

An Act

ENROLLED SENATE
BILL NO. 59

By: Pemberton of the Senate

and

Sneed of the House

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

SUBJECT: Election recounts

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

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

Section 8-112. 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.

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

Passed the Senate the 26th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 10th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

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

By: _____

Approved by the Governor of the State of Oklahoma this _____

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

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

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

By: _____