

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1186

By: Stipe

AS INTRODUCED

An Act relating to elections; amending 51 O.S. 1991, Section 10, as amended by Section 14, Chapter 316, O.S.L. 1993, 11, 12.1 and 15 (51 O.S. Supp. 1999, Section 10), which relates to vacancies in state offices; requiring vacancies in state offices be filled by special election to be called within specified time period; requiring certain judicial positions be filled by appointment; modifying language relating to appointment; deleting state officers from reporting exemptions with regard to appointment of spouses of deceased political subdivision officers; modifying criteria for period of holding office by specified officers; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 10, as amended by Section 14, Chapter 316, O.S.L. 1993 (51 O.S. Supp. 1999, Section 10), is amended to read as follows:

Section 10. (a) All vacancies in state offices, except in 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, shall be filled ~~by appointment by the Governor~~ at a special election to be called by the Governor within thirty (30) days after the vacancy occurs. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, the Governor shall ~~fill such vacancy by~~ appointment and 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) All vacancies in county offices except the board of county commissioners or except for any elective county office of any county in the State of Oklahoma having a population of more than five hundred and fifty thousand (550,000), according to the latest Federal Decennial Census 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. AMENDATORY 51 O.S. 1991, Section 11, is amended to read as follows:

Section 11. If a vacancy occurs within thirty (30) days previous to an election day at which it may be filled, no appointment shall be made ~~unless it be necessary to carry out said election and the canvass of the same according to law; in that case an appointment may be made at any time previous to said election to hold until after said election or until his successor is elected and qualified or special election held.~~

SECTION 3. AMENDATORY 51 O.S. 1991, Section 12.1, is amended to read as follows:

Section 12.1 If any officer of the ~~state~~, district, county, city, town or other governmental subdivision of this state shall die while in office, and shall leave a surviving spouse, the ~~said~~ surviving spouse shall be eligible (if otherwise qualified) to be appointed to and to hold ~~said~~ the office during the term for which the ~~said~~ officer was elected or appointed, regardless of the degree of relationship by either affinity or consanguinity to the appointing officer or to any member of the appointing board, commission, or other appointing authority, and it shall not be unlawful for any officer, board, commission, appointing authority, or member thereof to appoint or vote for the appointment of ~~said~~ the surviving spouse to ~~said~~ the office during ~~said~~ the term, regardless of any such relationship.

SECTION 4. AMENDATORY 51 O.S. 1991, Section 15, is amended to read as follows:

Section 15. Every appointed officer and every officer elected in a special election shall hold his office ~~until the end of the term for which the officer whom he succeeds was elected or appointed, and until his successor is elected and qualified~~ and serve the remainder of the unexpired term.

SECTION 5. 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.

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