this section are found by the Secretary of the State Election Board to be sufficient, then the independent candidate for President of the United States shall be qualified to appear on the General Election ballot. The candidate shall certify to the Secretary of the State Election Board the name of the candidate's Vice Presidential running mate no later than the deadline established in Section 10-101 of this title for the

certification by a recognized political party of its nominee for Vice President of the United States.

B. A political party not recognized under the laws of the State of Oklahoma may place its nominees for President of the United States, Vice President of the United States and Presidential Electors on the ballot subject to the same requirements, restrictions and deadlines as provided for an independent candidate for President of the United States. Provided, the national chair of the unrecognized political party shall submit the Statement of Candidacy on behalf of the unrecognized political party, and shall provide the Secretary of the State Election Board with a separate certificate of nomination for the unrecognized political party's nominees for President and Vice President of the United States, in a form and manner prescribed by the Secretary of the State Election Board.

Added by Laws 1977, c. 136, § 4. Amended by Laws 2017, c. 214, § 2, eff. Nov. 1, 2017.

§26-10-101.2. Repealed by Laws 2017, c. 214, § 3, eff. Nov. 1, 2017.

§26-10-102. Oath for Presidential Electors.

Every party nominee for Presidential Elector shall subscribe to an oath, stating that said nominee, if elected, will cast a ballot for the persons nominated for the offices of President and Vice President by the nominee's party. The oath shall be notarized by a notary public and filed with the Secretary of the State Election Board no fewer than ninety (90) days prior to the General Election. Failure of any party nominee to take and file the oath by such date shall automatically vacate his or her nomination and a substitute nominee shall be selected by the state central committee of the appropriate political party. It shall be the duty of the Secretary of the State Election Board to notify the chairman of the state central committee of the failure of any nominee to file the oath. Refusal or failure to vote by a Presidential Elector for the persons nominated for the offices of President and Vice President by the nominee's party shall constitute a violation of the oath and shall result in the immediate forfeiture of the Elector's office. In such event, the vote shall not be recorded, a vacancy shall be declared, and the Presidential Electors present shall proceed to fill such vacancy as provided in Section 10-108 of this title.

Added by Laws 1974, c. 153, § 10-102, operative Jan. 1, 1975.

Amended by Laws 1977, c. 136, § 2; Laws 2013, c. 35, § 1, eff. Nov. 1, 2013.

§26-10-103. Election of Presidential Electors.

On the first Tuesday after the first Monday in November in each year next preceding the expiration of the term of office of each President of the United States, the registered voters of this state shall elect a number of electors for President and Vice President equal to the number of United States Senators and United States Representatives which the state is entitled to elect. Said electors shall be elected in the same manner as is provided for state officers.

Laws 1974, c. 153, § 10-103, operative Jan. 1, 1975.

§26-10-104. Qualifications.

The electors for President and Vice President, hereinafter referred to as Presidential Electors, shall be registered voters of Oklahoma; provided, however, that no United States Senator or United States Representative or person holding an office of trust or profit under the United States shall be a Presidential Elector.

Laws 1974, c. 153, § 10-104, operative Jan. 1, 1975.

§26-10-105. Ballots.

A. At any General Election in which Presidential Electors are to be elected, the State Election Board shall provide ballots on which the names of the Presidential Electors of each political party shall be printed adjacent to the names of the party's candidates for President and Vice President. The names of the Independent nominees for Presidential Electors shall be printed adjacent to the names of the candidates for President and Vice President for whom they have subscribed an oath to cast their ballots or printed adjacent to the word "Uncommitted" in the event the nominees are uncommitted. The ballots shall, in all other respects, have the appearance of ballots used for state officers.

B. Provided, the Secretary of the State Election Board shall have the authority to print only the names of the candidates for President and Vice President of the United States on the ballot and cause to be printed a supplemental list of the nominees for Presidential Electors described in subsection A of this section. In such a case, a list of the nominees for Presidential Electors may be conspicuously displayed or posted in each voting booth or otherwise made available to each voter.

Added by Laws 1974, c. 153, § 10-105, operative Jan. 1, 1975.
Amended by Laws 1977, c. 136, § 3; Laws 2016, c. 38, § 5.

§26-10-106. Certificates of Election.

Certificates of Election issued by the State Election Board to Presidential Electors shall be transmitted to such electors by the Governor.

Laws 1974, c. 153, § 10-106, operative Jan. 1, 1975.

§26-10-107. Electors to meet - Duties.

Persons chosen as Presidential Electors shall meet at 10:00 a.m. in the Governor's office at the time appointed by the laws of the United States and cast their votes in the manner therein provided and perform such duties as may be required by law. Each such Elector shall receive mileage reimbursement at the rate as provided for state employees, said reimbursement to be paid from funds appropriated to the Office of the Governor.

Amended by Laws 1983, c. 171, § 17, emerg. eff. June 6, 1983.

§26-10-108. Vacancies.

In the event any Presidential Elector fails to meet at the Governor's office at the prescribed time or refuses or fails to vote for the persons nominated for the offices of President and Vice President by the political party which nominated the Presidential Elector, it shall be the duty of the Electors present at the time and place aforesaid to appoint a person to fill such vacancy.

Added by Laws 1974, c. 153, § 10-108, operative Jan. 1, 1975.

Amended by Laws 2013, c. 35, § 2, eff. Nov. 1, 2013.

§26-10-109. Penalty.

Any Presidential Elector who violates his oath as a Presidential Elector shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).

Laws 1974, c. 153, § 10-109, operative Jan. 1, 1975.

§26-11-101. Declaration of candidacy - Expiration of term.

A Justice of the Supreme Court or a Judge of the Court of Criminal Appeals whose term of office expires the second Monday in January following a General Election and who seeks retention in office must file with the Secretary of State not less than sixty (60) days before the date of such General Election a Declaration of Candidacy to succeed himself.

Laws 1974, c. 153, § 11-101, operative Jan. 1, 1975.

§26-11-102. Declaration of candidacy after appointment.

A Justice of the Supreme Court or Judge of the Court of Criminal Appeals who has been appointed and who will have served twelve (12) months in office before the next General Election and who seeks to be retained in office must file a Declaration of Candidacy to be retained in office with the Secretary of State not less than sixty (60) days before the date of such election. If such judicial officer has not served twelve (12) months on or before the next General Election following his appointment, he shall continue in office, and he shall file a Declaration of Candidacy to be retained in office with the Secretary of State not less than sixty (60) days

before the date of the second General Election following his appointment.

Laws 1974, c. 153, § 10-102, operative Jan. 1, 1975; Laws 1977, c. 136, § 2.

§26-11-103. Terms of office.

If the term of the office to which the judicial officer was appointed expires on the second Monday in January following the election, the election shall be for a term of six (6) years beginning on the second Monday in January following the election. If the term for such office does not expire on the second Monday in January following the election, the election shall be for the unexpired term of the office to which he was appointed. If the term of office to which the judicial officer was appointed expires before such officer must file a Declaration of Candidacy to be retained in office, the election shall be for the remainder of the six-year term which follows the term during which he was appointed.

Laws 1974, c. 153, § 11-103, operative Jan. 1, 1975.

§26-11-104. No filing fee.

No fee shall be charged by the Secretary of State for the filing of a Declaration of Candidacy. If such a Declaration is filed by one of the above judicial officers, the Secretary of State shall immediately notify the Secretary of the State Election Board of the name and office of the officer who filed the Declaration, and the State Election Board shall cause the necessary ballots to be prepared.

Laws 1974, c. 153, § 11-104, operative Jan. 1, 1975.

§26-11-105. No declaration filed - Procedure.

If no Declaration of Candidacy is filed by such judicial officer, the Secretary of State shall immediately notify the Governor and the Chairman of the Judicial Nominating Commission that no Declaration of Candidacy was filed by the judicial officer, stating his name and office, and that a vacancy has occurred or is certain to occur, as is appropriate.

Laws 1974, c. 153, § 11-105, operative Jan. 1, 1975.

§26-11-106. Certification.

If a Declaration of Candidacy is filed, an election held, and no contest thereto is filed, the State Election Board shall certify the result to the Secretary of State by 5:00 p.m. Tuesday next following the General Election. If a contest is filed, the result shall be certified to the Secretary of State either when the contest is determined or when it has been abandoned. If a decision by a majority of those voting thereon is that the officer shall not be retained in office, the Secretary of State shall immediately notify

the Governor and the Chair of the Judicial Nominating Commission of the decision, stating the name and office of the officer, and that a vacancy has occurred or is certain to occur, as is appropriate. Added by Laws 1974, c. 153, § 11-106, operative Jan. 1, 1975. Amended by Laws 2004, c. 545, § 16, eff. July 1, 2005.

§26-11-107. Vacancy - Expiration of term.

If a judicial officer who was elected to a six-year term that expires the second Monday in January following the election or who was appointed to fill a vacancy that expires the second Monday in January following the election and who was retained in office by the voters at a prior General Election fails to file a Declaration of Candidacy to be retained in office to succeed himself, or files such a Declaration but is not retained in office at the election, the vacancy in office occurs on the second Monday in January following the election. If a judicial officer who was appointed to fill a vacancy but who has not yet been retained in office by the voters fails to file a Declaration of Candidacy, the vacancy in office occurs when the time to file such Declaration has expired. If such judicial officer files a Declaration of Candidacy but is not retained in office by the voters, the vacancy in office occurs when the result of the election is certified to the Secretary of State. In any of the above cases, the judicial officer may continue in office after the vacancy occurs until his successor has been appointed and has qualified for office. Laws 1974, c. 153, § 11-107, operative Jan. 1, 1975.

§26-11-108. Judicial ballots without party designation.

The ballots for retention of Justices of the Supreme Court and Judges of the Court of Criminal Appeals, and the ballots for Judges of the Court of Appeals, district judges and associate district judges shall be without party designation. Laws 1974, c. 153, § 11-108, operative Jan. 1, 1975.

§26-11-109. Retention ballots.

Ballots for retention of Justices of the Supreme Court and Judges of the Court of Criminal Appeals and the Court of Appeals shall be printed in the same manner as other ballots for the General Election, except as hereinafter provided. Near the top of the ballot shall be printed the following words: "NOTICE TO VOTER: Vote separately on each justice or judge; they are not running against each other." Below said words shall appear the office number, as reflected by the numbers of the districts from which said Justices or Judges were appointed, and this question: "Shall (Here insert name of Justice or Judge) of (Here insert the title of the court) be retained in Office?" Said question shall be followed by the words "YES" and "NO", one above the other.

Amended by Laws 1987, c. 33, § 7, emerg. eff. April 20, 1987; Laws 1991, c. 321, § 36, eff. March 1, 1992.

§26-11-110. Two persons filing.

If two persons file for the same judicial office, their names shall appear on the ballot only at the time of the General Election. Added by Laws 1974, c. 153, § 11-110, operative Jan. 1, 1975.

§26-11-111. More than two persons filing.

If, at the time of the Primary Election, more than two persons have filed for the same judicial office, their names shall appear on the ballot at the time of the Primary Election. Laws 1974, c. 153, § 11-111, operative Jan. 1, 1975.

§26-11-112. No candidate receives majority - Procedure.

If no candidate for the office of an associate district judge, or district judge, if the nominating district is coextensive with the entire judicial district or electoral division of a judicial district, receives a majority of the votes cast for that office at the Primary Election, the two candidates who receive the highest number of votes will have their names placed on the ballot for the General Election. In the case of district judges, if the nominating district is not coextensive with the whole judicial district or electoral division of a judicial district, the two candidates who receive the highest number of votes at the Primary Election will have their names placed on the ballot for the General Election, whether or not one receives a majority of votes cast for that office at the Primary Election.

Added by Laws 1974, c. 153, § 11-112, operative Jan. 1, 1975.

Amended by Laws 1992, c. 247, § 16, emerg. eff. May 21, 1992; Laws 1995, c. 290, § 12, eff. Nov. 1, 1995.

§26-11-113. Candidate receives majority - Procedure.

If one candidate for the office of an associate district judge receives a majority of all votes cast for that office at the Primary Election and, in the case of district judges, if the nominating district is coextensive with the whole judicial district or electoral division of a judicial district, the candidate who received the majority of all votes cast at the Primary Election shall be deemed to have been elected to that office, and that office shall not be listed on the ballot for the General Election.

Added by Laws 1974, c. 153, § 11-113, operative Jan. 1, 1975.

Amended by Laws 1995, c. 290, § 13, eff. Nov. 1, 1995.

§26-11-116. Deceased candidate - Primary or general election ballots - Special election.

A. If a judicial candidate whose name should be on the Primary Election ballot dies before ballot printing has begun for the election, the name of the deceased candidate shall not be printed on the ballot. If ballot printing has begun, votes for the deceased candidate shall not be counted. If the death of a candidate leaves only two (2) surviving candidates, their names shall not appear on the Primary Election ballot, votes shall not be counted in the race and the two (2) names shall appear on the ballot for the General Election.

B. If a judicial candidate whose name should be on the General Election ballot dies before ballot printing has begun, the name of neither candidate shall be printed on the ballot and the Governor shall call a special election to fill the office. In the call for the election, the Governor shall prescribe a filing period, to be held as nearly as practicable as the regular filing period, followed in no less than forty-five (45) days by a Special Primary Election which shall be followed in no less than forty-five (45) days by a Special General Election. The primary and general elections shall be held in the same manner as regular primary and general elections. If the death of a candidate occurs after ballot printing for the regular General Election has begun, votes shall not be counted in the race and the Governor shall call a special election as specified in this subsection.

Added by Laws 1991, c. 129, § 3, eff. Sept. 1, 1991.

§26-12-101. Vacancies in Congress.

A. Except as otherwise provided by law, whenever a vacancy shall occur in the office of a member of the United States Senate or United States House of Representatives from Oklahoma, such vacancy shall be filled at a Special Election to be called by the Governor, who shall issue a Writ of Election within thirty (30) days after such vacancy occurs.

B. No special election shall be called if such a vacancy occurs in the office of a member of the United States Senate in an even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the regular General Election shall be appointed by the Governor to fill the unexpired term.

C. If such a vacancy occurs in the office of a member of the United States House of Representatives in an even-numbered year, the Regular Primary Election, Runoff Primary Election or General Election for that office shall be deemed to also serve as a Special Election to fill the unexpired term as designated by the Governor. Within thirty (30) days after such vacancy occurs, the Governor shall issue a Writ of Election declaring the same, and the candidate elected at the Regular Election shall be deemed to have also been elected at a Special Election to fill the unexpired term.

D. The proclamation required by Section 12-102 of this title shall serve as the Writ of Election described in this section. Added by Laws 1974, c. 153, § 12-101, operative Jan. 1, 1975. Amended by Laws 1979, c. 240, § 19, emerg. eff. June 1, 1979; Laws 1994, c. 260, § 27, emerg. eff. May 26, 1994; Laws 2001, 1st Ex. Sess., c. 5, § 1, emerg. eff. Oct. 24, 2001; Laws 2002, c. 380, § 1, eff. Nov. 1, 2002; Laws 2012, c. 3, § 1, emerg. eff. March 19, 2012; Laws 2019, c. 341, § 1, eff. Nov. 1, 2019.

§26-12-102. Proclamation required.

In calling such an election, the Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board.

Laws 1974, c. 153, § 12-102, operative Jan. 1, 1975.

§26-12-103. Dates for filing period - Elections.

The proclamation required by Section 12-102 of this title shall prescribe filing and election dates that permit full compliance with the requirements of the federal Military and Overseas Voter Empowerment Act of 2009 and shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period;

3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Special Primary Election; and

4. The date of the Special General Election, not less than twenty (20) days after the date of the Special Runoff Primary Election.

Added by Laws 1974, c. 153, § 12-103, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 20, emerg. eff. June 1, 1979; Laws 2004, c. 53, § 9, emerg. eff. April 1, 2004; Laws 2004, c. 369, § 3, emerg. eff. May 28, 2004; Laws 2011, c. 196, § 9, eff. Nov. 1, 2011; Laws 2012, c. 3, § 2, emerg. eff. March 19, 2012; Laws 2019, c. 341, § 2, eff. Nov. 1, 2019.

§26-12-104. General laws apply.

Said elections shall be conducted under the laws applicable to regular Primary, Runoff Primary and General Elections.

Laws 1974, c. 153, § 12-104, operative Jan. 1, 1975.

§26-12-105. Term.

The successful candidate shall serve the remainder of the unexpired term.

Laws 1974, c. 153, § 12-105, operative Jan. 1, 1975.

§26-12-106. Vacancies in the Legislature.

A. Whenever a vacancy shall occur in the office of a member of the State Senate or the State House of Representatives, the vacancy shall be filled at a Special Election to be called by the Governor within thirty (30) days after the vacancy occurs; provided, no special election shall be called if the vacancy occurs in an even-numbered year if the term of the office expires the same year.

B. If in an even-numbered year an incumbent State Senator with two (2) or more years remaining in the term for which elected shall file with the Oklahoma Secretary of State before March 1 a resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain that is after the General Election but before the convening of the next session of the Legislature, the vacancy shall be filled by a special election which shall be held in that even-numbered year on the same dates as the regular Primary Election, Runoff Primary Election and General Election. The filing period for the special election shall be the regular filing period prescribed in Section 5-110 of this title. The person elected in the General Election of the special election shall take office on the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.

Added by Laws 1974, c. 153, § 12-106, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 21, emerg. eff. June 1, 1979; Laws 1998, c. 357, § 11, eff. Jan. 1, 1999; Laws 2011, c. 196, § 10, eff. Nov. 1, 2011; Laws 2012, c. 3, § 3, emerg. eff. March 19, 2012.

§26-12-107. Proclamation.

In calling such an election, the Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board.

Laws 1974, c. 153, § 12-107, operative Jan. 1, 1975.

§26-12-108. Dates.

Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Special Primary Election.

Should such a vacancy occur in an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing

period, Primary Election, Runoff Primary Election and General Election, if practicable.

Added by Laws 1974, c. 153, § 12-108, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 22, emerg. eff. June 1, 1979; Laws 2004, c. 53, § 10, emerg. eff. April 1, 2004; Laws 2004, c. 369, § 4, emerg. eff. May 28, 2004; Laws 2011, c. 196, § 11, eff. Nov. 1, 2011; Laws 2012, c. 3, § 4, emerg. eff. March 19, 2012.

§26-12-109. General laws apply - Unopposed candidates.

Said elections shall be conducted under the laws applicable to regular Primary and General Elections, except that the candidate receiving the highest number of votes in said Primary Election shall be deemed the nominee of his political party, provided that the dates of the elections do not coincide with the dates for the regular Primary, Runoff Primary and General Elections. If the nominee of a political party is unopposed in the Special Election, he shall be issued a certificate of election after the expiration of the contest period following the Primary or Runoff Primary Election, if no contest is filed, and shall immediately assume the duties of said office.

Laws 1974, c. 153, § 12-109, operative Jan. 1, 1975.

§26-12-110. Term.

The successful candidate shall serve the remainder of the unexpired term.

Laws 1974, c. 153, § 12-110, operative Jan. 1, 1975.

§26-12-110.1. Elections to fill seat of House or Senate member not eligible to finish term - Full term and period of service defined.

A. Elections to fill the seat of a member of the Oklahoma State Senate or the Oklahoma House of Representatives who is not eligible to complete the term of office to which such member was elected due to the provisions of Section 17A of Article V of the Oklahoma Constitution shall be held as provided in this section.

B. Whenever a member's eligibility to serve shall expire in an even-numbered year, the vacancy shall be filled by a special election to be called by the Governor which shall be held in that even-numbered year on the same dates as the regular Primary Election, Runoff Primary Election and General Election. The filing period for the special election shall be the regular filing period prescribed in Section 5-110 of this title. The person elected in the special election shall take office on the later of the date other members of the Legislature elected at such election take office or the expiration of the incumbent's eligibility to serve and shall serve the remainder of the unexpired term.

C. Whenever a member's eligibility to serve shall expire in an odd-numbered year, the position shall be filled by a special

election to be called by the Governor. The Governor shall issue a proclamation calling such an election no less than sixty (60) days prior to the expiration of the member's eligibility to serve. The person elected shall take office upon the expiration of the incumbent's eligibility to serve.

D. The Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board, for any election to be held pursuant to this section. Such proclamation shall be issued prior to the date the member's eligibility to serve expires and must be issued at least ten (10) days prior to the filing period. For an election held pursuant to subsection C of this section, the proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday, not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Primary Election.

E. For purposes of this section:

1. A full term of service in the Oklahoma House of Representatives shall be counted as two (2) years of service;

2. A full term of service in the Oklahoma State Senate shall be counted as four (4) years of service;

3. A period of service of less than a full term which is not exempt from the constitutional limitations on length of legislative service shall be calculated from the date the legislator assumes the office for such term until the date the legislator vacates such office; and

4. A period of service with respect to a term during which a member reaches the constitutionally limited length of service shall be calculated from the date the legislator assumes the office for such term until the date the legislator completes a total of twelve (12) years of service not exempt from the constitutional limitations.

Added by Laws 2004, c. 369, § 1, emerg. eff. May 28, 2004. Amended by Laws 2012, c. 3, § 5, emerg. eff. March 19, 2012.

§26-12-111. Vacancies in county elective offices.

A. Whenever a vacancy shall occur in the office of a county commissioner, the vacancy shall be filled at a special election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs in an even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the Primary Election, runoff Primary Election, or the regular General Election shall be appointed by the Governor as soon

as practical after the applicable election to fill the unexpired term.

B. Whenever a vacancy shall occur in any elective county office of any county in this state having a population of more than the population figure specified in subsection B of Section 10 of Title 51 of the Oklahoma Statutes, the vacancy shall be filled at a special election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs in an even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the Primary Election, runoff Primary Election, or the regular General Election shall be appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

Added by Laws 1974, c. 153, § 12-111, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 23, emerg. eff. June 1, 1979; Laws 1993, c. 316, § 9, eff. Sept. 1, 1993; Laws 1995, c. 174, § 1, eff. Nov. 1, 1995; Laws 2002, c. 447, § 12, emerg. eff. June 5, 2002; Laws 2012, c. 3, § 6, emerg. eff. March 19, 2012.

§26-12-112. Proclamation.

In calling such an election, the Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board and the secretary of the county election board in which said vacancy occurs.

Laws 1974, c. 153, § 12-112, operative Jan. 1, 1975.

§26-12-113. Dates.

Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday, not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Special Primary Election.

Should such a vacancy occur in an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election, if practicable.

Added by Laws 1974, c. 153, § 12-113, operative Jan. 1, 1975.

Amended by Laws 1979, c. 240, § 24, emerg. eff. June 1, 1979; Laws 2004, c. 53, § 11, emerg. eff. April 1, 2004; Laws 2004, c. 369, § 5, emerg. eff. May 28, 2004; Laws 2011, c. 196, § 12, eff. Nov. 1, 2011; Laws 2012, c. 3, § 7, emerg. eff. March 19, 2012.

§26-12-114. General laws apply.

Said elections shall be conducted under the laws applicable to regular Primary and General Elections, except that the candidate receiving the highest number of votes in said Primary Election shall be deemed the nominee of his political party, provided that the dates of the elections do not coincide with the dates for the regular Primary, Runoff Primary and General Elections. If the nominee of a political party is unopposed in the Special Election, he shall be issued a certificate of election after the expiration of the contest period following the Primary or Runoff Primary Election, if no contest is filed, and shall immediately assume the duties of said office.

Laws 1974, c. 153, § 12-114, operative Jan. 1, 1975.

§26-12-115. Term.

The successful candidate shall serve the remainder of the unexpired term.

Laws 1974, c. 153, § 12-115, operative Jan. 1, 1975.

§26-12-116. Special elections on state or local questions.

In the event the Governor or the Legislature shall call for a special statewide election on any measure to be submitted to a vote of the people, the election shall be held not fewer than seventy (70) days from the date the election is called. Such special statewide election may be on the same date as a primary or general election or may be on some other date set by the Governor or the Legislature. In the event the board of county commissioners or the governing body of a municipality or school district or technology center school district or any other governmental subdivision calls for a special election on any question, the election shall be held not fewer than sixty (60) days from the date the election is called; provided, that a special election called by a school or technology center school district to be held on the date of the annual school runoff election shall not be held fewer than forty-five (45) days from the date the special election is called. A special election to fill a vacancy for member of the board of education of a school district or to fill a vacancy for municipal office shall be scheduled not fewer than sixty (60) days from the date the election is called.

Added by Laws 1974, c. 153, § 12-116, operative Jan. 1, 1975.

Amended by Laws 1985, c. 193, § 3, eff. Nov. 1, 1985; Laws 1991, 1st Ex. Sess., c. 1, § 2, emerg. eff. Jan. 18, 1991; Laws 1992, c. 247, § 17, emerg. eff. May 21, 1992; Laws 2001, c. 33, § 24, eff. July 1, 2001; Laws 2004, c. 369, § 6, emerg. eff. May 28, 2004; Laws 2011, c. 196, § 13, eff. Nov. 1, 2011.

§26-12-117. General laws apply.

The State Election Board shall conduct such election in the same manner as provided for conducting statewide Primary, Runoff Primary or General Elections.

Laws 1974, c. 153, § 12-117, operative Jan. 1, 1975.

§26-12-118. Certification.

The State Election Board shall certify the results of said election to the Governor, whereupon the Governor shall issue a proclamation declaring the results of said election and the passage or failure of any measure.

Laws 1974, c. 153, § 12-118, operative Jan. 1, 1975.

§26-12-119. Incumbents - Irrevocable letter of resignation - Special elections.

Except as otherwise provided by law, an incumbent in any elective office for which a vacancy is filled by special election called by the Governor may file with the Oklahoma Secretary of State an irrevocable resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain. Upon receipt of the irrevocable letter of resignation, the Governor shall set the date for the special election. The person elected at the special election shall take office on the later of the date of certification of the results of the special election or the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.

Added by Laws 2002, c. 380, § 2, eff. Nov. 1, 2002. Amended by Laws 2012, c. 3, § 8, emerg. eff. March 19, 2012.

§26-13-101. County election board to conduct.

All municipal elections conducted in the State of Oklahoma shall be conducted by the county election board of the county wherein said municipality's central offices are located, unless otherwise provided by law.

Laws 1974, c. 153, § 13-101, operative Jan. 1, 1975.

§26-13-101.1. County boards not required to conduct certain elections - Time between primary and general municipal elections.

No county election board shall be required to conduct elections for any municipality on a date other than an election date identified in subsection B of Section 3-101 of this title. Municipalities that hold both primary and general elections, in addition to scheduling elections on dates identified in Section 3-101 of this title, shall provide no fewer than thirty-five (35) days between the primary and general elections.

Added by Laws 2004, c. 545, § 18, eff. July 1, 2005. Amended by Laws 2005, c. 224, § 2, eff. July 1, 2005; Laws 2015, c. 380, § 2, eff. Jan. 1, 2016.

§26-13-102. Notice of elections.

A. Not fewer than fifteen (15) days before the filing period for any regular municipal election, or in the event of a special election, not fewer than sixty (60) days before such election, the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting such election. Such resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at such election or elections;
3. Qualifications for such offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;
5. Indication of whether the election will be partisan or nonpartisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply;
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a certification of whether such precincts shall be open or not open for the election; and
8. Any other information necessary for conducting said election or elections.

B. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, the filing period for such municipal office shall be scheduled to meet the requirements of Section 16-102 of Title 11 of the Oklahoma Statutes and of Section 3-101 of Title 26 of the Oklahoma Statutes; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

Added by Laws 1974, c. 153, § 13-102, operative Jan. 1, 1975. Amended by Laws 1985, c. 193, § 4, eff. Nov. 1, 1985; Laws 1987, c. 75, § 7, eff. July 1, 1987; Laws 1993, c. 316, § 10, eff. Sept. 1, 1993; Laws 2004, c. 545, § 19, eff. July 1, 2005; Laws 2011, c. 196, § 14, eff. Nov. 1, 2011; Laws 2012, c. 31, § 3, emerg. eff. April 9, 2012; Laws 2012, c. 126, § 1, eff. July 1, 2012; Laws 2015, c. 380, § 6, eff. Jan. 1, 2016.

§26-13-103. Conduct of municipal elections - Partisan elections.

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. 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.

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.

Added by Laws 1974, c. 153, § 13-103, operative Jan. 1, 1975.

Amended by Laws 1977, c. 130, § 1, emerg. eff. June 3, 1977; Laws 1987, c. 75, § 8, eff. July 1, 1987; Laws 2004, c. 545, § 20, eff. July 1, 2005; Laws 2015, c. 380, § 3, eff. Jan. 1, 2016; Laws 2019, c. 491, § 27, eff. Nov. 1, 2019.

§26-13-104. Filing fee or petition not required.

Persons filing declarations of candidacy shall not be required to post a filing fee, nor shall they be required to file petitions supporting their candidacies.

Amended by Laws 1987, c. 75, § 9, eff. July 1, 1987.

§26-13-105. Materials and ballots.

All materials and ballots necessary to conduct any municipal election shall be provided by the county election board.

Laws 1974, c. 153, § 13-105, operative Jan. 1, 1975.

§26-13-106. Certification.

At the time prescribed by law, the county election board shall certify the results of any municipal election to the governing board of the municipality for which said election was held. Certificates of Election shall be issued to the successful candidates by the county election board, in the same manner as is prescribed for county officers.

Laws 1974, c. 153, § 13-106, operative Jan. 1, 1975.

§26-13-107. Maps to be provided.

It shall be the mandatory duty of the governing board of each municipality to provide to the county election board or boards of the county or counties wherein said municipality is located a current map of said municipality. Said map must clearly define the municipal limits and ward boundaries of said municipality. Should any changes be made in the municipal limits or ward boundaries of any municipality, the governing board of said municipality shall immediately provide the appropriate county election board or boards with a complete revised map of the municipality.

Laws 1974, c. 153, § 13-107, operative Jan. 1, 1975.

§26-13-108. Eligible voters.

Only registered voters who reside within the municipal limits of any municipality shall be permitted to vote in any election held for said municipality.

Laws 1974, c. 153, § 13-108, operative Jan. 1, 1975.

§26-13-109. Copy of charter required.

Municipalities operating under a charter form of government shall be required to furnish a copy of said charter, as it applies to conduct of elections, to the county election board of the county wherein said municipality's central offices are located. Any changes in a charter, as it applies to conduct of elections, shall be provided immediately to the appropriate county election board.

Laws 1974, c. 153, § 13-109, operative Jan. 1, 1975.

§26-13-110. Municipalities in more than one county.

Elections for a municipality which is located in more than one county shall be conducted by the county election board of the county wherein said municipality's central offices are located. The county election board or boards of the other affected county or counties shall provide such assistance as may be necessary for conduct of an election.

Laws 1974, c. 153, § 13-110, operative Jan. 1, 1975.

§26-13-111. Expenses.

All expenses incurred in the conduct of any municipal election shall be paid by the municipality for which the election was held. Expenses shall include, but shall not be limited to, compensation for precinct officials, per diem and mileage for the chair and vice chair of the county election board, the cost of supplies and ballots and the rental of polling places.

Added by Laws 1974, c. 153, § 13-111, operative Jan. 1, 1975.

Amended by Laws 2019, c. 491, § 28, eff. Nov. 1, 2019.

§26-13-112. Repealed by Laws 1992, c. 247, § 25, emerg. eff. May 21, 1992.

§26-13A-101. Applicability of general election laws - Precincts totally or partially contained within district - Opening and closing procedures.

A. Except as otherwise provided by law, the general election laws shall apply to all elections for school districts and technology center school districts. When it is impossible or impractical to apply the general election laws for school districts and technology center school districts, the Secretary of the State Election Board shall prescribe procedures consistent with the purposes of the general election laws.

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

C. The Secretary of the State Election Board is authorized to promulgate rules setting forth procedures to allow the board of education of a school district or career technology school district to request that a precinct only partially located within the district's boundaries, and in which there are one hundred (100) registered voters or less in the portion of the precinct located within the district, not to be opened. The procedures shall ensure that any registered voters affected are notified of the precinct closing and of other voting options.

Added by Laws 1988, c. 296, § 2, eff. June 1, 1990. Amended by Laws 1991, c. 330, § 2; Laws 1992, c. 346, § 2, eff. Sept. 1, 1992; Laws 2001, c. 33, § 25, eff. July 1, 2001; Laws 2002, c. 447, § 13, emerg. eff. June 5, 2002.

§26-13A-102. Conduct of elections pursuant to this article.

Unless otherwise provided by law, all elections for every school district and technology center school district shall be conducted in accordance with provisions of this article.
Added by Laws 1988, c. 296, § 3, eff. June 1, 1990. Amended by Laws 2001, c. 33, § 26, eff. July 1, 2001.

§26-13A-103. Election dates - Special elections.

A. 1. The general election of members of the board of education of every school district and technology center school district shall be conducted on the first Tuesday of April of each year.

2. The primary election of members of the board of education of every school district and technology center school district, if necessary, shall be conducted on the second Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary.

3. If only two candidates qualify to have their names appear on the ballot, the names of both candidates shall appear on the ballot at the board of education general election.

4. If more than two candidates qualify to have their names appear on the ballot, the names of all such candidates shall appear on the ballot at the board of education primary election. A candidate receiving more than fifty percent (50%) of the votes cast in the board of education primary election shall be elected to the office. If no candidate receives more than fifty percent (50%) of the votes cast in the board of education primary election, then the two candidates with the highest number of votes shall appear on the ballot at the board of education general election.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary.

C. The board of education of every school district or technology center school district may call a special election for the purpose of voting on any matter or question authorized by law.
Added by Laws 1988, c. 296, § 4, eff. June 1, 1990. Amended by Laws 1989, c. 132, § 1; Laws 1991, c. 330, § 3; Laws 1992, c. 247, § 18, eff. July 1, 1992; Laws 2001, c. 33, § 27, eff. July 1, 2001; Laws 2003, c. 485, § 8; Laws 2004, c. 108, § 1, eff. Nov. 1, 2004; Laws 2018, c. 9, § 1, eff. Nov. 1, 2018.

§26-13A-104. Certification of election in multicounty district.

For school districts and technology center school districts located in more than one county, the county election board located

in the county wherein supervision of the district is located shall be responsible for certifying its elections. The Secretary of the State Election Board shall prescribe procedures for certification. Added by Laws 1988, c. 296, § 5, eff. June 1, 1990. Amended by Laws 2001, c. 33, § 28, eff. July 1, 2001.

§26-13A-105. Declaration of candidacy.

Candidates for member of the board of education of every school district or technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an attachment to be signed by the candidate listing the requirements of a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and the candidate shall swear or affirm that he or she is eligible to run for the office or serve in the office if elected. Candidates shall file on the first Monday in December through the following Wednesday. For school districts and technology center school districts located in more than one county, filing may be either in the county wherein supervision of the district is located or in the county where the candidate resides.

Added by Laws 1988, c. 296, § 6, eff. June 1, 1990. Amended by Laws 1989, c. 132, § 2, eff. June 1, 1990; Laws 1992, c. 247, § 19, emerg. eff. May 21, 1992; Laws 1994, c. 360, § 2, eff. July 1, 1994; Laws 1997, c. 130, § 2, emerg. eff. April 17, 1997; Laws 1998, c. 217, § 1, eff. July 1, 1998; Laws 2001, c. 33, § 29, eff. July 1, 2001; Laws 2004, c. 369, § 7, emerg. eff. May 28, 2004.

§26-13A-106. Eligibility to be candidate for school board - Eligibility to vote.

A. To be eligible to be a candidate for member of the board of education of a school district or technology center school district, a person must have resided in the district or, if the board seat is in an independent district, have resided in that district for at least six (6) months preceding the first day of the filing period, and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education of a school district or technology center school district unless the person has been awarded a high school diploma or certificate of high school equivalency. In school districts that are divided into election districts, a candidate must have resided in the district for at least six (6) months preceding the first day

of the filing period and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the election district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education unless the person has been awarded a high school diploma or certificate of high school equivalency.

B. To be eligible to vote in a school district election or a technology center school district election, a person must be registered with the county election board at an address located within the geographical boundaries of the district. To be eligible to vote in an election district election within a school district, a person must be registered with the county election board at an address located within the geographical boundaries of the election district.

Added by Laws 1988, c. 296, § 7, eff. June 1, 1990. Amended by Laws 1989, 1st Ex. Sess., c. 2, § 25, emerg. eff. April 25, 1990; Laws 1994, c. 360, § 3, eff. July 1, 1994; Laws 2001, c. 33, § 30, eff. July 1, 2001; Laws 2004, c. 53, § 12, emerg. eff. April 1, 2004; Laws 2004, c. 545, § 17, eff. July 1, 2005.

§26-13A-108. School district maps.

The State Department of Education shall provide the State Election Board with information concerning the boundary lines of school districts within the state. The State Election Board shall provide the county election boards with maps of each county and of individual precincts within each county showing the boundary lines of school districts and with software for the Oklahoma Election Management System capable of assigning addresses within the county to the appropriate school district.

Added by Laws 1988, c. 296, § 8, eff. June 1, 1990. Amended by Laws 1993, c. 239, § 17, eff. July 1, 1993; Laws 2002, c. 447, § 14, emerg. eff. June 5, 2002.

§26-13A-109. Resolution calling for election - Legal notice.

A. The board of education of every school district and technology center school district shall notify, by resolution, the secretary of the county election board responsible for certifying its election of any regular or special election.

B. The resolution calling for an election or elections shall include, but shall not be limited to, the following information:

1. Date or dates of the election or elections;
2. Identification of the office or offices to be filled, qualifications of candidates for office and the length of term of each;

3. Information describing election districts within the school district, if applicable;
4. Ballot titles of the question or questions to be voted upon;
5. Information describing the persons eligible to vote in the election; and
6. All other information necessary for conducting the election or elections.

C. Resolutions calling for regular elections shall be delivered to the secretary of the county election board no fewer than fifteen (15) days preceding the first day of the filing period established in Section 13A-105 of this title. The resolution shall contain all questions to be voted upon at the election to be held on the day as required in Section 13A-103 of this title.

D. Resolutions calling for special elections shall be delivered to the secretary of the county election board no fewer than sixty (60) days preceding the election. A special filing period, if necessary, shall be scheduled for three days and shall begin not more than twenty (20) days following the date the resolution is required to be submitted to the county election board.

E. In addition to notifying the secretary of the county election board of the election by resolution as required in this section:

1. For elections of members of the board of education of a school district, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in the county wherein the school district administrative office is located at least ten (10) days prior to the filing period and shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in the county wherein the school district administrative office is located. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and the office or offices to be filled. The notice shall also be posted at the school district administrative offices and county election board offices; and

2. For elections of members of the board of education of a technology center school district, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in each county wherein the school district is a member in the technology center district at least ten (10) days prior to the filing period. Additionally, the technology center school district shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in each county wherein the school district is a member in the technology center district. The legal notice and press release shall include,

but shall not be limited to, the dates of the filing period for the election or elections and the office or offices to be filled. The notice shall also be posted in each county at the technology center school district administrative offices, if such office exists in the county, and county election board office in each county.

Added by Laws 1988, c. 296, § 9, eff. June 1, 1990. Amended by Laws 1989, c. 132, § 3, eff. June 1, 1990; Laws 1992, c. 247, § 20, emerg. eff. May 21, 1992; Laws 2001, c. 33, § 31, eff. July 1, 2001; Laws 2004, c. 369, § 8, emerg. eff. May 28, 2004; Laws 2005, c. 160, § 1, eff. July 1, 2005; Laws 2006, c. 191, § 1, emerg. eff. May 26, 2006; Laws 2015, c. 380, § 7, eff. Jan. 1, 2016.

§26-13A-110. Vacancies.

A. Vacancies for members of the board of education of every school district or technology center school district shall be filled by appointment by the board.

B. Except as provided for in subsection D of this section, persons appointed to fill such vacancies in the first half of the term of office for the board position shall serve only until the next succeeding election, at which time the office which they hold shall be placed on the ballot for the balance of the unexpired term. Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year. Persons elected to fill unexpired terms shall begin those terms at the next regular meeting of the board of education following the election. Persons appointed to fill such vacancies after the first half of the term of office for the board position shall serve for the balance of the unexpired term.

C. Except as provided for in subsection D of this section, no person shall be appointed to a board of education who does not meet the eligibility qualifications needed to be a candidate for such position as provided for in Section 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes.

D. If after the filing period is closed no candidate for an open position on a board of education of a school district has filed and therefore a vacancy is created, the vacancy shall be filled by appointment by the board. Persons appointed to fill such vacancies shall not be required to reside in the board or election district but shall be required to reside in the school district and to meet the other eligibility qualifications needed to be a candidate for the position as provided for in Section 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes. Persons appointed to fill vacancies as provided for in this subsection shall be eligible to serve only for the balance of the term.

E. If the board of education does not fill the vacancy by appointment within sixty (60) days of the date the board declared the seat vacant, the board of education shall call a special election to fill the vacancy for the unexpired term. The special election shall be called on a date established by subsection B of Section 3-101 of this title, and the special filing period shall be scheduled as required in subsection D of Section 13A-109 of this title.

Added by Laws 1988, c. 296, § 10, eff. June 1, 1990. Amended by Laws 1989, c. 132, § 4, eff. June 1, 1990; Laws 1994, c. 360, § 4, eff. July 1, 1994; Laws 1999, c. 322, § 1, eff. July 1, 1999; Laws 2000, c. 280, § 5, emerg. eff. June 1, 2000; Laws 2001, c. 33, § 32, eff. July 1, 2001; Laws 2008, c. 19, § 1; Laws 2015, c. 380, § 8, eff. Jan. 1, 2016; Laws 2016, c. 356, § 1.

§26-13A-111. Costs of elections.

A. At elections held concurrently with county and state elections, the board of education of every school district and technology center school district shall reimburse the county election board only for those costs exclusively attributable to the district.

B. At elections not held concurrently with county and state elections, the board of education of every school district and technology center school district shall reimburse the county election board for all costs of the election. If more than one entity holds an election concurrently, then costs shall be assessed proportionately.

Added by Laws 1988, c. 296, § 11, eff. June 1, 1990. Amended by Laws 2001, c. 33, § 33, eff. July 1, 2001.

§26-14-101. Absentee ballots authorized - Adjustment of filing period.

A. Absentee ballots shall be provided for any election conducted by a county election board. A charter municipality may adjust its filing period and election dates to allow sufficient time for the mailing and return of absentee ballots if the filing period or election dates provided in the municipality's charter do not provide sufficient time for the mailing and return of absentee ballots.

B. Any election called by a charter municipality simultaneously with any other entity's election held in any part of the municipality shall provide no less time for the mailing and return of absentee ballots than the least time provided by the other entity.

Added by Laws 1974, c. 201, § 1, operative July 1, 1974. Amended by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976; Laws 1981, c. 292, § 5; Laws 1997, c. 176, § 14, eff. Nov. 1, 1997.

§26-14-102. Designation of absentee ballot.

Absentee ballots shall not be authorized for any other election, unless specifically provided for by law.
Amended by Laws 1982, S.J.R. No. 29, § 1; Laws 1983, c. 171, § 22; Laws 1984, c. 204, § 1, operative July 1, 1984.

§26-14-103. Time for requesting absentee ballot.

Absentee ballots must be requested no later than 5:00 p.m. on Wednesday preceding an election.
Amended by Laws 1982, S.J.R. No. 29, § 1; Laws 1983, c. 171, § 22; Laws 1984, c. 204, § 2, operative July 1, 1984.

§26-14-104. Time for return of absentee ballot to secretary of county election board.

Absentee ballots shall be returned to the secretary of each county election board no later than 7:00 p.m. the day of the election; provided, absentee ballots that are hand delivered to the county election board as provided in Section 14-108 of this title shall be delivered no later than the end of regular business hours on the day prior to the date of the election.
Added by Laws 1974, c. 201, § 4, operative July 1, 1974. Renumbered from § 327.4 of this title by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1979, c. 240, § 25, emerg. eff. June 1, 1979; Laws 1981, c. 344, § 3, eff. Jan. 1, 1984; Laws 1984, c. 204, § 3, operative July 1, 1984; Laws 2016, c. 237, § 1, eff. Jan. 1, 2017.

§26-14-104.1. Repealed by Laws 2011, c. 196, § 20, eff. Nov. 1, 2011.

§26-14-105. Voters absent from county on election day - Application for ballot.

Any registered voter may apply for an absentee ballot in person at the county election board, by United States mail, by telegraph, by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes or by a means of electronic communication designated by the Secretary of the State Election Board. The Secretary of the State Election Board shall prescribe a form to be used for the application, although any application setting forth substantially the same facts shall be valid.
Added by Laws 1974, c. 201, § 5, operative July 1, 1974. Renumbered from § 327.5 of this title by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1979, c. 240, § 26, emerg. eff. June 1, 1979; Laws 1981, c. 344, § 4, eff. Oct. 1, 1982; Laws 1982, S.J.R. No. 29, § 1; Laws 1983, c. 171, § 22; Laws 1984, c. 204, § 4, operative July 1, 1984; Laws 1985, c. 78, § 1, eff. July 1, 1985;

Laws 1991, c. 277, § 1, eff. Sept. 1, 1991; Laws 1995, c. 290, § 14, eff. Nov. 1, 1995; Laws 2013, c. 200, § 4, eff. Nov. 1, 2013.

§26-14-106. Transmittal of ballot to voter.

When such application is received by the secretary of a county election board, it shall be his duty to verify the registration of said voter and to transmit, by United States mail, ballots which said voter has requested and is entitled to receive.

Laws 1974, c. 201, § 6, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976; Laws 1979, c. 240, § 27, emerg. eff. June 1, 1979.

§26-14-107. Materials to accompany absentee ballots - Sharing of digital image or photograph - Admissibility as evidence.

A. Absentee ballots must be accompanied by:

1. A plain opaque envelope in which voted ballots must be placed by the voter;

2. An envelope bearing an affidavit stating that the voter is qualified to vote and that the voter has personally marked the ballots, and has not exhibited the marked ballots to any other person;

3. A return envelope addressed to the secretary of the county election board; and

4. A notice that it is illegal for a Notary Public in this state to charge a fee to notarize an official absentee ballot affidavit.

B. A voter may take a digital image or photograph of his or her marked absentee ballot and distribute or share the image via social media or by any other means if performed voluntarily and in compliance with state and federal law. Testimony as to how any individual cast his or her absentee ballot, whether or not said absentee ballot was lawfully cast, shall not be admissible as evidence in any court of law or public hearing in this state.

Added by Laws 1974, c. 201, § 7, operative July 1, 1974. Renumbered from § 327.7 of this title by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 2010, c. 189, § 20, eff. Jan. 1, 2011; Laws 2019, c. 457, § 2, eff. Nov. 1, 2019.

§26-14-108. Return of ballots - Witnessing of affidavit.

A. The voter shall be required to mark the ballot in ink or other manner as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit, such signature to be notarized at no charge by a notary public; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by hand delivery, United States mail or by a private mail service, provided such service has delivery

documentation, to the county election board. No person who is a candidate for an office on the ballot or who is the chair or treasurer of the campaign of a candidate for office or who is related within the third degree of consanguinity or affinity to a candidate on the ballot may witness any absentee ballot affidavit.

B. The ballot shall not be notarized by any person whose name appears on the ballot as a candidate or by any campaign chairperson or campaign treasurer for a candidate whose name appears on the ballot.

C. Any voter who hand delivers his or her ballot as provided in subsection A of this section shall provide proof of identity to the county election board and shall hand deliver the ballot no later than the end of regular business hours on the day prior to the date of the election. For purposes of this section, "proof of identity" shall have the same meaning as used in subsection A of Section 7-114 of this title.

Added by Laws 1974, c. 201, § 8, operative July 1, 1974. Renumbered from § 327.8 of this title by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1981, c. 344, § 5, eff. Jan. 1, 1984; Laws 1984, c. 204, § 5, operative July 1, 1984; Laws 1991, c. 321, § 37, eff. March 1, 1992; Laws 2002, c. 447, § 15, emerg. eff. June 5, 2002; Laws 2003, c. 485, § 10; Laws 2004, c. 5, § 17, emerg. eff. March 1, 2004; Laws 2016, c. 237, § 2, eff. Jan. 1, 2017.

NOTE: Laws 2003, c. 403, § 2 repealed by Laws 2004, c. 5, § 18, emerg. eff. March 1, 2004.

§26-14-108.1. Notary public - Absentee ballots and affidavits.

A. Neither a notary public nor an agent working on behalf of a notary public shall be authorized to:

1. Request absentee ballots on behalf of a voter other than himself or herself;
2. Assist a voter in requesting absentee ballots, other than for himself or herself or a member of his or her household;
3. Receive by mail an absentee ballot on behalf of a voter, other than for himself or herself or a member of his or her household; or
4. Submit a completed absentee ballot on behalf of a voter other than for himself or herself.

B. A notary public shall maintain a log of all absentee ballot affidavits that he or she notarizes for a period of at least two (2) years after the date of the election.

C. A notary public shall be authorized to notarize a maximum of twenty absentee ballot affidavits for a single election. A notary public may be authorized to notarize more than twenty absentee ballot affidavits with the written approval of the secretary of the county election board. The limitation required by this subsection shall not apply to the notarizing of ballots at the place of

business of a notary public during the normal business hours of the notary public; provided, however, such limitations shall apply to any agency or other entity that provides voter registration services as required by the National Voter Registration Act of 1993 or by Sections 4-109.2 and 4-109.3 of this title.

D. If more than ten absentee ballots for a single election are requested to be mailed to a single mailing address, the secretary of the county election board shall immediately notify the district attorney for that county and the Secretary of the State Election Board. Provided, this requirement shall not apply to requests for ballots to be sent to nursing homes, veterans centers, medical facilities, multiunit housing, addresses of uniformed or overseas voters as defined by the Uniformed and Overseas Citizens Absentee Voting Act, or other locations authorized in writing by the Secretary of the State Election Board.

E. The provisions of this section shall only apply to an election conducted by a county election board or the State Election Board.

Added by Laws 2012, c. 26, § 1. Amended by Laws 2014, c. 347, § 1, eff. Nov. 1, 2014; Laws 2015, c. 333, § 1, eff. Nov. 1, 2015.

§26-14-110.1. Physically incapacitated persons - Absentee ballot.

A registered voter who swears or affirms that the voter is physically unable to vote in person at the precinct on the day of the election because the voter is:

1. Physically incapacitated; or

2. Charged with the care of another person who is physically incapacitated and who cannot be left unattended;

may apply for an absentee ballot. Such applications may be made by United States mail, by facsimile device as defined by Section 1862 of Title 21 of the Oklahoma Statutes or by a means of electronic communication designated by the Secretary of the State Election Board or may be made in person at the office of the county election board by an agent of the voter. Such an agent shall be a person of the voter's choosing who is at least sixteen (16) years of age and who is not employed by or related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. No person may be the agent for more than one voter at any election. The Secretary of the State Election Board shall prescribe a form to be used for the application, although any application setting forth substantially the same facts shall be valid.

Added by Laws 1984, c. 204, § 6, operative July 1, 1984. Amended by Laws 1985, c. 78, § 2, eff. July 1, 1985; Laws 1995, c. 290, § 15, eff. Nov. 1, 1995; Laws 2013, c. 110, § 1, emerg. eff. April 22, 2013; Laws 2013, c. 200, § 5, eff. Nov. 1, 2013.

§26-14-111.1. Transmittal of ballot to voter.

When such application is received by the secretary of a county election board, it shall be his duty to verify the registration of said voter and to transmit, by United States mail, ballots which said voter has requested and is entitled to receive.

Added by Laws 1984, c. 204, § 7, operative July 1, 1984.

§26-14-112.1. Materials to accompany ballot.

Said ballots must be accompanied by:

1. A plain opaque envelope in which voted ballots must be placed by the voter;

2. An envelope bearing an affidavit stating that the voter is qualified to vote, that he has personally marked the ballots or has directed a person chosen by the voter to mark the ballots in accordance with the provisions of Section 7-123.3 of this title; and

3. A return envelope addressed to the secretary of the county election board.

Added by Laws 1984, c. 204, § 8, operative July 1, 1984. Amended by Laws 1997, c. 176, § 15, eff. Nov. 1, 1997.

§26-14-113.2. Marking and return of ballot.

A. The voter shall be responsible for marking the ballots or directing a person chosen by the voter to mark the ballots in accordance with the provisions of Section 7-123.3 of this title and as prescribed by the Secretary of the State Election Board; seal the ballots in the plain opaque envelope; fill out completely and sign the affidavit or direct a person chosen by the voter to sign the affidavit, such signature to be witnessed by two persons, who did not sign the affidavit, whose signature and address shall appear on the affidavit; seal the plain opaque envelope inside the envelope bearing the affidavit and return both envelopes, sealed inside the return envelope, by United States mail or by a private mail service, provided such service has delivery documentation, to the county election board.

B. No person, except members of absentee voting boards, shall witness the signature of more than five affidavits of persons who swear they are physically incapacitated and unable to vote in person at their precinct on election day. No person who is a candidate for an office on the ballot or who is related within the third degree of consanguinity or affinity to a candidate on the ballot may witness any absentee ballot affidavit.

Added by Laws 1984, c. 204, § 9, operative July 1, 1984. Amended by Laws 1991, c. 321, § 38, eff. March 1, 1992; Laws 1997, c. 176, § 16, eff. Nov. 1, 1997; Laws 1998, c. 357, § 12, eff. Jan. 1, 1999; Laws 2000, c. 358, § 12, eff. July 1, 2000; Laws 2002, c. 447, § 16, emerg. eff. June 5, 2002; Laws 2003, c. 485, § 11.

§26-14-113.3. Repealed by Laws 1991, c. 277, § 5, eff. Sept. 1, 1991.

§26-14-114. Elector confined to nursing facility outside county.

If the secretary of a county election board receives such a request from an incapacitated elector confined to a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, outside the county of jurisdiction of the secretary, the secretary shall provide ballots and materials by mail in the manner hereinbefore prescribed.

Added by Laws 1974, c. 201, § 14, operative July 1, 1974. Amended by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976; Laws 2002, c. 447, § 17, emerg. eff. June 5, 2002.

§26-14-115. Elector confined to nursing facility or veterans center within county - Procedures.

If the secretary of a county election board receives a request from an incapacitated elector confined to a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center established pursuant to Title 72 of the Oklahoma Statutes within the county of the jurisdiction of the secretary, the secretary shall cause to be implemented the following procedures:

1. On the Thursday, Friday, Saturday or Monday preceding the election, the absentee voting board shall deliver to each registered voter who is confined to a nursing facility, as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes, or a veterans center established pursuant to Title 72 of the Oklahoma Statutes and who requested ballots for an incapacitated voter said ballots and materials as may be necessary to vote same.

2. The voter must mark the ballots in the manner hereinbefore provided in the presence of the absentee voting board, but in such a manner as to make it impossible for any person other than the voter to ascertain how said ballots are marked. Insofar as is possible, the voting procedure shall be the same as if the voter were casting a vote in person at a precinct.

3. The voter shall then seal said ballots in the plain opaque envelope and shall seal said plain opaque envelope in the envelope bearing an affidavit. The voter must complete said affidavit, and the signature of the voter on same must be witnessed by both members of the absentee voting board.

4. The envelope bearing an affidavit then must be sealed in the return envelope, which shall be returned by the absentee voting board to the secretary of the county election board on the same day said affidavit was executed.

5. Ballots cast in said manner shall be counted in the same manner as regular mail absentee ballots.

Added by Laws 1974, c. 201, § 15, operative July 1, 1974.
Renumbered from § 327.15 of this title by Laws 1976, c. 90, § 11,
emerg. eff. May 6, 1976. Amended by Laws 1991, c. 277, § 2, eff.
Sept. 1, 1991; Laws 2002, c. 447, § 18, emerg. eff. June 5, 2002;
Laws 2003, c. 485, § 12; Laws 2009, c. 92, § 1, eff. Nov. 1, 2009.

§26-14-115.1. Incapacitated voter unable to vote in person -
Procedure.

A registered voter who becomes incapacitated after 5:00 p.m. on Tuesday preceding an election, is unable to vote in person at the appropriate precinct on the day of the election may make a written request for an absentee ballot. The request shall be signed by the voter, or signed by a witness at the voter's direction if the voter is unable to sign his or her name, and shall be transmitted to the secretary of the county election board. The person transmitting said request on behalf of the voter may be anyone of the voter's choosing at least sixteen (16) years of age; provided, said person is not employed by nor related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. The person becomes the voter's agent for purposes of voting by absentee ballot. The voter's request must be accompanied by a sworn statement by a duly licensed physician. Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote absentee pursuant to this section. The statement must attest to the fact that the voter is in fact unable to vote in person at the appropriate precinct on the day of the election because of a physical incapacity and that said physical incapacity originated after 5:00 p.m. on Tuesday preceding an election. Upon receipt of the voter's request and accompanying sworn statement, the secretary of the county election board shall issue to the voter's agent the appropriate ballots and envelopes required for voting by incapacitated voters. The ballots must be returned by the agent to the secretary of the county election board no later than 7:00 p.m. on the day of the election. No person may be the agent for more than one voter at any election. Upon return of the absentee ballots, the secretary of the county election board shall cause said ballots to be processed in the same manner as is prescribed for other absentee ballots.
Amended by Laws 1979, c. 240, § 29, emerg. eff. June 1, 1979; Laws 1991, c. 129, § 4, eff. Sept. 1, 1991.

§26-14-115.4. In-person absentee voting.

A. 1. A registered voter may apply for an in-person absentee ballot at a location designated by the secretary of the county election board from 8 a.m. to 6 p.m. on Thursday and Friday immediately preceding any election and from 9 a.m. to 2 p.m. on Saturday immediately preceding a state or federal election. As part

of the application for an in-person absentee ballot such registered voter shall swear or affirm that the voter has not voted a regular mail absentee ballot and that the voter will not vote at the regular polling place in the election for which the in-person absentee ballot is requested.

2. The secretary of the county election board in counties with twenty-five thousand (25,000) or more registered voters, or with an area in excess of one thousand five hundred (1,500) square miles, may designate more than one location as an in-person absentee polling place for an election, subject to the approval of and pursuant to the rules and procedures prescribed by the Secretary of the State Election Board.

B. 1. The voter also shall provide proof of identity as defined in Section 7-114 of this title. If the voter declines to or is unable to produce proof of identity, the voter may sign a statement under oath, in a form approved by the Secretary of the State Election Board, swearing or affirming that the person is the person identified on the precinct registry, and shall be allowed to cast a provisional ballot as provided in Section 7-116.1 of this title.

2. False swearing or affirming under oath shall be punishable as a felony as provided in Section 16-103 of this title, and the penalty shall be distinctly set forth on the face of the statement.

C. One or more absentee voting boards shall be on duty at the in-person absentee polling place on the days and during the hours set forth in subsection A of this section. If the secretary of a county election board receives an application from a registered voter requesting to vote by in-person absentee ballot the secretary shall cause to be implemented the following procedures:

1. An absentee voting board shall provide to each registered voter who applies for an in-person absentee ballot appropriate ballots and materials as may be necessary to vote;

2. The voter must sign an in-person absentee voter record, and the signature of the voter on such record must be certified by both members of the absentee voting board, except that the secretary of the county election board and one other member of the absentee voting board may certify the signature of another member of the absentee voting board;

3. The voter must mark the ballots of the voter in the manner provided by law in the presence of the absentee voting board, but in such a manner as to make it impossible for any person other than the voter to ascertain how such ballots are marked. Insofar as is possible, the voting procedure shall be the same as if the voter were casting a vote in person at a precinct;

4. The voter shall then deposit the ballot in a voting device designated for in-person absentee voting by the secretary of the county election board;

5. When the in-person polling place is closed on each day of in-person absentee voting the in-person absentee voting board shall, without obtaining a printout of results, remove the electronic results storage media from the voting device and seal ballots counted that day in a transfer case which shall be secured by the sheriff of the county in the same manner as provided in Section 8-110 of this title. The electronic results storage media shall be sealed in a container prescribed by the Secretary of the State Election Board. The sheriff shall secure the sealed electronic results storage media container and return it to the in-person absentee voting board no later than 7:45 a.m. on the next day of in-person absentee voting or to the secretary of the county election board at the time of the county election board meeting to count absentee ballots on election day; and

6. If there is a malfunction in such a way that the electronic results storage media used for in-person absentee voting will not function, the sheriff is authorized to return the transfer cases containing in-person absentee ballots to the county election board to be recounted as provided in Section 7-134.1 of this title. Added by Laws 1991, c. 277, § 4, eff. Sept. 1, 1991. Amended by Laws 1992, c. 247, § 21, emerg. eff. May 21, 1992; Laws 1993, c. 316, § 11, eff. Sept. 1, 1993; Laws 1997, c. 176, § 17, eff. Nov. 1, 1997; Laws 2002, c. 341, § 1; Laws 2003, c. 485, § 13; Laws 2004, c. 307, § 8, emerg. eff. May 17, 2004; Laws 2004, c. 307, § 8, emerg. eff. May 17, 2004; Laws 2009, c. 31, § 4, eff. July 1, 2011 (State Question No. 746, Legislative Referendum No. 347, adopted at election held on Nov. 2, 2010); Laws 2013, c. 200, § 7, eff. Nov. 1, 2013; Laws 2017, c. 130, § 1, eff. Nov. 1, 2017.

§26-14-115.5. Absentee voting boards.

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 shall meet the same eligibility requirements for precinct officials as described in Section 2-131 of this title.

C. The secretary shall utilize such 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 compensated at the same rate as a precinct judge or clerk.

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.

Added by Laws 1991, c. 277, § 4, eff. Sept. 1, 1991. Amended by Laws 1992, c. 247, § 22, emerg. eff. May 21, 1992; Laws 1995, c. 315, § 4, eff. July 1, 1995; Laws 2004, c. 545, § 22, eff. July 1, 2005; Laws 2011, c. 196, § 15, eff. Nov. 1, 2011; Laws 2019, c. 491, § 29, eff. Nov. 1, 2019.

NOTE: Laws 2004, c. 307, § 9 repealed by Laws 2005, c. 1, § 22, eff. July 1, 2005.

§26-14-115.6. Emergency absentee ballots for first responders and emergency workers.

A. A registered voter who, within ten (10) days preceding an election, is deployed as a first responder or emergency worker to assist with the rescue, recovery, or relief efforts of a declared natural disaster or state of emergency, may make a written request for an emergency absentee ballot in a form prescribed by the Secretary of the State Election Board. The request shall be signed by the voter and shall be provided by the voter to the secretary of the county election board in the county where the voter is registered.

B. Upon receipt of the voter's request, the secretary of the county election board shall issue to the voter the appropriate ballots and envelopes required for voting an emergency absentee ballot. Provided, the voter shall present proof of identity as required by Section 7-114 of this title.

C. The ballots must be returned in person by the voter, by United States mail, or by other means of delivery approved by the Secretary of the State Election Board, to the secretary of the county election board no later than 7:00 p.m. on the day of the election.

D. Upon return of the absentee ballots, the secretary of the county election board shall cause the ballots to be processed in the same manner as is prescribed for other absentee ballots.

E. The Secretary of the State Election Board shall promulgate rules to implement the procedures described in this section.

Added by Laws 2013, c. 200, § 6, eff. Nov. 1, 2013.

§26-14-116. Repealed by Laws 2011, c. 340, § 21, eff. Nov. 1, 2011.

§26-14-117. Repealed by Laws 2011, c. 340, § 21, eff. Nov. 1, 2011.

§26-14-118. Transmission of ballots and materials to voters.

A. When an application for an absentee ballot pursuant to Section 14-142 of this title is received by the secretary of a county election board, it shall be the duty of the secretary to transmit by United States mail, by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes, or as provided in subsection B of this section the ballots which the elector has requested and is entitled to receive. When an application for an absentee ballot is received at least forty-five (45) days before an election involving state or federal offices, the absentee ballot shall be transmitted by mail, by electronic mail, or by other means of electronic communication, as provided in this section, or by facsimile device as provided in Section 14-118.1 of this title, not less than forty-five (45) days preceding the election. When an application for an absentee ballot for an election involving state or federal offices is received less than forty-five (45) days preceding the election, the absentee ballot shall be transmitted by mail, by electronic mail, or by other means of electronic communication, as provided in this section, or by facsimile device as provided in Section 14-118.1 of this title, within forty-eight (48) hours of receipt of the application.

B. The secretary of the county election board may transmit balloting materials for any state or federal election, or for any other election as designated by the Secretary of the State Election Board as provided in subsection D of this section, by electronic mail or by other means of electronic communication in a form and manner prescribed by the Secretary of the State Election Board, if the voter:

1. Is a Federal Post Card Application registrant and is eligible to receive an absentee ballot as provided by law;
2. Provides an electronic mail address; and
3. Requests that balloting materials be sent by electronic mail.

If the secretary of the county election board transmits a ballot to a voter by electronic mail or by other means of electronic communication as provided in this subsection, the secretary shall amend the voter's federal postcard application for future elections to include the voter's electronic mail address.

C. An electronic mail address provided under this section is confidential and does not constitute public information for purposes of the Oklahoma Open Records Act. The secretary of the county

election board shall ensure that an electronic mail address provided under this section is excluded from disclosure.

D. The Secretary of the State Election Board shall determine if balloting materials for any election other than a state or federal election may be produced in a form which would allow them to be transmitted by electronic mail or by other means of electronic communication. If so, the Secretary shall so designate them. If such designation is not made, the balloting materials may be transmitted to the voter as provided in subsection A of this section.

E. All other provisions of this title that would normally apply to a ballot voted under this title apply to a ballot provided pursuant to the provisions of subsection B of this section.

F. The Secretary of the State Election Board may suspend the provisions of subsection B of this section if the Secretary determines that electronic transmission of balloting materials is not in the best interest of the people of this state due to a potential problem with the security of the balloting materials.

Added by Laws 1974, c. 201, § 18, operative July 1, 1974.
Renumbered from § 327.18 of this title by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 2003, c. 485, § 16; Laws 2009, c. 272, § 3, eff. Jan. 1, 2010; Laws 2010, c. 149, § 1, eff. July 1, 2010; Laws 2011, c. 196, § 16, eff. Nov. 1, 2011; Laws 2013, c. 200, § 8, eff. Nov. 1, 2013.

§26-14-118.1. Failure to receive mailed ballot in time to be counted - Transmission by facsimile device.

In the event that an absentee ballot mailed to a voter identified by Section 14-142 of this title or otherwise transmitted to a voter as provided by law cannot be received by the voter, voted and returned to the secretary of the county election board in the county of the residence of the voter in time to be counted, the secretary shall be authorized to transmit a ballot for federal offices by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes, provided that the voter has made a timely application for an absentee ballot. The voter may transmit by facsimile device the voted ballot only to the location designated by the Secretary of the State Election Board. Regular absentee ballots also shall be mailed to the voter, and if the regular ballots are returned by the voter and received by the secretary of the county election board in time to be counted, the ballot transmitted by facsimile device shall not be counted. The Secretary of the State Election Board shall promulgate rules setting forth procedures and prescribe appropriate forms to transmit and to receive absentee ballots pursuant to this section.

Added by Laws 2003, c. 485, § 17. Amended by Laws 2009, c. 272, § 4, eff. Jan. 1, 2010; Laws 2013, c. 200, § 9, eff. Nov. 1, 2013.

§26-14-119. Repealed by Laws 2011, c. 340, § 21, eff. Nov. 1, 2011.

§26-14-120. Marking, return, and processing of ballots.

A. For ballots transmitted pursuant to the provisions of Section 14-118 of this title, the voter shall be required to mark the voter's ballots in ink or other manner as prescribed by the Secretary of the State Election Board, seal the ballots in the plain opaque envelope, fill out completely and sign the affidavit, seal the plain opaque envelope inside the envelope bearing the affidavit, and return both envelopes, sealed inside the return envelope, by United States mail or by a private mail service, provided such service has delivery documentation.

B. If a voter returns both a voted ballot mailed to the voter under subsection A of Section 14-118 of this title and a voted ballot provided electronically to the voter under subsection B of Section 14-118 of this title, only the first ballot received may be counted.

C. A ballot received by the county election board which was issued electronically shall be processed in the same manner as any other ballot voted by mail as provided by this title.

Added by Laws 1974, c. 201, § 20, operative July 1, 1974.

Renumbered from Title 26, § 327.20 by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1984, c. 66, § 2, operative July 1, 1984; Laws 1987, c. 56, § 1, eff. Nov. 1, 1987; Laws 1991, c. 321, § 39, eff. March 1, 1992; Laws 2003, c. 485, § 18; Laws 2009, c. 272, § 6, eff. Jan. 1, 2010.

§26-14-120.1. Repealed by Laws 2011, c. 340, § 21, eff. Nov. 1, 2011.

§26-14-121. Discharged military personnel or personnel on officially authorized leave or spouses thereof - Authorization to vote.

Any person eligible to register, who has been honorably discharged or is on officially authorized leave from the Uniformed Services of the United States, or who has been terminated in such service or employment overseas, or who is the spouse or dependent of a person who has been honorably discharged, is on authorized leave from the Uniformed Services of the United States or who has been terminated in such service or employment overseas, and returned home within ninety (90) days preceding an election, shall be entitled to vote a provisional ballot at such election in the precinct for which the person is a qualified elector without being registered. Such person shall be required to provide proof of identity as required in Section 7-114 of this title and shall be entitled to cast a provisional ballot and to have the provisional ballot counted upon

completion of an affidavit as required by Section 7-116.1 of this title.

Added by Laws 1974, c. 201, § 21, operative July 1, 1974.

Renumbered from Title 26, § 327.21 by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1997, c. 176, § 18, eff. Nov. 1, 1997; Laws 1998, c. 357, § 13, eff. Jan. 1, 1999; Laws 2002, c. 447, § 19, emerg. eff. June 5, 2002; Laws 2003, c. 485, § 20; Laws 2004, c. 545, § 23, eff. July 1, 2005; Laws 2009, c. 31, § 5, eff. July 1, 2011 (State Question No. 746, Legislative Referendum No. 347, adopted at election held on Nov. 2, 2010).

§26-14-121.1. Replacement absentee ballots.

A registered voter whose application is on file and who lost or did not receive absentee ballots may apply for a second set of absentee ballots if more than seven (7) days have passed since the ballots were transmitted to the voter by the county election board. To receive a second set of ballots, the voter must swear or affirm that the voter lost or did not receive the original set of ballots for that election and that the voter will vote only one set of ballots. The Secretary of the State Election Board shall prescribe a form to be used for such application, although any written application setting forth substantially the same facts shall be valid. The written application for replacement ballots shall be personally signed by the voter and acknowledged before a notary public or witnessed as required on the affidavit for return of the original absentee ballots, and may be transmitted to the county election board in person by the voter, by United States mail or by an agent designated by the voter. The person transmitting such application on behalf of the voter may be anyone of the voter's choosing at least sixteen (16) years of age, provided said person is not employed by or related within the third degree of consanguinity or affinity to any person whose name appears on the ballot. No person may be the agent for more than one voter at any election. Such second ballot set shall be transmitted by the voter to the county election board in the same manner as provided in the original set.

Added by Laws 1990, c. 306, § 7, emerg. eff. May 30, 1990. Amended by Laws 2002, c. 447, § 20, emerg. eff. June 5, 2002.

§26-14-122. Handling of returned ballots.

When received, the secretary of the county election board shall cause envelopes containing absentee ballots to be placed in a ballot box, locked with three locks, in a secure place.

Laws 1974, c. 201, § 22, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976.

§26-14-123. Removal of outer envelopes - Examination of affidavits.

At 10 a.m. on Thursday preceding the election, or at such time thereafter as the county election board may desire, the county election board may meet and publicly remove the outer envelopes from all absentee ballots then received, examine and remove properly executed affidavits and place the plain opaque envelopes in a ballot box, locked with three locks. The procedure shall be repeated until such time as all ballots have been received. Provided, such procedure may begin at an earlier date upon the written approval of the Secretary of the State Election Board.

Added by Laws 1974, c. 201, § 23, operative July 1, 1974.

Renumbered from Title 26, § 327.23 by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1993, c. 316, § 12, eff. Sept. 1, 1993; Laws 2003, c. 485, § 21; Laws 2013, c. 200, § 10, eff. Nov. 1, 2013.

§26-14-124. Absentee counters - Appointment.

The secretary of the county election board shall appoint absentee counters as authorized by the State Election Board, said absentee counters meeting all qualifications required of precinct counters.

Laws 1974, c. 201, § 24, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976.

§26-14-125. Counting procedure.

A. On the day of the election at such time as the secretary of the county election board may prescribe, the county election board shall meet at the county courthouse or at the offices of the county election board if located elsewhere to count absentee ballots in the following manner:

The ballot box containing the plain opaque envelopes shall be shaken to mix the envelopes, after which the box shall be opened, the envelopes removed, and the ballots counted by a voting device assigned to count absentee ballots and operated by persons appointed by the secretary of the county election board.

B. The procedure described in this section shall be repeated as is necessary until all ballots have been counted. In no event shall fewer than twelve ballots be counted at any time, unless fewer than twelve ballots are received in total or after the first count is made. The results of the absentee ballots shall not be printed, made known to any person nor announced earlier than 7:00 p.m. on the day of the election.

C. 1. Upon written approval by the Secretary of the State Election Board, the county election board may begin the process of counting absentee ballots as described in this section on a date earlier than the day of the election. The results of the absentee ballots shall not be printed, made known to any person nor announced earlier than 7:00 p.m. on the day of the election.

2. When the counting of absentee ballots occurs on a date prior to the day of the election, the county election board shall, without obtaining a printout of results, remove the election results storage media from the voting device and seal ballots counted that day in a transfer case which shall be secured by the sheriff of the county in the same manner as provided in Section 8-110 of this title. The election results storage media shall be sealed in a container prescribed by the Secretary of the State Election Board. The sheriff shall secure the sealed election results storage media container and return it to the county election board at the time the county election board next meets for the purpose of counting absentee ballots.

3. If there is a malfunction in such a way that the election results storage media used for absentee voting will not function, the sheriff is authorized to return the transfer cases containing absentee ballots to the county election board to be recounted as provided in Section 7-134.1 of this title.

Added by Laws 1974, c. 201, § 25, operative July 1, 1974.

Renumbered from § 327.25 by Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976. Amended by Laws 1983, c. 45, § 1, operative July 1, 1983; Laws 1991, c. 321, § 40, eff. March 1, 1992; Laws 1993, c. 316, § 13, eff. Sept. 1, 1993; Laws 2011, c. 139, § 17; Laws 2013, c. 200, § 11, eff. Nov. 1, 2013.

§26-14-126. Repealed by Laws 1991, c. 321, § 57, eff. March 1, 1992.

§26-14-127. Prescribing forms.

The Secretary of the State Election Board shall prescribe all forms to be used in administering absentee ballot provisions of the law.

Laws 1974, c. 201, § 27, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976.

§26-14-128. Instructions.

The Secretary of the State Election Board shall prescribe instructions for voting by absentee ballot. A copy of said instructions shall be mailed to each voter requesting an absentee ballot.

Laws 1974, c. 201, § 28, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976.

§26-14-129. List of absentee voters.

The secretary of each county election board shall cause to be printed the words "Absentee Ballot Request" next to the voter's name on the precinct registry for all voters in a precinct who have requested absentee ballots prior to election day.

Laws 1974, c. 201, § 29, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976; Laws 1990, c. 331, § 18, eff. July 1, 1990.

§26-14-130. Posting of lists.

The secretary of each county election board shall publicly post a list of all voters by precinct who have requested absentee ballots at the office of the county election board on the day preceding the election.

Laws 1974, c. 201, § 30, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976; Laws 1990, c. 331, § 19, eff. July 1, 1990.

§26-14-131. Repealed by Laws 1990, c. 331, § 21, emerg. eff. May 31, 1990.

§26-14-132. Retention of materials.

All materials used for procuring and casting an absentee ballot shall be retained by the secretary of the county election board for a period of twenty-four (24) months after the day of the election. Added by Laws 1983, c. 171, § 20, emerg. eff. June 6, 1983. Amended by Laws 1997, c. 176, § 19, eff. Nov. 1, 1997.

§26-14-133. Notification of rejection.

In the event a voter's application or affidavit is rejected for any reason, the secretary of the county election board shall immediately notify said voter in writing of the rejection and the reason therefor.

Laws 1974, c. 201, § 33, operative July 1, 1974; Laws 1976, c. 90, § 11, emerg. eff. May 6, 1976.

§26-14-135. Emergency procedures to facilitate voting by uniformed and overseas citizens.

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986, as amended, impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Secretary of the State Election Board may prescribe special emergency procedures as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Added by Laws 2003, c. 485, § 22.

§26-14-136. Short title.

This act shall be known and may be cited as the "Uniform

Military and Overseas Voters Act".

Added by Laws 2011, c. 340, § 1, eff. Nov. 1, 2011.

§26-14-137. Definitions.

As used in the Uniform Military and Overseas Voters Act:

1. "Covered voter" means:

- a. a uniformed-service voter or an overseas voter who is registered to vote in this state,
- b. a uniformed-service voter defined in subparagraph a of paragraph 9 of this section, whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements,
- c. an overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements,
- d. an overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, or
- e. an overseas voter who was born outside the United States, is not described in subparagraph c or d of this paragraph, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:
 - (1) the last place where a parent or legal guardian of the voter was, or under this act would have been, eligible to vote before leaving the United States is within this state, and
 - (2) the voter has not previously registered to vote in any other state;

2. "Dependent" means an individual recognized as a dependent by a uniformed service;

3. "Federal postcard application" means the application prescribed under Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

4. "Federal write-in absentee ballot" means the ballot described in Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

5. "Military-overseas ballot" means:

- a. a federal write-in absentee ballot,
- b. a ballot specifically prepared or distributed for use by a covered voter in accordance with this act, or
- c. a ballot cast by a covered voter in accordance with this act;

6. "Overseas voter" means a United States citizen who is outside the United States;

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

8. "Uniformed service" means:

- a. active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States,
- b. the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States, or
- c. the National Guard and state militia;

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

- a. a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty,
- b. a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States,
- c. a member on activated status of the National Guard or state militia, or
- d. a spouse or dependent of a member referred to in this paragraph; and

10. "United States", used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Added by Laws 2011, c. 340, § 2, eff. Nov. 1, 2011.

§26-14-138. Application of voting procedures.

The voting procedures in the Uniform Military and Overseas Voters Act apply to:

1. A general, special, presidential preferential primary, primary or runoff primary election for federal office;
2. A general, special, primary or runoff primary election for statewide or state legislative office or state ballot measure; and
3. A general, special, primary or runoff primary election for local government office or local ballot measure for which absentee voting or voting by mail is available for other voters.

Added by Laws 2011, c. 340, § 3, eff. Nov. 1, 2011.

§26-14-139. Implementation of Uniform Military and Overseas Voters Act.

A. The Secretary of the State Election Board is the state official responsible for implementing the Uniform Military and Overseas Voters Act and the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff et seq.

B. The Secretary shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The Secretary may delegate the responsibility under this subsection only to the state office designated in compliance with Section 102(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-1(b)(1).

C. The Secretary shall establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this act.

D. The Secretary shall:

1. Develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

2. To the extent reasonably possible, coordinate with other states to carry out this subsection.

E. The Secretary shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this act. The Secretary shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

Added by Laws 2011, c. 340, § 4, eff. Nov. 1, 2011.

§26-14-140. Assignment of overseas voters to precincts.

In registering to vote, an overseas voter who is eligible to vote in this state shall use and must be assigned to the voting precinct of the address of the last place of residence of the voter in this state, or, in the case of a voter described by subparagraph c of paragraph 1 of Section 2 of this act, the address of the last place of residence in this state of the parent or legal guardian of the voter. If that address is no longer a recognized residential

address, the voter must be assigned an address for voting purposes. Added by Laws 2011, c. 340, § 5, eff. Nov. 1, 2011.

§26-14-141. Voting registration - Federal postcard application.

A. To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application, or the application's electronic equivalent.

B. A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot. Such application shall be processed as provided in Section 4-110.1 of Title 26 of the Oklahoma Statutes.

C. The Secretary of the State Election Board shall ensure that the electronic transmission system described in subsection C of Section 4 of this act is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

Added by Laws 2011, c. 340, § 6, eff. Nov. 1, 2011.

§26-14-142. Military-overseas ballot - Application methods.

A. A covered voter who is registered to vote in this state may apply for a military-overseas ballot using either the regular absentee ballot application in use in the voter's jurisdiction under Section 14-101 et seq. of Title 26 of the Oklahoma Statutes or the federal postcard application or the application's electronic equivalent.

B. A covered voter who is not registered to vote in this state may use a federal postcard application or the application's electronic equivalent to apply simultaneously to register to vote under Section 6 of this act and for a military-overseas ballot.

C. The Secretary of the State Election Board shall ensure that the electronic transmission system described in subsection C of Section 4 of this act is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

D. A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the last day for other voters in this state to apply for an absentee ballot for that election

pursuant to the provisions of Section 14-103 of Title 26 of the Oklahoma Statutes.

E. To receive the benefits of the Uniform Military and Overseas Voters Act, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

1. The use of a federal postcard application or federal write-in absentee ballot;

2. The use of an overseas address on an approved voter registration application or ballot application; and

3. The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

F. This act does not preclude a covered voter from voting under the provisions of Section 14-101 et seq. of Title 26 of the Oklahoma Statutes.

Added by Laws 2011, c. 340, § 7, eff. Nov. 1, 2011.

§26-14-143. Ballot timeliness.

An application for a military-overseas ballot is timely if received by the last day for other voters in this state to apply for an absentee ballot for that election. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election. An application for a military-overseas ballot is effective for a runoff election necessary to conclude the election for which the application was submitted.

Added by Laws 2011, c. 340, § 8, eff. Nov. 1, 2011.

§26-14-144. Ballot distribution.

A. For an election described in paragraph 1 or 2 of Section 3 of this act for which this state has not received a waiver pursuant to Section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. 1973ff-1(g)(2), the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who submit a valid military-overseas ballot application as required by Section 14-118 of Title 26 of the Oklahoma Statutes.

B. A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or electronic mail delivery, or, if offered by the voter's jurisdiction, Internet delivery. The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

C. If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.
Added by Laws 2011, c. 340, § 9, eff. Nov. 1, 2011.

§26-14-145. Ballot validity.

To be valid, a military-overseas ballot must be received by the appropriate local election official not later than the close of the polls, or the voter must submit the ballot for electronic transmission or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.
Added by Laws 2011, c. 340, § 10, eff. Nov. 1, 2011.

§26-14-146. Federal write-in absentee ballot.

A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election described in paragraphs 1 and 2 of Section 3 of this act.
Added by Laws 2011, c. 340, § 11, eff. Nov. 1, 2011.

§26-14-147. Counting of ballots.

A. A valid military-overseas ballot cast in accordance with Section 10 of this act must be counted if it is delivered by 7:00 p.m. the day of the election to the address that the appropriate state or local election office has specified.

B. If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.
Added by Laws 2011, c. 340, § 12, eff. Nov. 1, 2011.

§26-14-148. Signed declaration.

A military-overseas ballot must include or be accompanied by a declaration signed by the voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or this state.
Added by Laws 2011, c. 340, § 13, eff. Nov. 1, 2011.

§26-14-149. Electronic free-access system.

The Secretary of the State Election Board, in coordination with local election officials, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether:

1. The voter's federal postcard application or other

registration or military-overseas ballot application has been received and accepted; and

2. The voter's military-overseas ballot has been received and the current status of the ballot.

Added by Laws 2011, c. 340, § 14, eff. Nov. 1, 2011.

§26-14-150. Voter electronic-mail addresses.

A. The local election official shall request an electronic-mail address from each covered voter who registers to vote after November 1, 2011. An electronic-mail address provided by a covered voter may not be made available to the public or any individual or organization other than an authorized agent of the local election official and is exempt from disclosure under the Open Records Act. The address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location. The request for an electronic-mail address must describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

B. A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies, including for any runoff primary elections that occur as a result of such elections. An election official shall provide a military-overseas ballot to a voter who makes a standing request for each election to which the request is applicable. A covered voter who is entitled to receive a military-overseas ballot for a primary election under this subsection is entitled to receive a military-overseas ballot for the general election.

Added by Laws 2011, c. 340, § 15, eff. Nov. 1, 2011.

§26-14-151. Election notice.

A. At least one hundred (100) days before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, an official in each jurisdiction charged with printing and distributing ballots and balloting material shall prepare an election notice for that jurisdiction, to be used in conjunction with a federal write-in absentee ballot. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also must contain specific instructions for how a voter is to indicate on the federal

write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

B. A covered voter may request a copy of an election notice. The official charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

C. As soon as ballot styles are certified, and not later than the date ballots are required to be transmitted to voters under Section 14-106 of Title 26 of the Oklahoma Statutes, the official charged with preparing the election notice under subsection A of this section shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

D. A local election jurisdiction that maintains an Internet website shall make the election notice prepared under subsection A of this section and updated versions of the election notice regularly available on the website.

Added by Laws 2011, c. 340, § 16, eff. Nov. 1, 2011.

§26-14-152. Mistakes or omissions in voting documents.

A. If a voter's mistake or omission in the completion of a document under the Uniform Military and Overseas Voters Act does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this act. In a write-in ballot authorized by this act, if the intention of the voter is discernable under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

B. Notarization is not required for the execution of a document under this act. An authentication, other than the declaration specified in Section 13 of this act or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this act. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

Added by Laws 2011, c. 340, § 17, eff. Nov. 1, 2011.

§26-14-153. Enforcement of act.

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, the Uniform Military and Overseas Voters Act on application by:

1. A covered voter alleging a grievance under this act; or
2. An election official in this state.

Added by Laws 2011, c. 340, § 18, eff. Nov. 1, 2011.

§26-14-154. Application and construction of act.

In applying and construing the Uniform Military and Overseas Voters Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Added by Laws 2011, c. 340, § 19, eff. Nov. 1, 2011.

§26-14-155. Conflict with federal law.

The Uniform Military and Overseas Voters Act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Added by Laws 2011, c. 340, § 20, eff. Nov. 1, 2011.

§26-16-101. Felony offenses.

Any person deemed guilty of a felony under provisions of this act shall, upon conviction, be confined in the State Penitentiary for not more than five (5) years, or fined not more than Fifty Thousand Dollars (\$50,000.00), or both.

Added by Laws 1974, c. 153, § 16-101, operative Jan. 1, 1975.

Amended by Laws 1997, c. 133, § 441, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 325, eff. July 1, 1999; Laws 2010, c. 176, § 1, eff. Jan. 1, 2011.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 441 from July 1, 1998, to July 1, 1999.

§26-16-102. Voting illegally.

Any person who votes more than once at any election, who votes in a precinct after having transferred voter registration to a new precinct, or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election shall be deemed guilty of a felony. Any voter covered by Section 14-116 of this title who willingly votes and submits an absentee ballot pursuant to Section 14-104.1 of this title later than the day of the election shall be deemed guilty of a felony. Any person who knowingly votes and submits an absentee ballot issued to another person shall be deemed guilty of a felony.

Added by Laws 1974, c. 153, § 16-102, operative Jan. 1, 1975.

Amended by Laws 2003, c. 485, § 23; Laws 2004, c. 5, § 19, emerg. eff. March 1, 2004; Laws 2010, c. 176, § 2, eff. Jan. 1, 2011.

NOTE: Laws 2003, c. 403, § 3 repealed by Laws 2004, c. 5, § 20, emerg. eff. March 1, 2004.

§26-16-102.1. Illegal handling of voting ballots.

Any unauthorized person who knowingly removes a ballot from a polling place or who knowingly carries a ballot into a polling place shall be deemed guilty of a felony.

Added by Laws 2010, c. 176, § 3, eff. Jan. 1, 2011.

§26-16-102.2. False absentee ballot application.

Any person who knowingly executes a false application for an absentee ballot shall be deemed guilty of a felony.

Added by Laws 2010, c. 176, § 4, eff. Jan. 1, 2011.

§26-16-103. False swearing.

Any person who knowingly swears or affirms a false affidavit in order to become eligible to vote, to obtain and vote a provisional ballot, to obtain and vote an absentee ballot, or to cause the cancellation of a qualified elector's voter registration, shall be deemed guilty of a felony.

Added by Laws 1974, c. 153, § 16-103, operative Jan. 1, 1975.

Amended by Laws 2004, c. 307, § 10, emerg. eff. May 17, 2004; Laws 2010, c. 176, § 5, eff. Jan. 1, 2011.

§26-16-103.1. Unauthorized registration of voters.

Any person who knowingly causes any qualified elector to be invalidly registered or anyone who knowingly causes any unqualified person to be registered shall be deemed guilty of a felony. Any person who knowingly causes the collection or submission of voter registration forms containing false, fraudulent or fictitious information shall be deemed guilty of a felony.

Added by Laws 1991, c. 52, § 2, emerg. eff. April 9, 1991. Amended by Laws 1994, c. 260, § 24, eff. Jan. 1, 1995; Laws 2010, c. 176, § 6, eff. Jan. 1, 2011.

§26-16-104. False notarization.

Any person, notary public or other official authorized to administer oaths who notarizes, verifies, acknowledges or attests to the signature on the affidavit of an absent voter or on the attestation of an incapacitated voter, without the person whose affidavit or attestation is being taken actually appearing in person before said person, notary public or official authorized to administer oaths, shall be deemed guilty of a felony.

Laws 1974, c. 153, § 16-104, operative Jan. 1, 1975.

§26-16-105. Fraud.

A. Any person who knowingly conspires to commit fraud or perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the

counting of the ballots, or to change the certification of the results of an election, shall be deemed guilty of a felony.

B. At every precinct there shall be posted information, provided by the State Election Board, which states the penalties for voter fraud and states that, if voter fraud is suspected, complaints should be reported to the State Election Board.

C. The State Election Board shall, upon receiving the complaint:

1. Document such complaint and request the name and mailing address of the person making the complaint;

2. Send a letter to the person making the complaint, stating the penalties for voter fraud and the option of contacting the district attorney in the county where such fraud is suspected; and

3. Provide the district attorney's name and phone number.

D. All information relating to voter complaints shall remain confidential until after the complaint has resulted in a conviction or a plea of guilty or nolo contendere.

Added by Laws 1974, c. 153, § 16-105, operative Jan. 1, 1975.

Amended by Laws 2003, c. 403, § 4, eff. Nov. 1, 2003; Laws 2010, c. 176, § 7, eff. Jan. 1, 2011.

§26-16-106. Bribes to influence votes.

Any person who offers, solicits or accepts something of value intended to directly or indirectly influence the vote of the person soliciting or accepting same shall be deemed guilty of a felony. Laws 1974, c. 153, § 16-106, operative Jan. 1, 1975.

§26-16-107. Bribe for withdrawal of candidacy.

Any person who shall offer or give to another anything of value to induce or cause such other person to withdraw from a political contest as a candidate or nominee at any election shall be deemed guilty of a felony.

Laws 1974, c. 153, § 16-107, operative Jan. 1, 1975.

§26-16-108. Acceptance of bribe for withdrawal.

Any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate or nominee for any office at any election shall be deemed guilty of a felony.

Laws 1974, c. 153, § 16-108, operative Jan. 1, 1975.

§26-16-109. Coercion prohibited.

Any person who, by means of coercion, providing false or misleading information or any other method, knowingly attempts to prevent a qualified elector from becoming registered, or a registered voter from voting, shall be deemed guilty of a felony.

Added by Laws 1974, c. 153, § 16-109, operative Jan. 1, 1975.
Amended by Laws 2019, c. 163, § 6, eff. Nov. 1, 2019.

§26-16-110. Misdemeanors.

Any person deemed guilty of a misdemeanor under provisions of this act shall, upon conviction, be confined to the county jail for not more than one (1) year, or fined not more than Ten Thousand Dollars (\$10,000.00) or both.

Added by Laws 1974, c. 153, § 16-110, operative Jan. 1, 1975.
Amended by Laws 2010, c. 176, § 8, eff. Jan. 1, 2011.

§26-16-111. Electioneering.

Any person who electioneers within three hundred (300) feet of any ballot box while an election is in progress, and any person except election officials and other persons authorized by law who remains within fifty (50) feet of any ballot box while an election is in progress shall be deemed guilty of a misdemeanor.

Laws 1974, c. 153, § 16-111, operative Jan. 1, 1975. d

§26-16-112. Intoxicating liquors.

Any person who takes intoxicating liquors of any kind or quantity to within one-half (1/2) mile of any polling place on an election day shall be deemed guilty of a misdemeanor.

Laws 1974, c. 153, § 16-112, operative Jan. 1, 1975.

§26-16-113. Interference with voter or conduct of election.

Any person, including a lawfully appointed watcher or exit pollster, who interferes with a registered voter who is attempting to vote, or any person who attempts to influence the vote of another by means of force or intimidation, or any person who interferes with the orderly and lawful conduct of an election shall be deemed guilty of a misdemeanor.

Added by Laws 1974, c. 153, § 16-113, operative Jan. 1, 1975.
Amended by Laws 2004, c. 307, § 11, emerg. eff. May 17, 2004.

§26-16-114. Failure to perform duty.

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

Added by Laws 1974, c. 153, § 16-114, operative Jan. 1, 1975.
Amended by Laws 2019, c. 491, § 30, eff. Nov. 1, 2019.

§26-16-115. Disclosure by voter.

Any person who, within the election enclosure, discloses to any other person how he voted shall be deemed guilty of a misdemeanor.

Laws 1974, c. 153, § 16-115, operative Jan. 1, 1975.

§26-16-116. Disclosure by election official.

Any election official who discloses how any voter may have voted shall be deemed guilty of a misdemeanor.

Laws 1974, c. 153, § 16-116, operative Jan. 1, 1975. d

§26-16-117. Disclosure of count.

Any person who discloses the count during an election prior to the time such disclosure is authorized by law shall be deemed guilty of a misdemeanor.

Laws 1974, c. 153, § 16-117, operative Jan. 1, 1975. de

§26-16-118. Repealed by Laws 2010, c. 176, § 9, eff. Jan 1, 2011.

§26-16-119. Expenditure of public funds.

Any official in this state who shall direct or authorize the expenditure of any public funds under his care, except as specifically authorized by law, to be used either in support of, or in opposition to, any measure which is being referred to a vote of the people by means of the initiative or referendum, or which citizens of this state are attempting to have referred to a vote of the people by the initiative or referendum, shall be deemed guilty of a misdemeanor, and the office held by such party shall be adjudged vacant and shall be filled in the manner prescribed by law. Laws 1974, c. 153, § 16-119, operative Jan. 1, 1975.

§26-16-120. Illegal printing or possession of certain voting materials.

Any person who causes to be printed, or who has in his or her possession ballots or blank or fraudulent voter identification cards not authorized by law shall be deemed guilty of a felony.

Added by Laws 1974, c. 153, § 16-120, operative Jan. 1, 1975.

Amended by Laws 1991, c. 52, § 3, emerg. eff. April 9, 1991; Laws 1994, c. 260, § 25, eff. Jan. 1, 1995; Laws 2009, c. 31, § 6, eff. July 1, 2011 (State Question No. 746, Legislative Referendum No. 347, adopted at election held on Nov. 2, 2010).

§26-16-121. Repealed by Laws 2010, c. 176, § 9, eff. Jan. 1, 2011.

§26-16-123. Voter registration or voting crimes - Notification of district attorney - Investigation and report.

A. The Secretary of the State Election Board or any county election board who has documents that appear to be evidence of voter registration or voting crimes shall notify the district attorney for the county or counties involved.

B. When presented with documentation of possible voter registration or voting crimes by the Secretary of the State Election Board or any county election board, a district attorney shall

investigate and, within thirty (30) days and each thirty (30) days thereafter following receipt of such documentation, report in writing to the Secretary of the State Election Board or county election board the status of the investigation until charges are filed or the district attorney declines to file charges.
Added by Laws 1997, c. 177, § 5, eff. Nov. 1, 1997.

§26-16-123.1. Witnessing signature of more than certain number of affidavits of persons swearing incapacitation - Violation.

Any person, except members of absentee voting boards, who witnesses the signature of more than five affidavits of persons who swear they are physically incapacitated and unable to vote in person at their precinct on election day shall, upon conviction, be deemed guilty of a misdemeanor.

Added by Laws 2002, c. 447, § 21, emerg. eff. June 5, 2002.

§26-16-124. Election-related unauthorized access or tampering - Penalty.

Any person who accesses or attempts to access without authorization, or who tampers with or attempts to tamper with, any hardware, software, application, network or any part of an election management system, election results tabulation system, voter registration system or other election-related system of the State Election Board or a county election board, shall be deemed guilty of a felony.

Added by Laws 2019, c. 163, § 7, eff. Nov. 1, 2019.

§26-16-125. Sharing of voting image to intimidate or influence - Demanding or requiring another to share voting image.

A. Any person who shares such an image as described in Section 7-109 or 14-107 of Title 26 of the Oklahoma Statutes in order to intimidate, coerce or unlawfully influence another voter, shall, upon conviction, be guilty of a misdemeanor.

B. No employer, supervisor, union leader, or other person with authority or influence over another person, shall demand or require that person to distribute or share an image of his or her voted ballot. Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor.

Added by Laws 2019, c. 457, § 3, eff. Nov. 1, 2019.

NOTE: Editorially renumbered from § 16-124 of this title to avoid duplication in numbering.

§26-17-112. Effect of headings.

Article and section headings contained in this act shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

Laws 1974, c. 153, § 17-112, operative Jan. 1, 1975.

§26-20-101. Date of primary - Other elections prohibited.

A. A Presidential Preferential Primary for recognized political parties shall be held on the first Tuesday in March in each of the years in which the President and Vice President of the United States are to be elected.

B. If one or more states having a mutual boundary with this state establish a single date for a regional primary, the State Election Board is authorized to change the date of the Oklahoma primary to the date established for the regional primary, as long as the date is not before the first Tuesday in March.

C. No county, municipality, school district or other entity authorized by law to call elections shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Primary Election. However, this subsection shall not apply to home rule municipalities.

Added by Laws 1986, c. 4, § 1, eff. Nov. 1, 1986. Amended by Laws 1990, c. 306, § 1, emerg. eff. May 30, 1990; Laws 2003, c. 174, § 1, eff. Nov. 1, 2003; Laws 2011, c. 145, § 1, eff. Nov. 1, 2011.

NOTE: Laws 2011, c. 196, § 17 repealed by Laws 2011, c. 340, § 22, eff. Nov. 1, 2011.

§26-20-102. Filing with Secretary of the State Election Board - Qualifications - Petition - Fees - Ballots.

A. Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board. Such candidates shall be members of political parties recognized under the laws of the State of Oklahoma and shall have filed a statement of candidacy with the Federal Election Commission and shall have raised and expended not less than Five Thousand Dollars (\$5,000.00) for the office. The candidates shall be required to swear an oath or affirm that they meet the aforementioned qualifications, and their signatures shall be witnessed by a notary public. Such filing beginning at 8:00 a.m. on the first Monday in December and ending at 5:00 p.m. on the next succeeding Wednesday, or at a time prescribed by the State Election Board for a Presidential Preferential Primary to be held on a date other than the first Tuesday in March. A statement of candidacy must be accompanied by a petition supporting a candidate's filing signed by one percent (1%) of the registered voters in each congressional district eligible to vote for a candidate or one thousand (1,000) registered voters in each congressional district eligible to vote for a candidate, whichever is less, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of Five Thousand Dollars (\$5,000.00). The State Election Board shall cause the names of all candidates who have

filed within the proper time to be printed on the official ballots. The ballots shall be prepared as provided for by law. Voters shall be restricted to one vote for the candidate of his or her choice of the political party in which the voter is registered.

B. Each page of a petition supporting a candidate's filing shall identify the county and the congressional district, and shall contain the names of registered voters in only one congressional district and in only one county.

C. Each page of a petition supporting a candidate's filing shall be verified. Verification shall be made in substantial compliance with the provisions of Section 6 of Title 34 of the Oklahoma Statutes.

Added by Laws 1986, c. 4, § 2, eff. Nov. 1, 1986. Amended by Laws 1987, c. 86, § 4, eff. Nov. 1, 1987; Laws 2003, c. 485, § 24; Laws 2011, c. 196, § 18, eff. Nov. 1, 2011; Laws 2017, c. 268, § 2, eff. Nov. 1, 2017.

§26-20-103. Primary election statutes applicable.

Except as provided for in this act, the provisions of Title 26 of the Oklahoma Statutes relating to primary elections shall apply to Presidential Preferential Primary elections.

Added by Laws 1986, c. 4, § 3, eff. Nov. 1, 1986.

§26-20-104. Certification of candidates - Allocation of delegates - Future primaries - Delegate voting.

A. Upon the completion of the state canvass of the results of the Presidential Preferential Primary, the Secretary of the State Election Board shall certify to the state chairman of each political party which has candidates participating in the primary:

1. the names of the party's candidates and the votes each received, by congressional district as well as statewide; and
2. the total of the votes cast in the political party, by congressional district as well as statewide.

B. Each candidate shall be awarded delegates by congressional districts proportionately, by the ratio of votes they received to the total vote cast in said congressional district; provided however, no delegates shall be awarded to any candidate receiving less than fifteen percent (15%) of the vote, and such votes shall be allocated among the other candidates in proportion to their total vote. If no candidate receives fifteen percent (15%) or more of the vote, then the candidate receiving the highest number of votes in that district shall be awarded all the delegates from that district.

C. The candidate receiving the largest number of votes statewide shall be awarded all delegate votes authorized by the National Committee of the political party which are selected as the at-large delegates at the state convention of said party.

D. Votes shall be allocated on a basis of not less than one-half (1/2) delegate vote or the minimum allowed by the national party rules.

E. Each political party shall then select, by a method to be determined by the party, as many delegates to the national party convention as are allotted it by the national committee of that party.

F. No later than 5:00 p.m. on the tenth day of January, 1988, and each year thereafter in which the President and Vice President of the United States are to be elected, the Attorney General shall submit to the Secretary of the State Election Board notice of the manner in which results of the next following Presidential Preferential Primary are to be certified and to whom said results are to be certified. The State Election Board shall certify results according to the manner prescribed in the notice. The Attorney General shall be required to provide said notice in such a way as to be consistent with the methods required by the recognized political parties relative to selection of delegates to their national conventions.

G. Each delegate or alternate delegate to the national convention of his political party shall cast their vote on all ballots for the candidate who received this state's vote. If that candidate is for any reason no longer a candidate, the votes of the Oklahoma delegation shall be cast for any candidate of their choice.

H. If the political parties involved in the primary elections will not accept the minimum threshold or other provisions of this section, or have a different method of allocating the votes of all candidates falling below such threshold, either as to the congressional districts or statewide vote, then these matters may be governed by the respective political parties involved.

Added by Laws 1986, c. 4, § 4, eff. Nov. 1, 1986. Amended by Laws 1987, c. 86, § 3, eff. Nov. 1, 1987.

§26-20-105. Delegates and alternates to file affidavits on voting.

No person selected as a delegate or alternate delegate shall qualify to attend the national convention of his political party unless he files with the state central committee of his party a signed affidavit of acceptance stating his name, address, that he is a registered voter of the political party and, pursuant to effectuating the purpose and the result of the Presidential Preferential Primary in this state, that he pledges himself to vote as provided for in Section 4 of this act.

Any vote cast by a delegate which is not in accordance with his delegate pledge shall be void.

Added by Laws 1986, c. 4, § 5, eff. Nov. 1, 1986.

§26-21-101. Study of unitary, unified, integrated system of election administration - Implementation of electronic data processing applications and purchase of voting devices.

A. The Secretary of the State Election Board is hereby authorized beginning July 1, 1989, to purchase equipment for and implement a unitary, unified, integrated system of election administration for the State of Oklahoma that includes an electronic data processing system for maintenance of voter registration records, certification of election results and other election-related applications, and the installation of electronic, optical scanning voting devices compatible with the same system in every precinct polling place.

B. The Secretary of the State Election Board is authorized to adopt procedures consistent, insofar as practicable, with existing law for implementation of the system.

C. Except as provided in subsection A, no electronic data processing applications shall be implemented by a county election board, nor shall voting devices be purchased by a county, except for those electronic data processing applications and voting devices already in use or for which a contract had been signed by no later than March 31, 1986.

Added by Laws 1986, c. 137, § 1, emerg. eff. April 17, 1986. Amended by Laws 1989, c. 338, § 1, emerg. eff. May 31, 1989.

§26-21-102. Procedures to protect proprietary interest in computer programs.

The Secretary of the State Election Board is authorized to adopt procedures and take any other actions consistent with existing law to protect the state's proprietary interest in computer programs and software, training materials, publications and any other documents developed as part of a unitary, unified, integrated system of election administration for the State of Oklahoma.

Added by Laws 1990, c. 331, § 20, eff. July 1, 1990.

§26-22-101. Declaration of election emergency - Contingency plan.

A. The Secretary of the State Election Board is authorized to declare an election emergency for any area of the state in the event that one or more of the following circumstances has occurred or is imminent, and such circumstances could make substantial compliance with state and federal election laws impossible or unreasonable, or could disrupt voter registration, voting, the tabulation of votes or the certification of election results:

1. A national or local emergency, either natural or manmade;
2. Interference with election technology or election computer systems or networks;
3. A physical attack or physical threat to polling places, election offices, election officials or voters;

4. A security threat verified by federal or state security officials;

5. A criminal threat or activity verified by federal, state or local law enforcement officials; or

6. A major failure of voting hardware, software or computer systems or networks.

The declaration must be made in writing and must specify the county or counties, election or elections and dates covered by the emergency.

B. The Secretary of the State Election Board shall coordinate with the Oklahoma National Guard, the State Chief Information Officer, the Office of Emergency Management, the Oklahoma Office of Homeland Security and such other federal or state security officials the Secretary deems appropriate, to develop a contingency plan for a major election emergency.

C. The Secretary of the State Election Board may request the assistance of the Oklahoma National Guard in the conduct of an election during a declared election emergency, upon approval of the Governor. Such assistance shall not be deemed to be in violation of the provisions of Section 16-113 of this title or Section 4 of Article II or Section 5 of Article III of the Oklahoma Constitution.

D. The Secretary of the State Election Board is authorized to promulgate rules and procedures for elections conducted under an election emergency declaration consistent with purposes of state and federal election laws.

Added by Laws 1991, c. 321, § 41, eff. March 1, 1992. Amended by Laws 2011, c. 139, § 18; Laws 2013, c. 114, § 1, eff. Nov. 1, 2013; Laws 2019, c. 163, § 8, eff. Nov. 1, 2019.

§26-22-102. Ballot printing.

In an election emergency declared by the Secretary of the State Election Board, the provisions of Section 6-101 et seq. of this title shall govern ballot printing. The Secretary of the State Election Board shall be authorized to permit any changes to the ballot format necessary as a result of the election emergency.

Added by Laws 1991, c. 321, § 42, eff. March 1, 1992. Amended by Laws 2011, c. 139, § 19.

§26-22-103. Repealed by Laws 2011, c. 139, § 24.

§26-22-104. Method of counting.

A. In a declared election emergency when the ballots are counted manually, the counting of ballots shall be conducted in accordance with the requirements of Sections 7-127 and 22-105 of this title and the procedure prescribed by the Secretary of the State Election Board so as to ensure accuracy and promptness in

determining the result. Provided, however, that the following provisions shall be incorporated into the prescribed procedure:

1. In elections for which counters have been authorized, two counters, of different political parties if possible, shall call from the ballots the names of the candidates voted for, while two other counters, also of different political parties if possible, shall record the votes upon the official tally sheets. Only pencils may be used in recording the vote;

2. If only two counters are authorized for an election, they shall be of different political parties, if possible. Both counters shall examine the ballots at the same time, while calling out the vote and recording the vote upon the tally sheets in the manner prescribed by the Secretary of the State Election Board; and

3. If no counters are authorized for an election, the judge and clerk shall count the ballots cast in the precinct, and the county election board chair and vice-chair shall count the absentee ballots.

B. In a declared election emergency when ballots are to be counted with voting devices, the counting of ballots shall be conducted in accordance with the requirements of Sections 7-127 and 22-105 of this title and the procedures prescribed by the Secretary of the State Election Board so as to ensure the accuracy and promptness in determining the result.

C. It shall be unlawful for any person to divulge the progress of the count until after all ballots have been counted and the results of the count have been certified.

Added by Laws 1991, c. 321, § 44, eff. March 1, 1992. Amended by Laws 2011, c. 139, § 20.

§26-22-105. Procedures governing counting.

In a declared election emergency, the Secretary of the State Election Board shall prescribe procedures to govern the counting and recounting of votes. Such procedures for the counting or recounting of ballots shall follow, as nearly as is practicable, the provisions set forth in Section 7-127 of this title.

Added by Laws 1991, c. 321, § 45, eff. March 1, 1992. Amended by Laws 2011, c. 139, § 21.

§26-22-106. Reason for failure to count to be noted.

In a declared election emergency, if a ballot or part of a ballot is not counted for any reason, a counter shall write said reason on the back of said ballot, and sign said statement.

Added by Laws 1991, c. 321, § 46, eff. March 1, 1992.

§26-22-107. Repealed by Laws 2011, c. 139, § 24.

§26-22-108. Repealed by Laws 2011, c. 139, § 24.

§26-22-109. Certificate of vote.

A. In a declared election emergency when the ballots are to be counted manually, at the conclusion of the official count, the counters shall execute certificates of vote wherein the counters attest to the correctness of the totals. The inspector shall cause one copy of each certificate to be posted on the door or entrance of the polling place and shall cause one copy of each certificate to be transmitted forthwith to the Secretary of the State Election Board. The secretary of the county election board shall cause one copy of each absentee certificate of vote to be posted on the door of the county election board office.

B. In a declared election emergency when ballots are to be counted with voting devices, the certificates of vote shall be produced as required by Section 7-132 of this title and the procedures prescribed by the Secretary of the State Election Board. Added by Laws 1991, c. 321, § 49, eff. March 1, 1992. Amended by Laws 2011, c. 139, § 22.

§26-22-110. Ballots and materials placed in ballot transfer box - Return to county election board.

In a declared election emergency, all ballots and all materials used in conducting the official count shall be placed in a ballot transfer box. The ballot transfer box shall be sealed in the manner prescribed by the Secretary of the State Election Board, and the inspector shall return it, along with all other election materials and a copy of each certificate of vote, forthwith to the county election board.

Added by Laws 1991, c. 321, § 50, eff. March 1, 1992. Amended by Laws 2011, c. 139, § 23.

§26-22-111. Repealed by Laws 2011, c. 139, § 24.

§26-22-112. Repealed by Laws 2011, c. 139, § 24.

§26-22-113. Repealed by Laws 2011, c. 139, § 24.

§26-22-114. Repealed by Laws 2011, c. 139, § 24.

§26-22-115. Repealed by Laws 2011, c. 139, § 24.

§26-22-116. Repealed by Laws 2011, c. 139, § 24.