

1 **SENATE FLOOR VERSION**

2 February 13, 2019

3 SENATE BILL NO. 59

By: Pemberton of the Senate

4 and

5 of the House

6  
7  
8 An Act relating to elections; amending 26 O.S. 2011,  
9 Section 8-112, which relates to recounts; requiring  
10 certain persons to be present and remain in  
11 attendance when recount proceeding called to order;  
12 providing that recount not be conducted and petition  
13 be forfeited if persons not present; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 26 O.S. 2011, Section 8-112, is  
17 amended to read as follows:

18 Section 8-112. Once service has been accomplished, the recount  
19 shall commence pursuant to the order executed by the secretary of  
20 the appropriate election board. In the event of a recount for an  
21 office under the jurisdiction of the State Election Board, the  
22 actual recount of ballots shall be conducted by the county election  
23 board or boards as assigned by the Secretary of the State Election  
24 Board. The recount shall be conducted in the courtroom of the  
district court in the county or counties for which the recount is

1 requested, and it shall be the duty of a judge of said court in and  
2 for said county to attend and, in conjunction with said county  
3 election board, conduct such recount. The petitioner or  
4 petitioner's agent shall be present and remain in attendance when  
5 the district court judge calls the proceedings to order. In the  
6 event the petitioner or petitioner's agent is not present, the  
7 recount shall not be conducted and the deposit shall be forfeited by  
8 the petitioner. It shall be the exclusive and sole duty of said  
9 judge to hear evidence as to whether the ballots have been preserved  
10 in the manner and by the officers prescribed by law, and as to  
11 whether they are the identical ballots cast by the voters, and that  
12 they have not been exposed to the reach of unauthorized persons, as  
13 to afford a reasonable opportunity of their having been changed or  
14 tampered with. The judgment of said court upon such questions shall  
15 be final and conclusive. If the court cannot determine that the  
16 ballots have been properly preserved, then no recount shall be  
17 conducted. If the judgment of the court is that the ballots have  
18 been properly preserved, then the recount of the ballots shall be  
19 conducted immediately thereafter under the exclusive supervision of  
20 the county election board.

21 SECTION 2. This act shall become effective November 1, 2019.

22 COMMITTEE REPORT BY: COMMITTEE ON RULES  
23 February 13, 2019 - DO PASS  
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