

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1678

By: Townley

6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2021,
8 Section 8-105, which relates to tie votes; directing
for a second election to be held in the case of tie
votes; and providing an effective date.

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

11 SECTION 1. AMENDATORY 26 O.S. 2021, Section 8-105, is
12 amended to read as follows:

13 Section 8-105. A. When a tie vote is certified in the
14 nomination or election of any candidate in any Runoff Primary,
15 General Election or any Primary Election, a second vote shall be set
16 for twenty (20) days from the date of certification.

17 B. When a second tie vote is certified in the nomination or
18 election of any candidate in any Runoff Primary, General Election or
19 any Primary Election, the election board which is authorized by law
20 to issue the certified list or certificate of election shall, at a
21 public meeting of the board and in the presence of the candidates
22 involved or their designee, if they or any of them desire to be
23 present, select the nominee or electee by lot.

1 B. C. When a nominee or electee is to be selected by lot
2 pursuant to the provisions of this section, the following procedures
3 shall be observed:

4 1. The secretary of the appropriate election board shall, on or
5 before the tenth day following the second election, notify each of
6 the tying candidates for which the vote was tied. The notice shall
7 include the time, date and location of the selection, shall be made
8 in writing by registered or certified mail and shall be postmarked
9 not fewer than five (5) days prior to the meeting;

10 2. A candidate may designate one person as a witness to attend
11 the meeting on the candidate's behalf. The designation shall be
12 made in writing, signed by the candidate and presented to the
13 secretary of the appropriate election board;

14 3. The secretary of the appropriate election board shall, in
15 full view of those present at the meeting, clearly write or print
16 the name of each tied candidate on separate pieces of paper
17 measuring approximately equal size. The names of the candidates
18 shall be written or printed on the same color and type of paper.
19 The papers shall be folded in half one time so that the written
20 names are not visible and shall be placed into a container selected
21 by the secretary of the appropriate election board;

22 4. The secretary shall draw, or may designate a person other
23 than the candidates, witnesses or other person directly interested
24 in the election to draw, one paper, and the name of the nominee or

1 electee appearing on the first drawn paper shall be declared the
2 winner. The secretary shall then expose the other name or names not
3 drawn to all witnesses present; and

4 5. The meeting shall be held on a weekday, holidays excepted,
5 between the hours of 7:00 a.m. and 7:00 p.m.

6 C. D. When there are three (3) or more candidates and a tie for
7 first place occurs for the nomination of a candidate at a Primary
8 Election for which a Runoff Primary will be held, the names of the
9 tied candidates shall be placed on the Runoff Primary ballot.

10 SECTION 2. This act shall become effective November 1, 2025.

12 60-1-10002 MJ 11/18/24