

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 485

By: Fair

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 1-102, 1-103, 1-108, 3-101, as last amended by Section 3, Chapter 176, O.S.L. 1997, 4-119, as last amended by Section 7, Chapter 358, O.S.L. 2000, 5-110, 12-103, 12-108, 12-113, and 14-115.5, as last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 2000, Sections 3-101, 4-119, and 14-115.5), which relate to elections; regularizing punctuation; clarifying certain references; neutralizing gender references; changing date of primary elections; changing date of Runoff Primary Elections; modifying time period in which certain political party may be formed; changing date for filing of certain petitions; changing date for circulation of certain petitions; modifying date when special election may be held; changing date for changing of political affiliation; modifying date for declaration of candidacy; modifying requirements for proclamation to contain certain facts; modifying dates between which vacancy occurs when a special election is required; modifying date for submission of list of names; and providing an effective date.

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

SECTION 1. 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~~ first 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 2. 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~~ second 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 3. AMENDATORY 26 O.S. 1991, Section 1-108, is amended to read as follows:

Section 1-108. A group of persons may form a recognized political party at any time except during the period between ~~July 1~~ June 1 and November 15 of any even-numbered year if the following procedure is observed:

1. Notice of intent to form a recognized political party must be filed in writing with the Secretary of the State Election Board at any time except during the period between March 1 and November 15 of any even-numbered year.

2. After said notice is filed, petitions seeking recognition of a political party, in a form to be prescribed by the Secretary of the State Election Board, shall be filed with said Secretary, bearing the signatures of registered voters equal to at least five percent (5%) of the total votes cast in the last General Election

either for Governor or for electors for President and Vice President. Each page of said petitions must contain the names of registered voters from a single county. Petitions may be circulated a maximum of one (1) year after notice is filed, provided that petitions shall be filed with said Secretary no later than ~~May 31~~ April 30 of an even-numbered year. Said petitions shall not be circulated between ~~May 31~~ April 30 and November 15 of any even-numbered year.

3. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions. If said Board determines there are a sufficient number of valid signatures of registered voters, the party becomes recognized under the laws of ~~the State of Oklahoma~~ this state with all rights and obligations accruing thereto.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 3-101, as last amended by Section 3, Chapter 176, O.S.L. 1997 (26 O.S. Supp. 2000, 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, May, June, July, August, September, October, 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~~ August and December, the first Tuesday in April, ~~the fourth Tuesday in August,~~ the ~~third~~ second Tuesday in September and the first Tuesday after the first Monday in November of any even-numbered year.

C. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 4-119, as last amended by Section 7, Chapter 358, O.S.L. 2000 (26 O.S. Supp. 2000, Section 4-119), is amended to read as follows:

Section 4-119. Any registered voter may change ~~his or her~~ political affiliation by executing a form prescribed by the Secretary of the State Election Board at any time prescribed by law for registration transactions except during the period from 5:00 p.m. on ~~July~~ June 1 through 5:00 p.m. on September 30 in any even-numbered year. Information given by the voter shall be under oath. The county election board secretary in the applicant's county of residence shall hold any such application for political affiliation change received by the State Election Board, any county election board, any agency designated to accept voter registration applications or any motor license agent as part of a driver license or identification card application after 5:00 p.m. ~~July~~ June 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is postmarked after 5:00 p.m. ~~July~~ June 1 through 5:00 p.m. on September 30 in any even-numbered year or if a mail application is received without a postmark more than five (5) days after ~~July~~ June 1 through 5:00 p.m. on September 30 in any even-numbered year.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 5-110, is amended to read as follows:

Section 5-110. Declarations of candidacy provided herein must be filed with the secretary of the appropriate election board no earlier than 8:00 a.m. on the ~~first~~ second Monday ~~after Independence Day~~ of June in any even-numbered year and no later than 5:00 p.m. on the next succeeding Wednesday. Said declarations of candidacy may be transmitted by United States mail, but in no event shall the

secretary of any election board accept said declarations after the time prescribed by law.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 12-103, is amended to read as follows:

Section 12-103. ~~Said proclamation~~ Proclamations filed pursuant to Section 12-102 of this title shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday, and Wednesday not less than ten (10) days from the date of said proclamation;
2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period;
3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Primary Election; and
4. The date of the Special General Election, not less than twenty (20) days after the date of the Runoff Primary Election.

Should ~~such~~ a vacancy occur between March 1 and ~~July 1~~ June 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 8. AMENDATORY 26 O.S. 1991, Section 12-108, is amended to read as follows:

Section 12-108. ~~Said proclamation~~ Proclamations filed pursuant to Section 12-107 of this title shall contain the following facts:

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

Should ~~such~~ a vacancy occur between March 1 and ~~July 1~~ June 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 9. AMENDATORY 26 O.S. 1991, Section 12-113, is amended to read as follows:

Section 12-113. ~~Said proclamation~~ Proclamations filed pursuant to Section 12-112 of this title shall contain the following facts:

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

Should ~~such~~ a vacancy occur between March 1 and ~~July 1~~ June 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 10. AMENDATORY 26 O.S. 1991, Section 14-115.5, as last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 2000, Section 14-115.5), is amended to read as follows:

Section 14-115.5 To carry out the provisions of Section 14-115 of this title and Section 14-115.4 of this title, the secretary of the county election board shall designate one or more absentee voting boards, to be composed of two (2) members each, with each member to be of a different political affiliation. No later than ~~August 1~~ July 1 in each even-numbered year, the ~~chairmen~~ chairs of the county central committees of the two political parties having the highest number of registered voters in the county shall each

submit a list of ten names to the secretary. Said lists shall contain names of registered voters of the county, who may be members of the county election board, except the secretary, or precinct election boards or counters. The secretary shall be confined to said list in designating membership on the absentee voting board or boards, unless all persons on said lists are ineligible or unwilling to serve. In the event the ~~chairman~~ chair of the county central committee of a political party fails to submit a list as herein provided, the secretary shall appoint membership to said board or boards from the ranks of registered voters of said party within the county. ~~Provided further;~~ provided, that in the event the list of names of either or both parties is exhausted and additional absentee voting boards are needed, the secretary shall appoint additional members to said boards from the ranks of said party or parties in the county. Members of an absentee voting board shall be reimbursed for their expenses at the rate of ~~Forty Dollars (40.00)~~ Forty Dollars (\$40.00) per day. One member of each such board serving a nursing home or convalescent hospital shall be allowed mileage reimbursement at the rate prescribed for travel by state employees according to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 11. This act shall become effective January 1, 2002.

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