

1 STATE OF OKLAHOMA

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

3 SENATE BILL NO. 59

By: Pemberton

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5
6 AS INTRODUCED

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

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

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

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

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

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

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