

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1683

By: Pettigrew

AS INTRODUCED

An Act relating to elections; requiring certain persons to file letters of intent to file declarations of candidacy within certain time; providing that filing of declaration of candidacy for another office constitutes resignation from office held when successor is sworn in; limiting scope of law; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-101a of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Any person elected to a state, judicial, county, school district, or municipal office, or who is appointed to fill a vacancy in any such office, who during the person's term of office plans to file a declaration of candidacy for another such office which will be filled at the next general election shall file a letter of intent to file for the office with the State Election Board, if the declaration of candidacy is to be filed with that board, or with the county election board, if the declaration of candidacy is to be

filed with that board, at least thirty (30) days prior to the first day of the filing period.

B. Any person elected to a state, judicial, county, school district, or municipal office, or who is appointed to fill a vacancy in any such office, who during the person's term of office plans to file a declaration of candidacy for another such office that has become vacant and is to be filled by election shall file a letter of intent to file for the office with the State Election Board, if the declaration of candidacy is to be filed with that board, or with the county election board, if the declaration of candidacy is to be filed with that board, within five (5) days after the proclamation calling for the special election to fill the vacancy is filed.

C. A person holding elective office who files a declaration of candidacy for another office shall be deemed to have resigned from the office held by that person at the time the successor to the office is sworn into office.

D. The provisions of this section shall not apply to any person whose present term of office expires within sixty (60) days of the expiration of the current term of office for the position for which the person plans to file, unless the election is to fill a vacancy in an unexpired term.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5242

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