



A Guide to the 2010 Statewide Elections in Oklahoma

Information for Candidates, Voters and the Press

Oklahoma State Election Board

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Notes for use of this publication

A Guide to the 2010 Statewide Elections in Oklahoma was prepared by the staff of the Oklahoma State Election Board for use by candidates, voters and the press.

Information appearing here was accurate at the time of its publication but could be affected by changes in the law. Candidates and voters should determine whether later information is available. Should a conflict arise between material in this publication and the Constitution or Statutes of the State of Oklahoma or relevant court decisions, then it is the law itself that must be observed.

Contents

Dates

Statewide Elections	1
Candidacy Filing Period	1
Candidacy Withdrawal Periods	1
Contests of Candidacy	1
Contests of Election	1
Voter Registration Transactions	1
Changes in Political Affiliation	1

Offices on the Ballot

United States Senator	2
United States Representative	2
State Officers	2
Judicial Offices	2
District Attorney	2
State Senator	2
State Representative	2
Judicial Retention	2
County Offices	3

Candidates for Office

Filing Period	4
Declaration of Candidacy	4
Candidate's Name	4
Declaration "Valid on Its Face"	5
Petitions and Filing Fees	5
Refund of Filing Fees	6
Return of Filing Fees	6
Write-in Candidates Prohibited	6

Withdrawal of Candidates

Withdrawal of Candidates	7
------------------------------------	---

Contests of Candidacy

Petitions	8
Deposits	8
Hearing Scheduled	8
Serving Notice	8
The Hearing	9
Decision Final	10
Costs	10

Primary and Runoff Primary Elections

Primary and Runoff Primary Elections	11
--	----

General Elections	
General Elections	12
Voter Registration	
Registration Required	13
Exception	13
Qualified Electors	13
Disqualification	13
The Registration Process	13
Registration Application Forms	14
Change in Status	14
Time for Registration	14
Cancellation of Registration	15
Public Records	15
Absentee Voting	
Absentee Voting by Mail	16
Processing Mail Absentee Ballots	18
In-person Absentee Voting	18
Ballots	
Rotation of Names	20
Absentee Ballots	20
Separate Ballots for Primaries	20
General Election Ballots	20
Numbering of Ballots	21
Sample Ballots	21
Educational Ballots	21
Binding of Ballots	21
Precincts and Polling Places	
Boundaries	22
Polling Places	22
Subprecincts	22
Election Day	
Opening the Polls	23
The Voting Process	23
After the Polls Close	23
Special Situations	24
Provisional Voting	24
Voter Assistance	25
Special Services	26
Watchers	26
Exit Polling	27
Public Posting of Voting Information on Election Day	27

Violations of the Law	
Violations of the Law	28
Certifying the Results	
Certifying the Results	31
Tie Votes	32
Contesting an Election Involving Candidates	
Time to File Contest	33
Hearing Scheduled	33
Serving Notice	33
Recount	33
Allegations of Irregularities	35
Allegations of Fraud	36
Contesting a County Question Election	
Contesting a County Question Election	37
Retention of Materials Used in an Election	
Retention of Materials Used in an Election	38
Terms of Office	
Terms of Office	39
Election Officials	
Election Officials	40
State Questions	
State Questions	41

Dates

STATEWIDE ELECTIONS

Oklahoma law provides that a statewide Primary Election be held on the last Tuesday in July of even-numbered years. If necessary, a Runoff Primary Election will be held on the fourth Tuesday in August. The General Election is held on the first Tuesday after the first Monday in November. In 2010, these dates are as follows:

Primary Election..... Tuesday, July 27
Runoff Primary Election..... Tuesday, August 24
General Election..... Tuesday, November 2

CANDIDACY FILING PERIOD

Monday, June 7, 8:00 A.M. to 5:00 P.M.
Tuesday, June 8, 8:00 A.M. to 5:00 P.M.
Wednesday, June 9, 8:00 A.M. to 5:00 P.M.

CANDIDACY WITHDRAWAL PERIODS

Last date to withdraw from Primary Election..... 5:00 P.M. Friday, June 11
Last date to withdraw from Runoff Primary Election..... 5:00 P.M. Friday, July 30
Last date to withdraw from General Election..... 5:00 P.M. Friday, August 27

CONTESTS OF CANDIDACY

Last date to file contest of candidacy..... 5:00 P.M. Friday, June 11

CONTESTS OF ELECTION

Last date to file contest of election following Primary Election5:00 P.M. Friday, July 30
Last date to file contest of election following Runoff Primary Election5:00 P.M. Friday, August 27
Last date to file contest of election following General Election5:00 P.M. Friday, November 5

VOTER REGISTRATION TRANSACTIONS

Registration applications may be submitted at any time. However, a valid application must be received at a motor license agency or a designated voter registration agency, or postmarked (if submitted by mail), more than 24 days prior to an election in order for the applicant to participate in that election. Deadlines for submitting valid voter registration applications prior to the 2010 statewide elections are as follows:

For Primary Election Friday, July 2
For Runoff Primary Election Friday, July 30
For General Election Friday, October 8

CHANGES IN POLITICAL AFFILIATION

Changes in political affiliation may not be made during the period from June 1 through August 31, inclusive, in any even-numbered year.

Offices on the Ballot

If a candidate is unopposed at a particular election, then the office he is seeking does not appear on the ballot. The following offices are scheduled to be filled by election in 2010.

UNITED STATES SENATOR

Oklahoma has two United States Senators. One of these offices—the one currently held by Tom Coburn—will be subject to election in 2010 for a six-year term.

UNITED STATES REPRESENTATIVE

Oklahoma has five United States Representatives. Each of these offices will be subject to election in 2010 for a two-year term.

STATE OFFICERS

The offices of Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor and Insurance Commissioner will appear on the ballot in 2010 for four-year terms.

There are three Corporation Commissioners, who serve terms of six years each. One of these offices—the one currently held by Dana Murphy—will be filled by election in 2010 for a six-year term.

JUDICIAL OFFICES

All 75 District Judge and all 77 Associate District Judge positions will be filled by election in 2010 for four-year terms. These offices appear on the ballot without party designation.

DISTRICT ATTORNEY

Oklahoma has 27 District Attorneys. Each of these offices will be subject to election in 2010 for a four-year term.

STATE SENATOR

Twenty-four of the 48 State Senate seats—those with even-numbered districts—are subject to election in 2010 for four-year terms. The odd-numbered Senate seats are subject to election in 2012 for four-year terms.

STATE REPRESENTATIVE

All 101 seats in the State House of Representatives will be filled by election in 2010 for two-year terms.

JUDICIAL RETENTION

Justices of the Oklahoma Supreme Court, Judges of the Court of Criminal Appeals and Judges of the Court of Civil Appeals who are eligible to seek retention in office in 2010 will appear on a statewide retention ballot at the General Election. These judicial officers must indicate not less than 60 days prior to the General Election

whether or not they intend to seek retention. If they do not seek retention or if they are not retained, then the office is filled by appointment of the Governor.

Normally, these judicial officers serve six-year terms, although there are exceptions for persons appointed to fill unexpired terms.

There are nine Justices of the Oklahoma Supreme Court, five Judges of the Court of Criminal Appeals and 12 Judges of the Court of Civil Appeals.

The judicial offices appear on the retention ballot without party designation. Voters may vote either to retain or not retain these judicial officers.

COUNTY OFFICES

County offices that will be filled by election in 2010 are County Assessor, County Treasurer and County Commissioner, Districts 1 and 3. For each of these offices, one officer is elected in each of Oklahoma's 77 counties to serve a term of four years.

It is possible that another county office—County Clerk or County Sheriff, for example—will appear on the ballot for the remainder of an unexpired term ending in 2013.

Candidates for Office

FILING PERIOD

The law provides that a person may become a candidate for office by filing a Declaration of Candidacy with either the State Election Board or the appropriate County Election Board during the period beginning at 8 A.M. on the first Monday in June and ending at 5 P.M. on the following Wednesday. In 2010, the filing period will begin at 8 A.M. on Monday, June 7, and end at 5 P.M. on Wednesday, June 9.

Candidates for United States Senator, United States Representative, Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Insurance Commissioner, Corporation Commissioner, District Judge, Associate District Judge, District Attorney, State Senator and State Representative will file with the State Election Board at the State Capitol in Oklahoma City.

Candidates for County Assessor, County Treasurer and County Commissioner will file with the County Election Board in the county for which the office is being sought.

DECLARATION OF CANDIDACY

Declaration of Candidacy forms are provided by both the State Election Board and each County Election Board. The Declaration of Candidacy form and filing information are available online at <http://elections.ok.gov>. Declaration of Candidacy forms are the same, whether the candidate is required to file with the State Election Board or the County Election Board. The Declaration of Candidacy form contains the name of the candidate; the candidate's place of residence and his mailing address; the name of the office sought; the candidate's date of birth; the party affiliation of a candidate seeking political party nomination and the precinct and county in which the candidate is a registered voter.

The Declaration of Candidacy form requires the candidate to swear or affirm under oath that he is qualified to become a candidate for the office he is seeking and that, if elected, he will be qualified to hold the office. The candidate's signature must be notarized by a notary public or other person authorized to administer oaths.

The Declaration of Candidacy form must be complete when it is presented to the State Election Board or County Election Board. When the candidate files the form in person, he may be asked to initial changes on the form to comply with the law. The law does not require that the Declaration of Candidacy be filed in person; however, if someone else files the Declaration of Candidacy, that person cannot authorize changes in the form if such changes need to be made to conform to the law. Further, if a Declaration of Candidacy is mailed, it must be received during the filing period prescribed by law—neither before 8 A.M. on the first day of the filing period nor after 5 P.M. on the final day of the filing period—or it cannot be accepted.

CANDIDATE'S NAME

A candidate's name will appear on the ballot exactly as he signs it on the Declaration of Candidacy. A candidate must file under his real name. He cannot, for example, adopt the name of a person of state or national reputation. While a candidate must file under his real name, that need not be his full name, nor is it necessarily identical to the name under which he is registered to vote.

If a candidate intends to file for an office with the State Election Board, and his name is identical to, or similar to, the name of the incumbent or a publicly announced candidate for the same office, then he must begin a procedure three weeks prior to the filing period in order to become a candidate for the office. Information on the procedure may be obtained by consulting the State Election Board.

DECLARATION “VALID ON ITS FACE”

The Secretary of the State Election Board, as well as the Secretary of each County Election Board, is required to accept a Declaration of Candidacy if it is “valid on its face.” In other words, the Secretary cannot investigate beyond the face of the Declaration itself to determine a candidate's qualifications for office at the time the Declaration is offered.

PETITIONS AND FILING FEES

At the time the Declaration of Candidacy is presented, it must be accompanied by either a supporting petition or a filing fee.

The supporting petition must bear the signatures of at least five percent of the registered voters eligible to vote for a candidate in the first election wherein the candidate's name could appear on the ballot, as reflected by a January 15 registration report compiled by the State Election Board and each County Election Board. For example, a person seeking the Democratic nomination for Corporation Commissioner would be required to obtain the signatures of at least five percent of the registered Democrats in Oklahoma, since the first election wherein his name could appear on the ballot would be the Democratic Primary Election. A person seeking the Republican nomination for County Treasurer would be required to obtain the signatures of at least five percent of the registered Republicans in the county, since the first election wherein his name could appear on the ballot would be the Republican Primary Election. But a person seeking office as an Independent candidate for State Representative would be required to obtain the signatures of at least five percent of all the registered voters in the district, since the first election wherein his name could appear on the ballot would be the General Election.

A filing fee may be submitted in lieu of a petition. Most candidates for office submit a filing fee instead of a petition. A filing fee must be in the form of either a cashier's check or a certified check. Cash cannot be accepted. The amount of the filing fee varies, depending upon the office sought. For the offices scheduled to be filled by election in 2010, the filing fees are as follows:

United States Senator	\$ 1,000.00	Insurance Commissioner	\$ 500.00
Unites States Representative	750.00	Corporation Commissioner	500.00
Governor	1,500.00	District Judge	200.00
Lieutenant Governor	500.00	Associate District Judge.....	200.00
State Auditor and Inspector	500.00	District Attorney.....	200.00
Attorney General	500.00	State Senator	200.00
State Treasurer.....	500.00	State Representative.....	200.00
Superintendent of Public Instruction	500.00	All County Officers.....	200.00
Commissioner of Labor.....	500.00		

REFUND OF FILING FEES

Filing fees are refundable under any of the three following conditions: (1) The candidate is unopposed in the Primary Election of a political party; (2) the candidate becomes a candidate in the Runoff Primary Election or (3) the candidate receives more than 15 percent of the votes cast for the office for which he is a candidate at the first election in which his name appears on the ballot. If none of the three conditions is met, then the filing fee is forfeited.

RETURN OF FILING FEES

Filing fees are returned in timely fashion by the Election Board with which they are deposited, as soon as the event occurs that permits one of the qualifications for return to be met. For example, the filing fees of candidates unopposed in the Primary Election for a party nomination are returned shortly after the filing period ends. But if a candidate is not unopposed in a Primary Election, then not until his name appears on the ballot can it be determined whether either of the other conditions is met.

WRITE-IN CANDIDATES PROHIBITED

The law does not permit write-in candidates in Oklahoma, so a candidate must file a Declaration of Candidacy in order to have an opportunity to be elected to office. There is one exception to this rule. In extraordinary circumstances, military and overseas voters may write in the names of candidates for federal and statewide offices when there is insufficient time for them to vote a normal absentee ballot. This is done on a special write-in absentee ballot. For further information on this procedure, contact the State Election Board office.

Withdrawal of Candidates

Candidates who have filed Declarations of Candidacy may withdraw their candidacies as follows.

Withdrawal from the Primary Election. A candidate may withdraw from the Primary Election only by doing so before 5 P.M. on Friday following the close of the filing period. In 2010, that is at 5 P.M. on Friday, June 11.

Withdrawal from the Runoff Primary Election. A candidate may withdraw from the Runoff Primary Election only by doing so before 5 P.M. on Friday following the date of the Primary Election. In 2010, that is at 5 P.M. on Friday, July 30.

Withdrawal from the General Election. A candidate may withdraw from the General Election only by doing so before 5 P.M. on Friday following the date of the Runoff Primary Election. In 2010, that is at 5 P.M. on Friday, August 27.

In all cases, the withdrawal notice must be signed by the candidate, whose signature must be notarized by a notary public. The notice must be filed within the prescribed time period with the Secretary of the Election Board who accepted the candidate's Declaration of Candidacy. Forms to be used for withdrawal may be obtained from the State Election Board or from any County Election Board.

Candidates who withdraw are not entitled to have their filing fees refunded, even if the withdrawal occurs prior to the Primary Election.

If a candidate withdraws from a Runoff Primary Election, then the other candidate in the Runoff Primary Election automatically becomes the nominee of his political party.

If the nominee of a political party withdraws from the General Election, then his party has no nominee at the General Election.

Contests of Candidacy

A contest of candidacy—challenging the eligibility of a person who has filed a Declaration of Candidacy to seek the office—may be filed no later than 5 P.M. on the second day following the close of the filing period. In 2010, that is at 5 P.M. on Friday, June 11.

If a contest is not filed by that time, the law requires the candidate's name to appear on the ballot. The law does not provide any other means of administrative relief to prevent a candidacy.

Any candidate may contest the candidacy of any other candidate for the same office. If only one candidate files for an office, then any registered voter eligible to vote for the candidate may contest his candidacy.

PETITIONS

To contest a candidacy, a petition must be filed. The petition is filed with the Secretary of the Election Board who accepted the Declaration of Candidacy. For example, a petition contesting the candidacy of a candidate for State Senator would be filed with the Secretary of the State Election Board, while a petition contesting the candidacy of a candidate for County Treasurer would be filed with the Secretary of the County Election Board.

Forms for filing petitions contesting candidacies may be obtained from the State Election Board or any County Election Board; however, it is not necessary to use these forms to file a contest.

The petition must allege that the candidate being contested is not qualified by law to become a candidate for the office he seeks. All the reasons must appear on the face of the petition. If a reason is not shown on the petition, it cannot be raised later as an issue to contest the candidacy.

DEPOSITS

Petitions contesting candidacies must be accompanied by deposits. Petitions filed with the Secretary of the State Election Board or the County Election Board must be accompanied by a deposit in the amount of \$250. The deposit must be in the form of a cashier's check or a certified check. Cash cannot be accepted. Personal checks cannot be accepted. Other negotiable instruments cannot be accepted.

HEARING SCHEDULED

Upon receiving a petition, the Secretary of the Election Board schedules a hearing not fewer than three days from the time the petition is filed. Typically, hearings are conducted on Tuesday or Wednesday following the end of the filing period. The Secretary of the Election Board will provide a written notice of the time and place of the hearing.

SERVING NOTICE

It then becomes the responsibility of the person who filed the petition to have a copy of his petition and a copy of the notice served on the candidate whose candidacy is being contested. To do that, he must take a copy of the petition and a copy of the notice—provided by the Secretary of the Election Board—to the Sheriff of the county of residence of the candidate whose candidacy is being contested. (If the office being contested is Sheriff, then the County Clerk performs this function.) The Sheriff then must personally serve the candidate within 24 hours from the time the petition was filed with the Secretary of the Election Board. For example, if a

petition is filed at 3 P.M. on Friday, then the candidate whose candidacy is being contested must be served by 3 P.M. on Saturday.

If the Sheriff is unable to perform service, then he provides a form or other indication in writing that he was unable to do so, and constructive service is presumed. The “proof” of inability to serve the candidate then must be presented at the time of the scheduled hearing by the person filing the petition. If the Sheriff’s race is being contested, the County Clerk performs the service.

THE HEARING

The hearing is conducted by the Election Board publicly and in compliance with the Oklahoma Open Meeting Act.

For convenience, the person filing the petition will be identified as “petitioner,” and the candidate whose candidacy is being contested will be identified as “contestee.”

The “burden of proof” at the hearing is on the petitioner. That means that he must prove that the contestee is *not* eligible. The contestee is not required to prove that he *is* eligible.

However, if a contestee does not appear or otherwise answer the petition, he is deemed to have admitted all of the allegations in the petition. If those allegations are sufficient that, if true, he would not be eligible to be a candidate for the office, then the law requires the contestee’s candidacy to be stricken by the Election Board.

Should the contestee desire to respond to the petition, he also must post a deposit in the same manner as the petitioner, except that the deposit may be posted at the time of his appearance at the scheduled hearing.

The hearing is conducted in a quasi-judicial manner. Typically, the petitioner will be permitted to present evidence and witnesses supporting his petition. The contestee is allowed to object to the evidence and to examine the witnesses. Then, after the petitioner has presented his “case,” the contestee has an opportunity to do the same with his “case” if he has posted a deposit. The petitioner may object to evidence and examine witnesses.

Testimony is under oath, administered by the Secretary of the Election Board.

Questions of witnesses, or of the petitioner or contestee, may be asked by members of the Election Board or by others the Board designates. Often an Assistant Attorney General attends hearings conducted by the State Election Board, and an Assistant District Attorney attends hearings conducted by the County Election Board.

At the conclusion of the hearing, the petitioner and the contestee may be permitted to make brief arguments supporting their respective positions.

DECISION FINAL

The Election Board then considers the evidence and measures it against the law before rendering its decision. The decision may be to permit the candidacy to stand, to strike the candidacy, or to amend or correct the Declaration of Candidacy to conform to law. The decision of the Board is final; however, decisions of the Board sometimes are taken to the Oklahoma Supreme Court under special writs.

COSTS

Costs of the hearing are deducted from the deposit of the person who “loses,” provided both the petitioner and contestee have posted deposits. However, if the petitioner “wins” because the contestee does not appear at the hearing to answer the charges and, therefore, does not post a deposit, the costs of the hearing must be deducted from the petitioner’s deposit. Any balance is refunded.

The law does not require either the petitioner or the contestee to be represented by an attorney; however, most persons filing or answering such contests are represented by counsel since legal rights are at issue.

Primary and Runoff Primary Elections

Oklahoma has a “closed” primary system. That means that in the Primary and Runoff Primary elections, only registered voters of a political party may vote for candidates of that party. However, the law does allow any recognized political party to permit registered Independent (No Party) voters to participate in its primary elections.

The law provides that if only one candidate files a Declaration of Candidacy for his party's nomination for an office, then no Primary or Runoff Primary Election is held for that office. If two candidates file Declarations of Candidacy for their party's nomination for an office, then those two candidates appear on the Primary Election ballot, and the candidate receiving the most votes becomes the party's nominee.

If more than two candidates file Declarations of Candidacy for their party's nomination, then names of all the candidates will appear on the Primary Election ballot. If one of the candidates receives a majority, i.e., more than half, of the votes cast for that office in the Primary, then no Runoff Primary Election is held, and the candidate receiving the majority becomes the party's nominee. If no candidate receives more than half of the votes for that office in the Primary, then the two candidates receiving the highest number of votes will have their names placed on the ballot at the Runoff Primary Election. The candidate who receives a majority of the votes cast at the Runoff Primary Election becomes the party's nominee.

Example 1. Candidate A receives 500 votes, Candidate B receives 400 votes and Candidate C receives 100 votes. A majority of the 1,000 votes cast would be 501. Since no candidate received a majority, Candidates A and B would be in a Runoff Primary Election.

Example 2. Candidate A receives 501 votes, Candidate B receives 498 votes and Candidate C receives 1 vote. A majority of the 1,000 votes cast would be 501. Since Candidate A received a majority, there would be no Runoff Primary Election for this office, and Candidate A would be the nominee of his party.

Example 3. Candidate A receives 335 votes, Candidate B receives 333 votes and Candidate C receives 332 votes. A majority of the 1,000 votes cast would be 501. Since no candidate received a majority, Candidates A and B would be in a Runoff Primary Election.

General Elections

The parties' nominees appear on the General Election ballot. All Independent (No Party) candidates appear on the General Election ballot. If there is only one candidate for an office at the General Election, then that office does not appear on the ballot.

The candidates receiving the most votes at the General Election are elected. It is not necessary to receive a majority of votes at the General Election, although that usually is the case.

At the General Election, all voters receive exactly the same ballots and may vote for any candidates of their choosing regardless of political affiliation.

Voter Registration

REGISTRATION REQUIRED

One must be registered with a County Election Board to vote at a Primary, Runoff Primary or General Election.

EXCEPTION

Uniformed services personnel, their spouses and dependents and Oklahomans residing overseas may vote by absentee ballot without being registered, provided they are otherwise qualified.

QUALIFIED ELECTORS

To be eligible to register, one must be a “qualified elector.” A qualified elector is a person who is at least 18 years of age, a citizen of the United States and a resident of Oklahoma.

DISQUALIFICATION

There are two disqualifying conditions. A person who has been convicted of a felony is ineligible to register for a period of time equal to the time prescribed in his judgment and sentence. After that time has elapsed, a convicted felon is eligible to register again. Also, a person under adjudication as being an incapacitated person or a partially incapacitated person prohibited from registering to vote is not eligible to register.

THE REGISTRATION PROCESS

To register to vote, a qualified elector must fill out a registration application form. Information required on the application includes the voter's name, address of residence, mailing address, date of birth, driver license number or last four digits of Social Security number, political affiliation and signature. The upper portion of the form gives explanations and instructions regarding specific sections of the form.

“Political affiliation” means a voter's affiliation with a recognized political party or a recognized political organization. If the applicant is not affiliated with any recognized political party or recognized political organization, then he is shown as an Independent (No Party). The registration application form has a section containing boxes that the applicant can check to indicate his choice of recognized political party; or, an applicant may check the box “Other” and write the name of a recognized political organization in the space provided. (Currently, there are no recognized political organizations in Oklahoma.)

Applicants who submit their registration application form by mail should include a copy of one of these forms of identification:

- A current driver license or other photo identification
- A utility bill, bank statement, government check, paycheck, or government document that shows the applicant's name and address

If identification is not included with the application, it must be shown at the polling place the first time the voter votes in a federal election.

REGISTRATION APPLICATION FORMS

Registration application forms may be obtained from the State Election Board, any County Election Board, post offices, most libraries and via the Internet at <http://elections.ok.gov>.

When drivers go to motor license agencies (tag offices) to obtain or update a driver license, they will be offered the opportunity to fill out a registration application form. Also, applications will be offered to individuals who apply for public assistance, such as food stamps, or who apply for aid at an agency that assists the disabled.

CHANGE IN STATUS

If a voter's residence changes, he should change his registration. This is accomplished by filling out the registration application form. If a voter has changed his residence *within the same county* but has not changed his registration, he still can vote at his former polling place and can submit an application to change his registration at that time. Thereafter, he can vote in his new location.

If a voter wishes to change his political affiliation, he can do so by filling out the registration application form, indicating the change. This can be done at any time except from June 1 through August 31, inclusive, in any even-numbered year.

If a voter's name changes, he is entitled to have his name changed on his registration, again by filling out the registration application form.

Once an individual has filled out the application form, it is mailed to the State Election Board either by the applicant or by the agency that offered him the application form. If the applicant mails the form, he may fold and tape the application or enclose the application in an envelope. The applicant must apply correct postage prior to mailing the application.

Upon receipt of the application form, the State Election Board forwards it to the appropriate County Election Board, where it is processed. If any information is missing from the application form, the County Election Board will send a rejection notice to the applicant. The rejection notice will include the reason the application was rejected and will notify the applicant of what steps, if any, may be taken to provide additional information to complete or correct the application. If the application is complete and valid, the County Election Board will send the voter a Voter Identification Card. The card shows the voter's name, the precinct to which he is assigned, the county of his residence, the location of his polling place and his political affiliation.

TIME FOR REGISTRATION

Persons may submit applications for voter registration at any time. A Voter Identification Card will be issued as soon as a valid application is processed, except when an election is scheduled within 24 days from the date the application is received. If an election is scheduled, the Voter Identification Card will be issued immediately after the election. The applicant will not be eligible to vote in an election until he receives a Voter Identification Card.

If an applicant does not receive a Voter Identification Card or any related correspondence within 30 days after submitting an application, he should call the County Election Board office to determine the status of his application.

CANCELLATION OF REGISTRATION

A voter's registration may be canceled for only the following reasons.

Written Notice. A registered voter may have his registration canceled by submitting to the County Election Board a personally signed and notarized written notice, stating that he no longer desires to be a registered voter of the county.

Deceased Persons. The State Health Department periodically provides a list of persons who were residents of a county who have died. The next-of-kin of a deceased person or a nursing home administrator also may execute a cancellation form. In either case, the registration of the deceased person is canceled.

Previously Registered Voters. If the Secretary of the County Election Board is notified that a voter has registered to vote in another jurisdiction, then the registration of that voter is canceled.

Convicted Felons. The Court Clerk in each county forwards to the County Election Board each month a list of persons convicted in the county of a felony. The State Election Board receives such notices from the federal courts. The registrations of those persons are canceled.

Mentally Incapacitated Persons. The Court Clerk each month provides a list of persons within the county who have been adjudged as incapacitated persons or partially incapacitated persons prohibited from registering to vote. The registrations of those persons are canceled.

PUBLIC RECORDS

All records of registration are public record and may be viewed in a reasonable manner any time the County Election Board office is open.

Every County Election Board office in the state is required to be open from 11:30 A.M. to 1:00 P.M. Monday through Friday. All County Election Board offices are open a minimum of six hours a day Monday through Friday. Hours of operation are posted on the door of the County Election Board office. Most County Election Board offices are located in the county courthouse.

The State Election Board office routinely is open from 8 A.M. to 5 P.M. Monday through Friday. The office is located in Room B-6, State Capitol Building.

Statistical reports are available at the State Election Board office. Individual registration records are available in County Election Board offices.

The State Election Board has an electronic database of all registered voters in the state. Computer media containing voter registration information may be obtained from the State Election Board. Information about availability, format and cost may be obtained from the State Election Board.

There are no printed statewide lists of registered voters compiled by the State Election Board. County Election Boards maintain countywide lists of registered voters. The Secretary of the County Election Board can advise interested persons of the policy regarding any such lists.

Absentee Voting

Any registered voter in Oklahoma may vote by absentee ballot. A voter may request that an absentee ballot be mailed to him, or he may vote by absentee ballot in person. It is not necessary to give a reason for voting absentee.

ABSENTEE VOTING BY MAIL

In order to receive an absentee ballot by mail, a voter must make a written request to the County Election Board office in the county in which he is registered. Absentee application forms may be obtained from the State Election Board, any County Election Board or via the Internet at <http://elections.ok.gov>. A letter or telegram from the voter setting forth the facts necessary to determine a voter's eligibility and to what address the ballots should be mailed will be sufficient to request an absentee ballot.

With the exception of Nursing Home Voters, Veteran Center Voters, Emergency Incapacitated Voters, and some Uniformed Services and Overseas Voters (see below), an absentee ballot will be sent to the voter via U.S. Mail once the County Election Board office receives the voter's application.

After marking the absentee ballots, absentee voters place their ballots into a specially marked envelope. That envelope in turn is inserted into an envelope bearing the appropriate affidavit. Finally, the ballots envelope and the affidavit envelope are placed into a third envelope, which is preaddressed to the County Election Board.

The absentee ballots must be returned to the County Election Board from which they were issued by U.S. Mail. The voted absentee ballots must be received by the County Election Board no later than 7 P.M. on the day of the election. (Express delivery service provided by the U.S. Postal Service, *Express Mail*®, is considered U.S. Mail.) Absentee ballots also may be returned by a private mail service (such as Federal Express) that provides delivery documentation.

Although any voter can vote by absentee ballot without giving a reason, the law still contains some “excuses” for voting absentee. It is to the advantage of those voters falling into one of the categories listed below to use one of these excuses when they apply for mail absentee ballots. By using one of the excuses, voters can activate some special conditions that make voting absentee even easier.

Physically Incapacitated Voters and Voters Charged with the Care of Physically Incapacitated Persons.

These voters may submit their applications for mail absentee ballots only by mail, by telegraph or by electronic facsimile device. They are not required to have their signatures on the absentee ballot affidavits notarized. They are required to have their signatures witnessed by two people. Their absentee ballots must be returned by mail.

Nursing Home Voters. Voters who are in nursing homes in the county in which they are registered may vote absentee. They may submit their applications only by mail, by telegraph or by electronic facsimile device. An Absentee Voting Board will go to the nursing home a few days before the election, set up a small polling place and allow these voters to vote under conditions similar to those at a regular precinct polling place. Voters who are residents of veteran centers apply for absentee ballots in the same manner as voters in nursing homes and also receive their ballots from an Absentee Voting Board. (Veteran centers are located only in Carter, Cleveland, Comanche, Custer, Latimer, Murray, and Rogers Counties.)

Uniformed Services Voters, Merchant Marine Voters and Overseas Voters. Residents of Oklahoma who are 18 years of age or older and who are members of the uniformed services of the United States or of the merchant marine or who are living outside the territorial limits of the United States, and their spouses and dependents who are 18 years of age or older, are eligible to vote by absentee ballot without being registered, providing they meet the qualifications to be registered. These voters may submit their applications for absentee ballots by mail, by electronic mail, or by electronic facsimile device. Applications typically are made on a Federal Post Card Application form (FPCA) available from Voting Assistance Officers on military bases, from United States embassies and consulates and via the Internet at <http://www.fvap.gov>. Absentee ballot affidavits for these voters need not be witnessed or notarized. These voters may also request that their ballots be transmitted to them by electronic mail. Voted ballots must be returned to the County Election Board by mail.

Emergency Absentee Voters. Voters who become incapacitated after 5 P.M. on the Tuesday preceding an election may receive an absentee ballot through special emergency procedures. These voters may make a written request to the County Election Board. The request must be accompanied by a statement from a doctor that the voter is incapacitated and will be unable to vote in person on election day due to a physical disability and that the physical disability originated after 5 P.M. on Tuesday preceding the election. The voter's request and the doctor's statement must be taken to the County Election Board office by a person the voter chooses. This person becomes the voter's "agent."

The voter's agent may be anyone of the voter's choosing at least 16 years of age, provided the agent is not employed by nor related within the third degree by blood or marriage to any person whose name appears on the ballot. No person may be the agent for more than one voter at an election.

A form is available from the County Election Board that can be used for both the written request for ballots and the doctor's statement. Use of the form is not required.

The agent will receive the voter's ballots and will deliver them to the voter. After the voter marks the ballots, the agent must return them to the County Election Board office before 7 P.M. election day.

Prohibited notarization/witnessing of absentee ballot affidavit.

- No one who is a candidate for an office on the ballot may notarize or witness any absentee ballot affidavit.
- No one who is the chair or treasurer of the campaign of a candidate for an office on the ballot may notarize or witness any absentee ballot affidavit.
- No one who is related to a candidate within the third degree by either consanguinity or affinity may notarize or witness any absentee ballot affidavit.
- 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 is guilty of a misdemeanor. (See *Violations of the Law* elsewhere in this publication.)

PROCESSING MAIL ABSENTEE BALLOTS

Upon receiving absentee ballots, the Secretary of the County Election Board places the entire package—unopened—into a ballot box. The ballot box is locked with three locks, the key to one of which is in the possession of the Chairman of the County Election Board, the key to the second of which is in the possession of the Vice Chairman of the County Election Board and the key to the third of which is retained by the Secretary.

At any time after 10 A.M. Thursday preceding the election, the County Election Board may meet to remove the outer envelopes and examine the affidavit envelopes. If the affidavits have been properly executed, then those envelopes also are removed. The remaining unopened envelopes containing the ballots are placed inside a locked ballot box to be counted on election day. If any affidavit has been improperly executed, then the envelope is set aside and is not counted. Notice of the meeting at which the outer and affidavit envelopes will be removed is made in compliance with the Oklahoma Open Meeting Act. Any citizen may attend the meeting.

On the day of the election the County Election Board meets to count absentee ballots. To maximize secrecy, the ballot box containing the unopened ballot envelopes is shaken before the ballot envelopes are removed and the ballots are counted. Ballots are counted by inserting them into a voting device at the County Election Board office. This process is supervised by persons appointed by the Secretary of the County Election Board.

Because at least two mail transactions are involved in most mail absentee voting transactions, absentee ballots are printed as soon as the candidates can be determined and are mailed to voters thereafter as soon as applications are received.

IN-PERSON ABSENTEE VOTING

Oklahomans have one other way to vote by absentee ballot. Voters can cast an absentee ballot in person at the County Election Board office or at some other location designated by the Secretary of the County Election Board on certain days before every election. In-person absentee voting will be conducted on Friday and Monday before all elections and on Friday, Saturday and Monday before statewide elections.

A two-member, bipartisan Absentee Voting Board will be on duty from 8 A.M. to 6 P.M. at the in-person absentee polling place on Friday and Monday and from 8 A.M. to 1 P.M. on Saturday. The in-person absentee polling place will be open on the days set aside for in-person absentee voting, even if one of the days is a state or county holiday.

Voters who want to cast an in-person ballot will fill out and sign an application form when they arrive at the in-person absentee polling place to vote. Voters do not have to state a reason for voting by in-person absentee ballot. Voters requesting an in-person absentee ballot must swear or affirm on the application form that they have not voted a regular mail absentee ballot and that they will not vote at their regular polling place in the election for which the in-person absentee ballot is requested.

The names of voters who have requested absentee ballots are part of the public record and are available at each County Election Board office. In addition, the fact that a voter has requested mail absentee ballots is noted on the Precinct Registry, which is provided to each Precinct Election Board on the day of the election. A registered voter who requested a mail absentee ballot but who did not cast it is required to sign an affidavit to that effect before being permitted to vote at his polling place in person on election day.

Normally, absentee voting accounts for about five percent of the votes cast in a major election. The Secretary of the County Election Board is instructed to advise the District Attorney and the State Election Board when the number of requests appears to be abnormally large. The Secretary also is required to notify the appropriate authorities when other suspicious or extraordinary activities occur.

Ballots

Ballots printed by the State Election Board for the 2010 statewide elections include those for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Insurance Commissioner, Corporation Commissioner, District Judge, Associate District Judge, District Attorney, State Senator, State Representative, County Assessor, County Treasurer and County Commissioner; for the retention of Justices of the Oklahoma Supreme Court, Judges of the Court of Criminal Appeals and Judges of the Court of Civil Appeals; and for state and county questions. These separate ballots may appear on the same ballot card but will be allocated separate space on the card.

ROTATION OF NAMES

At the Primary and Runoff Primary elections, the law requires that each candidate's name appear an equal number of times in each position on the ballot. That means that if there are three candidates for an office, then each candidate's name appears first on one-third of the ballots, second on one-third of the ballots and third on one-third of the ballots. However, in any precinct the order of names of candidates may be identical on all ballots. The law does not require that names be rotated from one ballot to the next, but rather that each name appear in each position an equal number of times.

ABSENTEE BALLOTS

For absentee ballots, the position of candidates' names is the same on all ballots. That position is determined by lot by the State or County Election Board once the identity of the candidates for the Primary Election is known. In the Runoff Primary Election, the name of the candidate who received the most votes in the Primary Election appears first on absentee ballots.

SEPARATE BALLOTS FOR PRIMARIES

In the Primary and Runoff Primary elections, there will be separate ballots for each political party. On the political party ballots, party candidates for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Insurance Commissioner, Corporation Commissioner, District Judge, Associate District Judge, District Attorney, State Senator, State Representative, County Assessor, County Treasurer and County Commissioner will appear on a single ballot card. Any state questions also will appear on the ballot card. County questions, if any, will appear on the same ballot card or on a separate ballot card, depending on the availability of space. Ballots containing only state and county questions and nonpartisan judicial offices will be available for Independent (No Party) voters.

GENERAL ELECTION BALLOTS

At the General Election, all voters, regardless of political affiliation, will receive the same ballot card. The order in which political parties will appear under each office heading, e.g., United States Representative, will be determined by lot.

For all elections, a sufficient number of ballot cards are 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.

NUMBERING OF BALLOTS

Each ballot card within a precinct or county has a unique number. The numbering system is one means of accounting for the number of ballots issued.

SAMPLE BALLOTS

Sample ballots are printed for every election. Sample ballots are exact duplicates of absentee ballots except that no numbers are printed on them and "SAMPLE BALLOT" is printed across the face. Sample ballots are posted at each polling place on election day and are available in the offices of the State Election Board and each County Election Board.

EDUCATIONAL BALLOTS

Educational ballots may be printed, provided the reproductions are at least 20 percent larger or 20 percent smaller than the official ballots and provided such ballots bear the words "FOR EDUCATIONAL PURPOSES ONLY" in capital letters.

BINDING OF BALLOTS

Ballots are bound in books of 50. The name of the county is printed on the face of the ballot.

Precincts and Polling Places

BOUNDARIES

There is only one purpose for the boundaries of a precinct under the law. A precinct is an artificial subdivision that facilitates voting. Precinct boundaries simply are lines drawn around groups of registered voters for that purpose. The County Election Board draws precinct boundaries. In doing so, the Board must draw precinct boundaries so they do not cross the boundaries of any county, any Congressional district, any legislative district, any county commissioner district or any judicial election district. A precinct may include both municipal territory and unincorporated territory. A precinct boundary bears no relationship to school district boundaries. There are more than 2,100 precincts in the state.

POLLING PLACES

Polling places are designated by the Secretary of the County Election Board. The polling place must be located within the geographical boundaries of the precinct. In rare instances, the State Election Board may authorize the location of a polling place outside the boundaries of a precinct.

SUBPRECINCTS

Subprecincts have all the features of a precinct, except that a subprecinct must have fewer than 200 registered voters and contain all the geographical area that is possible without crossing the boundary of the county, a Congressional district, legislative district, county commissioner district or judicial election district. In metropolitan areas, a subprecinct must have fewer than 300 registered voters. When a subprecinct is designated, the voters in that precinct vote at the polling place in an adjacent precinct.

When a precinct boundary is changed, or when two or more precincts are consolidated, any registered voter whose status is changed will be notified in writing by the Secretary of the County Election Board. When a polling place is changed, notice of the change will be posted on the door of the old polling place at the next election.

The County Election Board is required to provide a large map in its office showing all the precincts within the county. Most County Election Boards also provide to interested persons maps showing the precincts.

Election Day

Preparations at the precinct level for election day actually begin on Thursday, Friday, Saturday or Monday prior to the election, when the Inspector receives ballots and supplies from the County Election Board.

On election day, the Precinct Election Board arrives long before 7 A.M. to set up materials at the polling place. Outside the polling place, displays of sample ballots and information for voters are posted. Inside the polling place, at least two voting booths are erected. Inside each booth are instructions for voters.

Once they arrive at the polling place, members of the Precinct Election Board do not leave until all their work is completed that night.

OPENING THE POLLS

Shortly before 7 A.M. the Inspector confirms that the ballot box is empty and that no votes have been cast. The Inspector opens the ballot box and turns the box upside down in view of the Judge, Clerk and any registered voters present. The Inspector then places the voting device on top of the ballot box and plugs the device into an electrical outlet. The voting device immediately prints a Zero Printout. The Inspector verifies that the Zero Printout contains a complete listing of all candidates and offices and that all totals are zero.

At 7 A.M. the Inspector announces that the polls are open, and the processing of voters begins. The first three persons to vote are the Inspector, Judge and Clerk. After that, voters are processed in the order in which they present themselves at the polling place.

THE VOTING PROCESS

The Judge determines the voter's eligibility by locating his name on the Precinct Registry. Once the voter's eligibility is determined, the voter is asked to sign the Precinct Registry beside his printed name. The Clerk then issues the appropriate ballots. The Inspector provides the voter a ballot marking pen and directs the voter to a voting booth.

After marking his ballot in the privacy of the voting booth, the voter inserts the ballot into the voting device. When the voter has finished voting, he is required to leave the polling place immediately.

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

AFTER THE POLLS CLOSE

At 7 P.M. on election day, the Inspector shall announce that the polls are closed. Any registered voters who are present at the polling place at that time are permitted to vote, even if they actually cast their votes after 7 P.M. Voters who arrive at the polling place after 7 P.M. are not entitled to vote.

After all the voters in line at 7 P.M. have completed voting and all ballots have been processed through the voting device, the Inspector causes the voting device to print the Totals Printout tape. This tape, which contains the Zero Printout from the morning, all messages printed by the voting device during the election and the total votes cast for each candidate and/or question, constitutes the Official Election Returns for the precinct.

Three additional Totals Printouts are then printed. All Totals Printouts must be signed by the Inspector, Judge and Clerk.

The original Totals Printout, which includes the Zero Printout, is returned to the County Election Board office with the voting device memory pack. One Totals Printout is posted on the door of the polling place. Another is sealed in the ballot transfer box, which contains all the voted and unvoted ballots. The fourth Totals Printout is mailed to the State Election Board office.

Although all the ballots that were provided for the precinct are accounted for administratively, it is common that the number of voters who signed the Precinct Registry and the number of votes that actually were cast for a particular office will be different. The discrepancy is caused by a variety of factors, including failure by the voter to vote for anyone for an office and mutilation of a ballot by a voter so that it could not be counted. Typically, the discrepancy is only a small number of votes.

SPECIAL SITUATIONS

Voter Identification Requirements. Voters who applied by mail for new voter registration after January 1, 2003, and did not submit an acceptable form of identification with their application, are required by federal law to show identification the first time they vote in a federal election. A message appears in the Precinct Registry beside the names of voters who must show identification.

Any one of the following forms of identification is acceptable:

- A current and valid photo identification
- The voter identification card issued by the County Election Board
- A copy of a current utility bill, bank statement, government check, paycheck, or any other government document that shows both the voter's name and address.

A voter who does not have one of these forms of identification at the polling place may vote a provisional ballot. This voter's provisional ballot will be counted after the voter's identity is confirmed after the election.

Address Confirmation. A registered voter who has a "Confirm Address" or "Insufficient Address" notation beside his name in the precinct registry will be offered a voter registration application form to use in updating his voter registration record. The voter may complete the application and return it to the Precinct Officials. The voter confirms his address by signing the precinct registry and is processed as any other voter.

Absentee Ballot Unused. A voter whose name appears on the list of those applying for absentee ballots will not be permitted to vote until he signs an affidavit stating that he did not cast his absentee ballots.

PROVISIONAL VOTING

Provisional voting is a procedure which permits a voter whose eligibility cannot be determined to cast a ballot at the precinct polling place on election day or at the County Election Board office on an in-person absentee voting day. A provisional ballot is kept separate from regular ballots and counted and included in the final election results only if the voter's eligibility is confirmed after the election. Provisional voting is available for

all elections conducted by the County Election Board. Provisional voting is available for all offices and questions appearing on all ballots. The ballots used for provisional voting are identical to regular ballots for the precinct.

Voters in the circumstances described below may cast provisional ballots.

Persons Not Listed in the Precinct Registry. Persons who are not listed in the Precinct Registry for the precinct of their residence but who believe themselves to be registered voters eligible to vote in the election are entitled to cast a provisional ballot.

Voters Required to Show Identification. Registered voters who are required to show identification when voting for the first time in a federal election and who do not have one of the acceptable forms of identification are entitled to cast a provisional ballot.

Voters Who Dispute Political Affiliation Indicated in Precinct Registry. Registered voters who dispute the political affiliation indicated in the Precinct Registry for a primary election are entitled to cast a provisional ballot for their preferred political party.

Uniformed Services Voters. Uniformed services voters who have been honorably discharged or who are on authorized leave, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote shall be entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted.

Overseas Voters. Overseas voters who have been terminated in their overseas service or employment or who are on leave from their overseas service or employment, and the spouses and eligible dependents of such voters, and who returned home too late to register to vote are entitled to cast a provisional ballot in the precinct of their residence and to have that ballot counted.

Voters Who Dispute School District or Municipality Indicated in Precinct Registry. Registered voters who dispute the school district or municipality indicated for them in the Precinct Registry or on the map are entitled to cast a provisional ballot for the school district or municipality in which they claim to reside.

VOTER ASSISTANCE

Certain types of voters are entitled to special assistance. Those voters include the following groups.

Disabled Voter Who Cannot Enter the Election Enclosure. A voter who 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, is entitled to special assistance. The Inspector will stop processing of voters inside the election enclosure. Voters who already have signed the Precinct Registry will be permitted to vote. Then the Inspector and another Precinct Official of a different political party will approach the disabled voter outside the voting enclosure and provide whatever assistance is required. The voter must subscribe to an oath that he is entitled to the assistance. The voter may mark his own ballots or he may choose to be assisted by a person of his choosing, provided that person is not the voter's employer or agent of that employer or officer or agent of the voter's union. The voter may also choose to be assisted by one of the Precinct Officials other than the Inspector.

Physically Disabled Voter. A voter who is unable to mark his ballot because of a physical disability or infirmity other than visual is entitled to special assistance. The voter is required to subscribe to an oath stating that he is entitled to the special assistance. The voter then indicates whether he wishes to be assisted by one of the Precinct Officials other than the Inspector or by a person of the voter's choosing who is not a Precinct Official. The person may not be the voter's employer or agent of that employer or officer or agent of the voter's union. Assistance in marking ballots is provided in the voting booth.

Illiterate Voters. A voter who states that he, because he is illiterate and can neither read nor write, requires assistance in marking his ballot is entitled to special assistance. The voter is required to subscribe to an oath stating that he is entitled to the special assistance. The voter then indicates whether he wishes to be assisted by one of the Precinct Officials other than the Inspector or by a person of the voter's choosing who is not a Precinct Official. The person may not be the voter's employer or agent of that employer or officer or agent of the voter's union. Assistance in marking ballots is provided in the voting booth.

Blind or Visually Disabled Voter. A voter who states that he, because of a visual disability, is unable to mark his ballot, is entitled to special assistance. The voter is required to subscribe to an oath stating that he is entitled to the special assistance. The voter then indicates that he wishes to be assisted by one of the Precinct Officials other than the Inspector or by a person of the voter's choosing who is not a Precinct Official. The person may not be the voter's employer or agent of that employer or officer or agent of the voter's union. Assistance in marking ballots is provided in the voting booth.

The State of Oklahoma provides a system that allows voters with disabilities, including visual disabilities, to cast a ballot independently and in secret by telephone at the precinct polling place. This system will be used in federal elections in 2010 and complies with requirements of the Help America Vote Act of 2002.

SPECIAL SERVICES

Mistake in Marking Ballots. If a voter makes a mistake in marking his ballot, he should return the ballot to the Precinct Election Board. The ballot will be destroyed after the voter signs an affidavit indicating that he has spoiled his ballot. After that, the voter receives a new ballot.

Transferring Registration. If a registered voter has changed his residence from one precinct to another within the county, but has not transferred his registration, he is entitled to vote at the precinct in which he is registered. At that time, he may apply to register at his new address. At future elections, he will vote in his new precinct.

Deceased Voters. The next of kin of a deceased person whose name appears as a registered voter on the Precinct Registry may execute a form that will result in the registration of the deceased voter being canceled.

WATCHERS

Any candidate or political party is entitled to commission a Watcher to observe the voting device in an election. The Watcher must be commissioned in writing to the Secretary of the County Election Board no later than 5 P.M. on Wednesday preceding the election.

The Watcher must subscribe to an oath administered by the Inspector regarding the duties and obligations of Watchers. The Watcher is confined to observing the voting device before the polls are opened and after the polls are closed and may not be present at the polling place at other times. The Watcher may not divulge any information or give any indication as to the result of the voting device count prior to the time that the Inspector posts a copy of the Totals Printout on the door of the polling place.

While the law once provided for “challengers” to be commissioned, the law no longer allows for persons to be present at the polling place to challenge the credentials of voters.

EXIT POLLING

An exit pollster may be authorized by notifying the Secretary of the County Election Board before 5 P.M. on Wednesday preceding an election. Once so authorized, the exit pollster must wear identification prescribed by the Secretary of the State Election Board. The exit pollster may take a written exit poll between 50 and 150 feet of the ballot box on election day or may conduct an audio or video interview no fewer than 150 feet from the ballot box.

The exit pollster is subject to laws prohibiting electioneering.

PUBLIC POSTING OF VOTING INFORMATION ON ELECTION DAY

The Help America Vote Act of 2002 requires that the following voting information be posted publicly at each polling place on the day of a federal election:

1. a sample version of the ballot being used in the election;
2. the election date and the hours during which polling places are open;
3. instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
4. instructions for mail-in registrants and first-time voters concerning voter identification requirements;
5. general information on voting rights under applicable federal and state law, including information on an individual's right to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
6. general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

The information above will be found on the following materials at the polling place:

1. Oklahoma Election Procedures
2. Election Law Violations
3. Attention Voter poster
4. Sample ballots

Violations of the Law

The following crimes are designated as felonies, punishable by not more than two years in prison or a fine of not more than \$5,000, or both.

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 is not eligible to vote at an election, willfully votes at said election is guilty of a felony. Any voter covered by 26 O.S. 2001, §14-116 who willingly votes and submits an absentee ballot pursuant to 26 O.S. 2001, §14-104.1 later than the day of the election is guilty of a felony.

False Swearing. Any person who swears or affirms a false affidavit in order to become eligible to vote, to obtain and vote a provisional ballot, or to obtain and vote an absentee ballot is guilty of a felony.

Unauthorized Registration of Voters. Anyone who knowingly causes any qualified elector to be invalidly registered or anyone who knowingly causes any unqualified person to be registered is guilty of a felony.

False Notarization. Any person, notary public or other official who is 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 is guilty of a felony.

Fraud. Any person who knowingly 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, is guilty of a felony.

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. 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.

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.

Bribes. Any person who offers, solicits or accepts something of value intended to directly or indirectly influence the vote of a person is guilty of a felony.

Bribe for Withdrawal of Candidacy. Any person who offers or gives another anything of value to induce or cause that person to withdraw from a political contest as a candidate or nominee at any election is guilty of a felony.

Acceptance of Bribe for Withdrawal. Any person who solicits or accepts from another anything of value for withdrawing from any political contest as a candidate or nominee at any election is guilty of a felony.

Coercion. Any person who, by means of coercion or any other method, knowingly attempts to prevent a qualified elector from being registered, or a registered voter from voting, is guilty of a felony.

The following crimes are designated as misdemeanors, punishable by not more than one year in the county jail or a fine of not more than \$1,000, or both.

Electioneering. Any person who electioneers within 300 feet of a ballot box while an election is in progress, or any person except election officials and other persons authorized by law who remains within 50 feet of a ballot box while an election is in progress, is guilty of a misdemeanor.

Intoxicating Liquors. Any person who takes intoxicating liquors of any kind or quantity to within one-half mile of any polling place on election day is guilty of a misdemeanor.

Interference. 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 is guilty of a misdemeanor.

Failure to Perform Duty. Any member or employee of a County Election Board or Precinct Election Board who willfully fails to perform his lawful duty is guilty of a misdemeanor.

Disclosure by Voter. Any person who, within the election enclosure, discloses to any other person how he voted is guilty of a misdemeanor.

Disclosure by Election Official. Any election official who discloses how any voter may have voted is guilty of a misdemeanor.

Disclosure of Count. Any person who discloses the count during an election prior to the time such disclosure is authorized by law is guilty of a misdemeanor.

Removal of Ballot. Any person who removes a ballot from the polling place or who carries a ballot into the polling place is guilty of a misdemeanor.

Illegal Printing or Possession of Certain Voting Materials. Any person who causes to be printed, or who has in his possession ballots or blank voter identification cards not authorized by law is guilty of a misdemeanor.

False Application. Any person who knowingly executes a false application for an absentee ballot is guilty of a misdemeanor.

Witnessing signature of more than certain number of affidavits of persons swearing incapacitation. 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 is guilty of a misdemeanor.

Election officials are not law enforcement officials. Suspected violations of the law should be pointed out to election officials. Depending on the nature of the reported violation, the election officials may advise the alleged violator of the law or the act may be reported to appropriate law enforcement authorities, or both. Typically, violations of the law are reported to the police department in a municipality, to the Sheriff's office or to the District Attorney.

Certifying the Results

After all election-night procedures are completed at the polling place, the Inspector in each precinct delivers to the County Election Board a copy of the Totals Printout and the voting device memory pack.

The Totals Printout tapes are examined by the County Election Board to determine whether an election-night recount is necessary. Such a recount may be necessary if (1) the voting device malfunctioned in such a way that there are no totals on the Totals Printout or the Totals Printout is illegible or (2) the number of uncounted blank ballots exceeds two percent of the total number of persons who voted in the precinct.

If an election-night recount is required for any precinct, the memory pack for that precinct is placed in a voting device in the County Election Board office. A Zero Printout is obtained. The ballot transfer box for that precinct then is opened and the ballots are removed. The ballots then are fed, one at a time, into the voting device. After all ballots have been inserted, a new Totals Printout is generated. The Totals Printout then is signed by members of the County Election Board.

The memory pack from each precinct within the county and the memory pack containing the results of absentee voting then are inserted, one at a time, into a Memory Pack Receiver. The totals contained on each memory pack are electronically transferred via the Memory Pack Receiver to the Oklahoma Election Management System (OEMS). Once all the memory packs have been read, an OEMS report is printed. This report lists the total number of votes cast for each candidate and question in each precinct and tabulates a total countywide vote. The totals that appear on the OEMS Precinct Report are verified against the Totals Printout for each precinct to ensure that the information is correct.

Once all the results have been entered into OEMS at the County Election Board on election night, the sealed ballot transfer boxes containing the voted ballots, unused ballots and one copy of the Totals Printout are delivered to the custody of the Sheriff, who is responsible for their security until the close of the contest period or until the ballot transfer boxes are delivered to the District Courtroom for a contest.

Also on election night, the Secretary of the County Election Board determines the number of signatures on the Provisional Ballot Rosters from each precinct in the county. The total number of signatures on Provisional Ballot Rosters may be released, but no additional information about provisional ballots or the identity of provisional voters will be available until 1 P.M. on Friday following the election.

On the day after the election, County Election Board personnel examine and verify the information on provisional ballot affidavits. Once verified, a provisional ballot is approved for counting. Provisional ballots are considered verified and approved for counting in the following circumstances:

Voter Not in Precinct Registry. A provisional ballot cast by a voter whose name is not in the Precinct Registry shall be considered verified and approved for counting if evidence of the voter's valid and timely voter registration is found and if:

- (1) the provisional ballot was cast in the precinct of the voter's residence as indicated in the voter registration record or other evidence found; and
- (2) in the case of a partisan primary election, the voter cast a provisional ballot for the same party as that of the voter's political affiliation in the voter registration record or other evidence found.

“Identification Required” Voter. A provisional ballot cast by a first-time voter in a federal election who is unable to provide one of the acceptable forms of identification shall be considered verified and approved for counting if the following information on the Provisional Ballot Affidavit—last name, date of birth, Oklahoma

driver license number, if known, and the last four digits of the Social Security number, if available—match the information in OEMS.

Political Affiliation Dispute. In the event a voter in the Primary or Runoff Primary Election casts a provisional ballot after disputing the political affiliation indicated in the Precinct Registry, the provisional ballot shall be counted only if evidence of a timely and valid change of political affiliation is found.

Uniformed Services Voters. Provisional ballots cast by these voters shall be counted.

Overseas Voters. Provisional ballots cast by these voters shall be counted.

School District or Municipal Assignment Dispute. Voters listed in the Precinct Registry who disagree with their assignment to a particular school district or municipality may cast a provisional ballot for their preferred school district or municipality. Provisional ballots cast by these voters shall be counted only if evidence is found that the assignment indicated in the Precinct Registry is incorrect.

Provisional ballot affidavits approved for counting are presented to the County Election Board members on Friday following the election. The Board members open the affidavit envelopes, remove the secrecy envelopes containing the provisional ballots, mix them together, and then open the secrecy envelopes and remove the ballots. The ballots then are counted either by voting device or manually. The results of the provisional ballot count will be added to the results obtained on election night from the precincts and from absentee ballots.

Once the accuracy of the results has been verified, the County Election Board prints an Official Certification Report for those races that are reported to the State Election Board. That includes the results for the offices of United States Senator, United States Representative, Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Insurance Commissioner, Corporation Commissioner, District Judge, Associate District Judge, District Attorney, State Senator, State Representative, for judicial retention and for state questions. Not earlier than 5 P.M. on Friday following the election, the Official Certification report is signed by the members of the County Election Board and mailed to the State Election Board office. In addition, the results are transmitted to the State Election Board electronically via OEMS.

At 5 P.M. on Tuesday next following the election, the State Election Board meets to certify the results of the election. Those become the official results and are not subject to administrative challenge.

On Friday following the election an Official Certification Report also is printed for the county candidate races and for any county questions. The Certification Report is signed by members of the County Election Board and the results of the county races become official.

TIE VOTES

When two candidates tie for the most votes in a Primary Election, their names both appear on the ballot at the Runoff Primary Election.

When a tie vote occurs in the nomination or election of any candidate, then the Election Board that certifies the results of the election determines the winner by lot. The candidates may be present if they so choose.

Contesting an Election Involving Candidates

At the Primary, Runoff Primary or General Election, any candidate whose name appeared on the ballot may contest the results of the election.

TIME TO FILE CONTEST

To contest the results of an election, candidates who filed a Declaration of Candidacy with the County Election Board must file a petition with the County Election Board no later than 5 P.M. on Friday following the election.

Candidates who filed a Declaration of Candidacy with the State Election Board must file a petition with the State Election Board no later than 5 P.M. on Friday following the election.

HEARING SCHEDULED

Once a petition is properly filed, the Secretary of the County or State Election Board sets a time for hearing the petition not less than three days, nor more than 10 days, after the petition is filed. Typically, the date is scheduled on a Tuesday or Wednesday of the week following the election.

SERVING NOTICE

The candidate filing the petition must arrange for a copy of his petition and a copy of the Secretary's order to be served on any other candidate for the office being contested whose name appeared on the ballot at the election.

To do so, the Sheriff of the county in which the other candidate resides must serve the petition and order within 24 hours from the time the petition is filed. For example, if a petition is filed at 3 P.M. on Friday, it must be served by 3 P.M. on Saturday.

If the Sheriff is unable to perform service, then he provides a form or other indication in writing that he was unable to do so, and constructive service is presumed. The "proof" of inability to serve the candidate then must be presented at the time of the scheduled hearing by the person filing the petition. If the Sheriff's race is being contested, the County Clerk performs the service.

The candidates may contest an election on any of three different grounds, as follows.

RECOUNT

A candidate has the option of seeking either a recount by voting device or a manual recount. Ballots will be recounted by voting devices unless the petitioner specifies that he is requesting that ballots be recounted manually.

The petitioner must indicate what precinct or precincts within a county he wishes to have recounted, as well as whether he wants the absentee ballots to be recounted. A form for requesting a recount is available at each County Election Board office and the State Election Board office, but the request need not be on the form as long as it is in writing.

The petition for a recount must be accompanied by a deposit. The deposit must be in the form of a cashier's check or certified check. It cannot be in cash. It cannot be in the form of a personal check. It cannot be in the form of another negotiable instrument. If ballots are to be recounted by voting devices, the request must be accompanied by a deposit in the amount of \$600 for each county affected. (For example, a candidate seeking a recount in two counties would be required to post a deposit of \$1,200.) If a manual recount is requested, a

deposit of \$600 for the first 3,000 ballots and an additional \$600 for each additional 6,000 ballots, or fraction thereof, must be posted for each county affected by the petition. If the petition is submitted to the State Election Board, an additional deposit of \$300 must also be posted to cover the costs of the meeting of the State Election Board.

At the time of the hearing in the District Courtroom, a judge of the District Court will determine whether or not the ballots have been preserved properly and whether or not they are the same ballots that were cast. If not, then no recount can be held, and the announced results are certified. If so, then the recount begins.

The recount is an administrative procedure. It is conducted by the County Election Board. The judge does not count ballots, nor does he resolve disputes on how ballots are to be counted. His sole duty is to determine whether the ballots can be recounted.

If a recount is to be conducted using electronic voting devices, the devices will be tested for accuracy by the County Election Board before the recount begins. All candidates, or their agents, affected by the recount shall have the opportunity to view the testing procedure. The ballots that are to be recounted then will be inserted, one at a time, into the voting device. A Totals Printout will be printed for each recounted precinct.

If a manual recount is requested, the County Election Board may be assisted by Counters who have been specifically trained in the procedures for counting ballots. However, the County Election Board itself is the final authority for determining how a disputed ballot can be counted.

Each candidate involved in the recount is entitled to appoint an agent to represent him at the recount. The agent must be commissioned in writing with the Secretary of the County Election Board. Once commissioned, the agent has full authority to act on behalf of the candidate.

Each candidate is entitled to have a Watcher present at any place where ballots are being recounted.

When the recount is complete, the County Election Board retabulates the results and certifies the results. If necessary, these results then are delivered to the State Election Board, which in turn retabulates and certifies the results.

All the precincts and absentee ballots originally counted must be included in the certification of the recount. For example, if there are 15 precincts involved, then 15 precincts must be certified, together with any absentee ballots.

If the petition does not specify all the precincts, then only those specified will be recounted, and the original results from the others will be tabulated with the recounted precincts to certify the results.

In no event can a recount be stopped in the middle of a precinct. Only entire precincts may be recounted.

The candidate who requests the recount may abandon it at any time, subject to the conditions already cited. If he does so, however, any other candidate may request immediately that the recount continue. If a continuation is sought, then it must be requested in writing and it must be accompanied by a deposit in the same amount and form as the original request for the recount. If the recount is continued, then all the ballots in the contested race in the county will be counted. The recount cannot be stopped.

When the recount is completed, the expenses of the recount will be deducted from the deposit of the unsuccessful candidate. Any balance will be refunded. A successful candidate will be refunded his full deposit. For example, if a candidate appears to have lost an election, but the results of the recount show that he won, and he is certified as the winner, the recount costs him nothing. The costs are borne either by the state, county or another unsuccessful candidate who posted a deposit. Only if there is no “unsuccessful” candidate who posted a deposit will the state or county bear the cost of the recount.

ALLEGATIONS OF IRREGULARITIES

A candidate may contest the results of an election based on allegations of irregularities. A form for requesting such a contest is available at each County Election Board office or the State Election Board office, but the request need not be on a form as long as it is in writing. A deposit of \$250 must accompany the petition. The deposit must be in the form of a cashier's check or certified check. It cannot be in cash. It cannot be in the form of a personal check. It cannot be in the form of another negotiable instrument.

The petition must allege specific irregularities in certain precincts or in the casting of absentee ballots. Additional allegations may be made at the time of the hearing, if not known to the petitioner at the time the petition is filed. If the allegations are frivolous, the presiding judge may dismiss the petition.

The petition seeks one of two alternatives, as follows:

- The first alternative is to have the petitioner declared his party's nominee or to be issued a Certificate of Election or to be entitled to have his name appear on the Runoff Primary Election ballot, depending on the type of election in which the contest is filed.
- The second, and more commonly sought, alternative is to find that it is impossible to determine with mathematical certainty the candidate 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.

The irregularities petition is a judicial function and is heard by a District Judge. If a petition alleging irregularities involves only a single county, the petition is heard by a District Judge in that county. If the petition alleges irregularities in two or more counties, the Secretary of the County Election Board who accepts the petition will schedule the hearing for all the affected counties at a single location. If a petition of irregularities involving two or more counties is filed at the State Election Board, the Supreme Court will assign a single judge to hear the issue for all affected counties.

Irregularities that have been found sufficient to have a new election ordered include voting by persons who were not registered in a number that exceeded the margin between the two candidates involved in the election and voting by persons who were not registered within the district in a number that exceeded the margin between the candidates involved.

If the petitioner can establish, for example, that there were two unlawful votes cast, and the margin in the election was five votes, then it still is possible to determine the outcome with mathematical certainty, so an irregularities challenge would fail.

No irregularities petition has ever been sustained based on electioneering or similar grounds.

When the judge concludes his hearing, he determines the outcome of the petition and directs the Secretary of the County Election Board accordingly. If it is impossible to determine with mathematical certainty the outcome of the election, then the Secretary of the County Election Board notifies the Governor, who calls a new election to be conducted in the same manner, and with the same candidates, as the first election.

Costs of the contest are deducted from the deposit, and the balance, if any, is returned to the candidate.

Typically, other candidates involved in the election will appear at the hearing to contest the petition, although it is not required.

ALLEGATIONS OF FRAUD

A candidate may contest the results of an election based on allegations of fraud. Such allegations bear heavy civil penalties if they cannot be proved in court. For that reason, it is suggested that an attorney be consulted before such a petition is considered.

In all cases, it is not necessary for an attorney to be consulted, although it is more common to do so than not.

Contesting a County Question Election

Allegations of irregularities or fraud may not be filed in elections that do not involve candidates; however, recounts may be requested in question elections *other than state question elections*, only under the following circumstances:

Question elections that require only a majority of the votes cast for approval

- If 15,000 or more total votes are cast in the election and the margin of votes between those for and those against is 150 votes or less.
- If 14,999 or fewer total votes are cast in the election and the margin of votes between those for and those against is one percent or less of the total votes cast for the question.

Question elections that require more than a majority of the votes cast for approval

- If 15,000 or more total votes are cast in the election and the margin between the number of votes in favor of the question and the number of votes required for approval is 150 or less.
- If 14,999 or fewer total votes are cast in the election and the margin between the number of votes in favor of the question and the number of votes required for approval is one percent or less of the total votes cast in the election.

An individual who is a registered voter and who voted in the election may request a recount by filing a petition with the County Election Board Secretary no later than 5 P.M. on Friday following the election.

If the total number of votes cast for the question was 15,000 or more, the petition must be signed by 150 registered voters who voted in the election. If the total number of votes cast for the question was 14,999 or fewer, the petition must be signed by a number of registered voters who voted in the election equal to one percent or more of the total votes cast.

The petition requesting a recount in a county question election must be accompanied by either a cashier's check or a certified check in the amount of \$600 if the ballots are to be recounted by electronic voting devices. Petitions requesting the recount of ballots that were counted by electronic voting devices may specify that the recount be conducted manually. If a manual recount is specified, the petition must be accompanied by a cashier's check or certified check in the amount of \$600 for the first 3,000 ballots to be recounted and \$600 for each additional 6,000 ballots, or fraction thereof, to be recounted. The petition must specify that all ballots cast, both at the polling place and by absentee ballot, be recounted.

Recounts of question elections are conducted in the same manner as recounts for candidate elections with one exception. Recounts of question elections cannot be halted until all ballots cast at the polling place and all absentee ballots in the county have been recounted.

Retention of Materials Used in an Election

Ballots cast for Presidential Electors, United States Senator and United States Representative must be retained for 24 months after the date of the election. Ballots cast for all other offices and questions are retained for 30 days, at which time they are destroyed.

Totals Printouts are retained until the ballots are destroyed, at which time the Totals Printouts also may be destroyed.

Precinct Registries must be retained for 24 months and are subject to public inspection during regular office hours.

Most other forms and materials used in an election are retained for 24 months from the date of the election.

Terms of Office

OFFICE	TERM (Years)	BEGINNING DATE
United States Senator	6	January 3, 2011
United States Representative	2	January 3, 2011
Governor	4	January 10, 2011
Lieutenant Governor	4	January 10, 2011
State Auditor and Inspector	4	January 10, 2011
Attorney General	4	January 10, 2011
State Treasurer	4	January 10, 2011
Superintendent of Public Instruction	4	January 10, 2011
Commissioner of Labor	4	January 10, 2011
Insurance Commissioner	4	January 10, 2011
Corporation Commissioner	6	January 10, 2011
District Judge	4	January 10, 2011
Associate District Judge	4	January 10, 2011
District Attorney	4	January 3, 2011
State Senator	4	November 17, 2010
State Representative	2	November 17, 2010
Justice of the Oklahoma Supreme Court	6	January 10, 2011
Judge of the Court of Criminal Appeals	6	January 10, 2011
Judge of the Court of Civil Appeals	6	January 10, 2011
County Assessor	4	January 3, 2011
County Treasurer	4	July 4, 2011
County Commissioner	4	January 3, 2011

Election Officials

There are three members of the State Election Board and three members of each County Election Board and each Precinct Election Board.

At each level—State Election Board, County Election Board and Precinct Election Board—the law requires that each of Oklahoma’s two largest political parties, according to the latest January 15 registration report, be represented.

Members of the State Election Board are appointed by the Governor subject to confirmation by the State Senate. Members are designated as Chairman, Vice Chairman and Member.

The Secretary of the State Election Board is the administrative official for the State Election Board but is not a member of the board.

Members of the County Election Board are appointed by the State Election Board. Members are designated as Chairman, Vice Chairman and Secretary. The Secretary is the administrative official for the County Election Board.

Members of the Precinct Election Board are appointed by the County Election Board. Members are designated as Inspector, Judge and Clerk.

The two major political parties provide lists or nominations at each level, to which the appointing authorities are confined to ensure bipartisan representation on each board.

State Questions

State questions may be submitted to the voters either by the Legislature or by an initiative or referendum petition. In either case, only a simple majority of votes is required to approve the question.

At one time there was a “silent vote,” which permitted persons who voted on other ballots—but not on specific state question ballots—effectively to cast a “No” vote on a state question, since the law at that time required an affirmative vote of a majority of all those persons voting at a General Election for passage. That is no longer the case.

Some county questions may require an extraordinary majority for passage. The County Election Board does not determine whether an issue passed or failed, but rather certifies the votes for and against the proposition.

The text of state questions that will appear on the ballot at the 2010 Primary, Runoff Primary and General elections, if any, may be obtained from any County Election Board office shortly after the Legislature adjourns *sine die*.