

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 826

By: Ford of the Senate

and

Hiett of the House

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2001, Section 12-101, which relates to vacancies in Congress; deleting certain obsolete provisions for special elections; allowing incumbents in certain elective offices to file resignation to become effective on some date certain; authorizing the Governor to call a special election to fill the vacancy; providing that person elected take office on specified date and serve remainder of term; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 12-101, is amended to read as follows:

Section 12-101. A. Except as otherwise provided in this section, whenever a vacancy shall occur in the office of a member of the United States Senate or United States House of Representatives from Oklahoma, such vacancy shall be filled at a Special Election to be called by the Governor within thirty (30) days after such vacancy occurs.

B. No special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of the 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.

~~C. If in an even-numbered year an incumbent United States Senator with two (2) or more years remaining in the term for which~~

~~the incumbent was elected shall file with the Oklahoma Secretary of State before July 1 a resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain which date is after the General Election, but before the convening of the next term of Congress, the vacancy shall be filled by a special election which shall be held in that even-numbered year on the same dates as the regular Primary Election, Runoff Primary Election and General Election. The filing period for the special election shall be the regular filing period prescribed in Section 5-110 of this title. The person elected in the General Election of the special election shall take office on the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.~~

~~D. If an incumbent United States Representative files with the Oklahoma Secretary of State an irrevocable resignation in writing on or before October 29, 2001, which states the resignation shall not become effective immediately, but will become effective on some date certain, the vacancy shall be filled by a special election to be called by the Governor. The Governor shall issue a proclamation in accordance with Section 12-102 of this title, and the filing period shall be held November 5, 6, and 7, 2001, and the primary election shall be held December 11, 2001. The runoff election shall be held January 8, 2002, and the general election shall be held February 12, 2002. In the event that a runoff election is not necessary, the General Election shall be held on January 8, 2002. The person elected in the General Election of the special election shall take office on the later of the date the resignation of the incumbent becomes effective or the date the results of the General Election have been certified by the State Election Board and shall serve the remainder of the unexpired term.~~

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:

Except as otherwise provided by law, an incumbent in any elective office for which a vacancy is filled by special election called by the Governor may file with the Oklahoma Secretary of State an irrevocable resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain. The vacancy shall be filled by a special election which shall be called by the Governor. The person elected at the special election shall take office on the later of the date of the special election or the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.

SECTION 3. This act shall become effective November 1, 2002.

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