

**TITLE 630. SCENIC RIVERS COMMISSION  
CHAPTER 3. ELECTION PROCEDURES**

TEXT OF PROPOSED 2009 REVISIONS<sup>1</sup>

For rulemaking hearing and adoption by the  
Scenic Rivers Commission on March 17, 2009

**630:3-1-1. Purpose [AMENDED]**

The rules of this Chapter are adopted pursuant to ~~Title paragraph D of 82 O.S. Sections 1451–1471 Section 1461. They establish the election procedures for elected commissioners, the costs of which are borne by OSRC, are adopted as standards guiding the practice and procedures of the Oklahoma Scenic Rivers Commission and for the purpose of simplifying procedures, avoiding delays, saving expense, and facilitating administration of the Scenic Rivers Area for the Flint Creek and the Illinois River Scenic River and those portions of Barren Fork Creek within Cherokee County.~~

**630:3-1-2. Notice of filing period [AMENDED]**

The ~~Commission~~ OSRC shall ~~provide public~~ publish notice of the filing period, for elected-commissioner candidates to the Oklahoma Scenic Rivers Commission, in a newspaper of general circulation, serving the respective counties affected ~~by the election~~, at least twice with an interval of seven (7) days during the last week of October and the first two weeks of November, and/or by posting copies of such notice in at least five (5) public places within ~~the counties~~ each county affected by the elections.

**630:3-1-3. Filing period and procedures by candidates [AMENDED]**

(a) ~~The filing period for candidates shall be~~ Candidates shall file at the principal office of the OSRC a completed “Declaration of Candidacy” form provided by the OSRC between 8:30 8:00 a.m. and 5:00 4:30 p.m., Monday through Wednesday of ~~during~~ the third week in November in the year that positions become available.

(b) ~~In order to be eligible for the December election, all candidates for Commissioner shall file a notarized Declaration of Candidacy within the filing period at the Commission's headquarters in compliance with these rules.~~

(c) ~~All candidates for election shall use the official Declaration of Candidacy forms which shall be available at the office of the Oklahoma Scenic Rivers Commission.~~

**630:3-1-4. Notice of candidates and election [AMENDED]**

(a) ~~The Commission~~ If there are two or more candidates for an office, the OSRC shall ~~provide public~~ publish notice of ~~the candidates and the election~~ elections in a newspaper of general circulation, serving the respective counties affected by the elections, once a week for at least two consecutive weeks prior to election day. The notice shall ~~include, at a minimum, list~~ list the names of the candidates, voting hours, ~~the election date, and polling voting locations. If there is no candidate the Commission may then decide whether and when to conduct a special election.~~

(b) ~~Polling locations will be open to qualified voters to cast ballots from 7:00 a.m. to 7:00 p.m. on the scheduled county representative(s), at large or special election dates.~~

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<sup>1</sup> This is proposed to make this chapter clear and concise, as was done in the 2008 comprehensive review of the other OSRC rules. There are no significant changes to the election process.

**630:3-1-5. Date and place of election [AMENDED]**

Elections for non-appointed members of the Commission shall be held on the first Tuesday in December, from 7 a.m. to 7 p.m., as said positions become available. The OSRC shall provide at least one polling place in each of the counties affected by the election.

**630:3-1-6. Place of election [REVOKED]**

- ~~(a) There shall be at least one polling place in each of the counties within the jurisdiction of the Commission.~~
- ~~(b) Locations of polling places shall be determined by the Administrator based on the availability of proper facilities and convenience of the location for the voters.~~

**630:3-1-7. Qualification for voting in election [AMENDED]**

~~(a) In order to~~ To qualify to vote in Commission commissioner elections, all registered voters who also wish to vote for a candidate must reside, own real property or own a residential structure within 660 feet of a Scenic River, as specified in Title 82, Section 1461. To qualify, each registered voter must sign an OSRC affidavit for voter-qualifications in person or by mail with the OSRC at least 24 days before an election commences. Once registered, by submitting a ballot, registered voters certify that they remain eligible to vote. person shall:

- ~~(1) Meet requirements of Title 82 O.S., Section 1461.~~
- ~~(2) Register with the Commission as provided in OAC 630:3-1-11 and 12, and~~
- ~~(3) Sign an affidavit attesting that they meet all requirements at the time of voter registration.~~

~~(b) A description of the Commission's jurisdiction shall be available in the office of the Oklahoma Scenic Rivers Commission.~~

**630:3-1-8. Costs of election [REVOKED]**

~~The Oklahoma Scenic Rivers Commission shall assume all costs of the election and election notice, including those costs of precinct officials necessary to conduct elections.~~

**630:3-1-9. Special election [AMENDED]**

Should an elected-commissioner vacancy occur with more than 90 days remaining in its term, the OSRC may conduct a special election to fill the remainder of the vacant term. ~~become necessary pursuant to OAC 630:2-1-7, it shall be conducted in the following manner:~~

- ~~(1) Notice of the~~ The OSRC shall publish notice of a special election, the filing period (which shall be the second week after the week in which notice was first published), and the location shall be given in a newspaper of general circulation, serving the respective counties affected by the election, at least twice with an interval of seven (7) days during a three (3) week period, and/or by posting copies of such notice in at least five (5) public places within the counties affected by the election; in the same manner as described in rule 630:3-1-2, above.
- ~~(2) The filing period for candidates shall be for a one week period immediately following the initial three week period in which such notice was given; Candidates shall file during the week specified in the notice in the same manner as described in rule 630-3-1-3, above.~~
- ~~(3) The OSRC shall publish notice of the special election, date which shall be held on the third Tuesday following the end of the filing period, in the same manner as described in rule 630:3-1-4, above;~~
- ~~(4) The notice of candidates, election date, and location shall be given at the end of the filing period in the same manner as the original notice of election.~~

**630:3-1-10. Loyalty Oath and Oath of Office for new members [AMENDED]**

Newly elected members of the Commission shall receive an Oath of Office and Loyalty Oath to be administered at the next regularly scheduled Commission meeting following the election.

**630:3-1-11. Time for registration [REVOKED]**

In order to be eligible to vote, all persons must register with the Commission at least 24 days prior to a scheduled election. Persons must meet all of the eligibility requirements prior to registering.

**630:3-1-12. Procedures to register or update registration [REVOKED]**

Persons meeting the requirements of Title 82 O.S. Section 1461 may register to vote or update a registration to vote by:

- (1) Submitting a completed voter registration application on the approved form to the Oklahoma Scenic Rivers Commission, P.O. Box 292, Tahlequah, OK 74465-0292.
- (2) Completing a voter registration application on the approved form in the presence of administrative staff of the Commission at its headquarters located 2 miles northeast of Tahlequah, Oklahoma on State Highway "Scenic" 10 North.

**630:3-1-13. Absentee voting Prohibitions [AMENDED]**

- (a) Absentee voting shall not be permitted in Commission elections.
- (b) Except for OSRC staff and notices, no person shall campaign, post campaign literature or poll voters within 300 feet of any ballot box during voting hours.

**630:3-1-14. Campaigning prohibited [REVOKED]**

No person shall be allowed to campaign within three hundred (300) feet of any ballot box while an election is in progress, nor shall any person be allowed within fifty (50) feet of any ballot box while an election is in progress, except election officials and other persons authorized by law. No printed material, other than that provided by the Commission, shall be publicly placed or exposed within three hundred (300) feet of any ballot box, while an election is in progress.

**630:3-1-15. Polling prohibited [REVOKED]**

Polling shall not be permitted within fifty (50) feet of any ballot box while an election is in progress.

**630:3-1-16. ~~Certification of results~~ Counting of votes**

- (a) ~~When all the ballots have been counted, the Administrator shall certify the results. Notice of the certified results shall be publicly posted at Commission headquarters. Ballots shall be collected, counted and delivered to the principal office of the OSRC by the first Friday after the election.~~
- (b) ~~In the event of a tie vote for the winner, the Administrator shall conduct a recount in the presence of the candidates involved or their designee, if any of them desire to be present. notify each candidate of that fact and of the date and time for a recount. Each candidate, or their designee, may be present and observe the recount. If the recount yields a tie, the Administrator will select the electee winner by lot.~~
- (c) ~~When an electee is to be selected by lot pursuant to the provisions of this section, the following procedures shall be observed;~~
  - (1) ~~The Administrator shall, on or before the seventh day following the election, notify each of the tying candidates for which the vote was tied. The notices shall include the time, date and location of the recount and selection by lot. The notice shall be made in writing by certified mail and shall be postmarked not fewer than five (5) days prior to the meeting.~~
  - (2) ~~A candidate may designate one person to attend on the candidate's behalf. The designation shall be made in writing, signed by the candidate, and submitted to the Administrator.~~
  - (3) ~~The recount and selection shall be conducted on a weekday, holidays excepted, between the hours of 7:00 a.m. to 7:00 p.m.~~
  - (4) ~~The Administrator shall, in full view of those present, clearly write or print the name of each tied candidate on a separate pieces piece of paper measuring approximately of equal size. The names of the candidates shall be written or printed on the same color and type of paper. The papers shall be folded in half one time so that the written names are not visible and shall be then placed into a container selected chosen by the Administrator.~~

~~(5) (2) The Administrator shall draw, or may designate a person other than the candidates, designees, or other person directly interested in the election an OSRC staff member to draw, one paper, and the name of the electee person appearing on the first drawn paper shall be declared the winner. The Administrator shall then expose the other name or names not drawn to all witnesses present.~~

(c) At the conclusion of the ballot counting, the Administrator shall notify each candidate of the results, including the numbers of ballots cast for each candidate, and post the results at the principal office.

**630:3-1-17. ~~Time for filing contest~~ Election challenges [AMENDED]**

(a) Any candidate whose name appeared on an election ballot may, at any time before 5:00 4:30 p.m. on the second Friday next following after an election, contest the announced results of the election for the reasons set forth in OAC 630:3-1-18 and 20 by filing a written petition with the Commission OSRC, and mailing a copy to each candidate. The petition shall be treated under rule 630:4-1-6 as for an interpretive opinion about the results of the election. Nothing in this rule shall be construed to prohibit any proceedings in district court, which are otherwise authorized by law, alleging irregularities or fraud in an election.

(b) If the petition seeks a recount, the Administrator shall, within five days after the petition is filed, conduct the recount, post the results at the principal office and notify the candidates and the Commission in writing. Ties shall be processed as in paragraph (b) of rule 630:3-1-16, above.

(c) If the petition alleges some fraud or other irregularity, the Commission may order a new election only if the Commission finds, based on the record of the hearing, that fraud or a procedural irregularity materially affected the outcome of the election.

**630:3-1-18. ~~Petition for recount~~ Certification of results [AMENDED]**

(a) In the event a candidate requests a recount of the ballots cast in an election, it must set forth in the petition the county precincts which are to be recounted. When such petition is properly filed, it shall be the duty of the Administrator to conduct said recount and certify the results within five (5) days from the date of filing of said petition. If no petition is filed by the second Friday after an election, then the Administrator shall certify the results to the Commission.

(b) If a petition challenging the election is timely filed, then the Commission shall certify the results after determination under rule 630:4-1-6.

~~(b) (c) notice~~ Notice of the certified results shall be posted in public view at the OSRC headquarters and transmitted in writing principal office and mailed to the candidates within 24 hours after certification.

**630:3-1-19. Election contested-service of notice [REVOKED]**

(a) In all contests of elections, it shall be the duty of such contestant to serve a true copy of the petition upon the opposing candidate or candidates and any person directly affected by said contest.

(b) Service shall be made in person where possible, within twenty four (24) hours after the filing of the petition.

(c) If a tie vote occurs as a result of a recount of ballots, provisions of OAC 630:3-1-16 shall prevail in certifying the electee.

**630:3-1-20. Election contested due to fraud or other irregularity [REVOKED]**

(a) In the event a candidate contests the correctness of the announced results of an election by alleging either fraud or any other irregularity in the conduct of the election, the Administrator shall set a hearing in accordance with the procedures for individual hearings set forth in OAC 630:4-5.

~~(b) The Commission may order a new election only if the Commission finds, based on the record of the hearing, that fraud occurred or that a procedural irregularity materially affected the outcome of the election.~~

**630:3-1-21. Spoiled ballots [AMENDED]**

Should a voter spoil any ballot ~~in his effort to vote the same~~, the voter shall ~~fold~~ write “spoiled” and print and sign his or her name on the ballot card and return it to the clerk to exchange for a fresh ballot. Spoiled ballots shall not be counted. ~~The clerk shall destroy said ballot card or cards in the presence of the voter and shall issue the voter another ballot card in the same manner that the first one was provided. The voter must execute an affidavit prescribed by the Administrator in which the voter swears or affirms that he spoiled his original ballot card or cards, returned said ballot card or cards to the clerk, that the clerk destroyed the ballot card or cards in the voter's presence and the voter was issued a new ballot card or cards.~~