

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 647

By: Leftwich

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 1-102, 1-103, 4-119, as last amended by Section 7, Chapter 358, O.S.L. 2000, 5-110, 12-103, 12-108, 12-113, 14-115.5, as last amended by Section 4, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 2000, Sections 4-119 and 14-115.5), which relate to elections; changing month for a Primary Election to be held; modifying the percentage of votes needed to eliminate the need of a runoff Primary Election; changing date for runoff Primary Election; 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 Tuesday in ~~August~~ July 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~~ the 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~~ be listed by name upon ~~said the~~ 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~~ at least forty percent (40%) of all votes cast for all candidates of such party for ~~said~~ the office, no candidate shall be nominated by ~~said~~ the party for ~~said~~ the office, but the two candidates receiving the highest number of votes at ~~said~~ the 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 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. This act shall become effective November 1, 2001.

48-1-983

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