

1 ENGROSSED SENATE AMENDMENT  
2 TO  
3 ENGROSSED HOUSE  
4 BILL NO. 1678

5 By: Townley of the House

6 and

7 Burns of the Senate

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

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
13 entire bill and insert

14 "An Act relating to election certifications; amending  
15 26 O.S. 2021, Section 8-105, which relates to tie  
16 votes; modifying procedures for selection of nominee  
17 or electee in certain elections; providing exception  
18 to applicability of certain procedures; updating  
19 statutory language; and providing an effective date.

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

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

23 Section 8-105. A. When a tie vote is certified in the  
24 nomination or election of any candidate in any Runoff Primary,  
General Election, or any Primary Election, the election board ~~which~~

1 | that is authorized by law to issue the certified list or certificate  
2 | of election shall, at a public meeting of the board and in the  
3 | presence of the candidates involved or their designee, if they or  
4 | any of them desire to be present, select the nominee or electee by  
5 | lot.

6 |       B. When a nominee or electee is to be selected by lot pursuant  
7 | to the provisions of this section, the following procedures shall be  
8 | observed:

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

15 |           2. A candidate may designate one person as a witness to attend  
16 | the meeting on the candidate's behalf. The designation shall be  
17 | made in writing, signed by the candidate, and presented to the  
18 | ~~secretary of the appropriate election board~~;

19 |           3. The secretary of the appropriate election board shall, in  
20 | full view of those present at the meeting, clearly write or print  
21 | the name of each tied candidate on separate pieces of paper  
22 | measuring approximately equal size. The names of the candidates  
23 | shall be written or printed on the same color and type of paper.  
24 | The papers shall be folded ~~in half one time~~ so that the written

1 names are not visible and shall each be placed into a separate small  
2 opaque container of equal characteristics selected by the secretary  
3 ~~of the appropriate election board.~~ The opaque containers shall then  
4 be placed inside a larger transparent container in which the opaque  
5 canisters shall be tumbled or shaken so that the opaque containers  
6 change position with respect to each other;

7       4. The secretary shall ~~draw, or may~~ designate a person other  
8 than the candidates, witnesses, or other person directly interested  
9 in the election to draw~~r~~ one ~~paper~~ opaque container from inside the  
10 transparent container, and the name of the nominee or electee  
11 appearing on the ~~first drawn~~ paper inside the first drawn opaque  
12 container shall be declared the winner. The ~~secretary~~ secretary's  
13 designee shall then expose the other name or names not drawn to all  
14 witnesses present; and

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

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

21       D. The procedures prescribed in this section shall not apply to  
22 elections of state officers pursuant to Section 5 of Article VI of  
23 the Oklahoma Constitution.

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

Passed the Senate the 1st day of May, 2025.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_\_ day of \_\_\_\_\_,  
2025.

Presiding Officer of the House  
of Representatives

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

10

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

12 SECTION 3. AMENDATORY 26 O.S. 2021, Section 8-105, is  
13 amended to read as follows:

14 Section 8-105. A. When a tie vote is certified in the  
15 nomination or election of any candidate in any Runoff Primary,  
16 General Election, or any Primary Election, a second vote shall be  
17 set for the next practicable election date listed in subsection B of  
18 Section 3-101 of this title. When a second vote has occurred for a  
19 Primary or a Runoff Primary election, the General Election for that  
20 office shall move to the next practicable election date listed in  
21 subsection B of Section 3-101 of this title.

22 B. When a second tie vote is certified in the nomination or  
23 election of any candidate in any Runoff Primary, General Election or  
24 any Primary Election, the election board which is authorized by law

1 | to issue the certified list or certificate of election shall, at a  
2 | public meeting of the board and in the presence of the candidates  
3 | involved or their designee, if they or any of them desire to be  
4 | present, select the nominee or electee by lot.

5 |       B. C. When a nominee or electee is to be selected by lot  
6 | pursuant to the provisions of this section, the following procedures  
7 | shall be observed:

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

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

18 |       3. The secretary of the appropriate election board shall, in  
19 | full view of those present at the meeting, clearly write or print  
20 | the name of each tied candidate on separate pieces of paper  
21 | measuring approximately equal size. The names of the candidates  
22 | shall be written or printed on the same color and type of paper.  
23 | The papers shall be folded in half one time so that the written  
24 |

1 names are not visible and shall be placed into a container selected  
2 by the secretary of the appropriate election board;

3       4. The secretary shall draw, or may designate a person other  
4 than the candidates, witnesses or other person directly interested  
5 in the election to draw, one paper, and the name of the nominee or  
6 electee appearing on the first drawn paper shall be declared the  
7 winner. The secretary shall then expose the other name or names not  
8 drawn to all witnesses present; and

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

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

15 SECTION 4. This act shall become effective November 1, 2025.

16 Passed the House of Representatives the 5th day of March, 2025.

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Presiding Officer of the House  
of Representatives

Passed the Senate the              day of              , 2025.

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Presiding Officer of the Senate