

1                           **SENATE FLOOR VERSION**

2                           April 15, 2025

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1678

6                           By: Townley of the House

7                           and

8                           Burns of the Senate

9                           An Act relating to election certifications; amending  
10                          26 O.S. 2021, Section 8-105, which relates to tie  
11                          votes; modifying procedures for selection of nominee  
12                          or electee in certain elections; providing exception  
13                          to applicability of certain procedures; updating  
14                          statutory language; and providing an effective date.

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

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

18                          Section 8-105. A. When a tie vote is certified in the  
19                          nomination or election of any candidate in any Runoff Primary,  
20                          General Election, or any Primary Election, the election board ~~which~~  
21                          that is authorized by law to issue the certified list or certificate  
22                          of election shall, at a public meeting of the board and in the  
23                          presence of the candidates involved or their designee, if they or  
24                          any of them desire to be present, select the nominee or electee by  
                                lot.

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

4           1. The secretary of the appropriate election board shall, on or  
5 before the tenth day following the election, notify each of the  
6 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 each be placed into a separate small  
21 opaque container of equal characteristics selected by the secretary  
22 of the appropriate election board. The opaque containers shall then  
23 be placed inside a larger transparent container in which the opaque

1 canisters shall be tumbled or shaken so that the opaque containers  
2 change position with respect to each other;

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 opaque container from inside the  
6 transparent container, and the name of the nominee or electee  
7 appearing on the ~~first drawn~~ paper inside the first drawn opaque  
8 container shall be declared the winner. The ~~secretary~~ secretary's  
9 designee shall then expose the other name or names not drawn to all  
10 witnesses present; and

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
April 15, 2025 - DO PASS AS AMENDED BY CS