

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2368

BY: HAMILTON (James)

AS INTRODUCED

AN ACT RELATING TO SPECIAL ELECTIONS; AMENDING 51

O.S. 1991, SECTION 10, WHICH RELATES TO VACANCIES  
IN STATE OFFICES; REQUIRING ALL VACANCIES IN STATE  
OFFICES TO BE FILLED BY SPECIAL ELECTION; MODIFYING  
APPOINTMENT AUTHORITY OF THE GOVERNOR; REQUIRING  
VACANCIES IN THE OFFICE OF CERTAIN STATEWIDE  
ELECTED OFFICIALS TO BE FILLED BY SPECIAL ELECTION;  
PROVIDING PROCEDURES; REQUIRING PROCLAMATION AND  
SPECIFYING ITS CONTENTS; MAKING GENERAL LAWS APPLY;  
PROVIDING FOR THE TERM OF A SUCCESSFUL CANDIDATE;  
PROVIDING FOR CODIFICATION; AND PROVIDING AN  
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 10, is  
amended to read as follows:

Section 10. ~~(a)~~ A. All vacancies in state offices, ~~except in~~  
including, but not limited to, offices of the members of the  
Legislature, members of the House of Representatives from Oklahoma  
in the Congress of the United States of America ~~and,~~ members of the  
Senate of the United States of America, the Lieutenant Governor,  
State Auditor and Inspector, Attorney General, State Treasurer,

State Superintendent of Public Instruction, Commissioner of Labor and the Commissioner of Insurance, shall be filled ~~by appointment~~ at a special election to be called by the Governor as prescribed by law. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, the Governor shall, in filling such vacancy, utilize the services of the Judicial Nominating Commission in the manner as provided for in the filling of judicial offices under Section 4, Article 7B of the Oklahoma Constitution.

~~(b)~~ B. All vacancies in county offices except the board of county commissioners shall be filled by appointment by the board of county commissioners. If such an appointment is made prior to the prescribed filing period for county officers in accordance with the provisions of Section 131 of Title 19 of the Oklahoma Statutes, the county commissioners shall, at the time said appointment is made, proclaim a special election to fill the balance of the unexpired term, providing the balance of the term does not expire in the year following the next succeeding general election. In making the proclamation, the county commissioners shall establish the dates for the filing period, primary election, runoff primary election and general election to be the same as the next succeeding filing period, primary election, runoff primary election and general election for county officers. The appointee shall be eligible to become a candidate at said special election, providing said appointee is otherwise qualified. The office to be filled shall be printed on the same ballot as other county offices.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-119 of Title 26, unless there is created a duplication in numbering, reads as follows:

Whenever a vacancy shall occur in the Office of the Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, State Superintendent of Public Instruction, Commissioner

of Labor, or the Commissioner of Insurance, such vacancy shall be filled at a Special Election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of said office expires the following year. In such case, the candidate elected to the office at the regular General Election shall be appointed by the Governor to fill the unexpired term.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-120 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. In calling an election pursuant to Section 2 of this act, the Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board.

B. 1. The proclamation shall contain the following facts:

- a. a filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of the proclamation,
- b. the date of the Special Primary Election, not less than twenty (20) days after the close of the filing period, and
- c. the date of the Special General Election, not less than twenty (20) days after the date of the Primary Election;

2. Should such a vacancy occur between March 1 and July 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-121 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Elections called pursuant to Section 2 of this act shall be conducted under the laws applicable to regular Primary and General Elections, except that the candidate receiving the highest number of votes in said Primary Election shall be deemed the nominee of his political party, provided that the dates of the elections do not coincide with the dates for the regular Primary, Runoff Primary and General Elections. If the nominee of a political party is unopposed in the Special Election, he shall be issued a certificate of election after the expiration of the contest period following the Primary or Runoff Primary Election, if no contest is filed, and shall immediately assume the duties of the office.

B. The successful candidate shall serve the remainder of the unexpired term of the office.

SECTION 5. This act shall become effective September 1, 1992.

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