

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1677

By: Dunlap

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 1-101, 1-102 and 1-103, which relate to state and county elections; deleting authorization of political subdivisions of the state to schedule elections on certain dates; amending 26 O.S. 1991, Section 3-101, as amended by Section 3, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1992, Section 3-101), which relates to scheduling of special elections; modifying scheduling of special elections; amending 26 O.S. 1991, Section 12-116, as amended by Section 17, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1992, Section 12-116), which relates to special elections on state or local questions; prohibiting the scheduling of special elections on state or local questions on the date of any runoff election; amending 26 O.S. 1991, Section 13A-103, as amended by Section 18, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1992, Section 13A-103), which relates to election dates for special elections; modifying the scheduling of certain elections; and providing for an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 1-101, is amended to read as follows:

Section 1-101. On the first Tuesday succeeding the first Monday of November, 1976, and every four (4) years thereafter, a General Election shall be held, at which time electors for President and Vice President shall be elected. On said date, and every two (2) years thereafter, United States Senators and United States Representatives, whose terms expire before the next succeeding General Election, and state, district and county officers, whose terms expire before the next succeeding General Election, shall be elected. ~~No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such General Election.~~

SECTION 2. AMENDATORY 26 O.S. 1991, Section 1-102, is amended to read as follows:

Section 1-102. A Primary Election shall be held on the ~~fourth~~ third Tuesday in August of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate its candidates for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless said candidate shall have been nominated as herein provided, unless otherwise provided by law; provided further that this provision shall not exclude the right of a nonpartisan candidate to have his name printed upon said General Election ballots. ~~No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.~~

SECTION 3. AMENDATORY 26 O.S. 1991, Section 1-103, is amended to read as follows:

Section 1-103. If at any Primary Election no candidate for the nomination for office of any political party receives a majority of all votes cast for all candidates of such party for said office, no candidate shall be nominated by said party for said office, but the two candidates receiving the highest number of votes at said election shall be placed on the official ballot as candidates for such nomination at a Runoff Primary Election to be held on the third Tuesday of September of the same year. ~~No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Runoff Primary Election.~~

SECTION 4. AMENDATORY 26 O.S. 1991, Section 3-101, as amended by Section 3, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1992, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, vocational-technical school district, municipality or other entity authorized to call elections except on the second Tuesday of ~~January, February, or~~ May, June, July, the third Tuesday of August, September, October, or the first Tuesday of November and December and the first Tuesday in March and April in odd-numbered years and the second Tuesday of January, February, March, May, June, October and December, the first Tuesday in April, the fourth Tuesday in August, the third Tuesday in September and the first Tuesday after the first Monday in November of any even-numbered year.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 12-116, as amended by Section 17, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1992, Section 12-116), is amended to read as follows:

Section 12-116. In the event the Governor or the Legislature shall call for a special statewide election on any measure to be submitted to a vote of the people, said election shall be held not fewer than sixty (60) days from the date said election is called. In the event the board of county commissioners or the governing body of a municipality or school district or vocational-technical school district or any other governmental subdivision calls for a special election on any question, said election shall be held not fewer than sixty (60) days from the date said election is called; provided, that a special election called by a school or vocational-technical school district to be held on the date of the annual school runoff election shall not be held fewer than forty-five (45) days from the date said special election is called. A special election to fill a vacancy for member of the board of education of a school district or to fill a vacancy for municipal office shall be scheduled not fewer than sixty (60) days from the date said election is called. No special election provided for in this section shall be held on the date of any runoff election.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 13A-103, as amended by Section 18, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 1992, Section 13A-103), is amended to read as follows:

Section 13A-103. A. The election of members of the board of education of every school district and vocational-technical school district shall be conducted on the second Tuesday in February of each year.

If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the first Tuesday in ~~April~~ May of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year.

C. The board of education of every school district or vocational-technical school district may call a special election for the purpose of voting on any matter or question authorized by law on a date provided for in Section 3-101 of this title.

SECTION 7. This act shall become effective September 1, 1993.

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