STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 668 By: Henry

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 1991, Sections 10-101, 10-101.1, 10-101.2, 10-103, 10-105 and 10-107, which relate to Presidential Electors; providing for two at-large Presidential Electors; providing for congressional district electors; providing residency requirement; providing method of selection; providing for designation on ballots; providing for casting of votes; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 10-101, is amended to read as follows:

Section 10-101. A. The nominees for Presidential Electors of any recognized political party shall be selected at a statewide convention of said party in a manner to be determined by said party. One nominee for Presidential Elector shall be selected from each congressional district and two nominees for Presidential Elector shall be chosen at-large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected. The nominees for Presidential Electors shall be certified by said party's ~~chairman~~ chair to the Secretary of the State Election Board no fewer than ninety (90) days nor more than one hundred eighty (180) days from the date of the General Election at which candidates for Presidential Electors shall appear on the ballot. Failure of a political party to properly certify the names of its nominees for Presidential Electors within the time specified shall bar such party from placing any candidates for Presidential Electors on the ballot at said election.

B. Candidates for Presidential Electors seeking to appear on the ballot as uncommitted shall be entitled to have their names placed upon the ballot at a General Election by observing the following procedure:

1. No later than July 15 of a presidential election year, petitions seeking ballot access for said uncommitted candidates for Presidential Electors, 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 three percent (3%) of the total votes cast in the last General Election for President. Each page of said petitions must contain the name of registered voters from a single county.

2. 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 nominees for Presidential Electors are entitled to appear on the ballot at the next following General Election at which candidates for Presidential Electors shall appear on the ballot.

3. One nominee for Presidential Elector shall be chosen from each congressional district and two nominees for Presidential Elector shall be chosen at-large. The two uncommitted candidates with petitions containing the two largest numbers of valid signatures shall be the at-large nominees. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 10-101.1, is amended to read as follows:

Section 10-101.1 A. The names of a slate of candidates for the office of Presidential Elector pledged to an Independent candidate for President of the United States shall be printed on the ballot only by observing the following procedure:

1. No later than July 15 of a presidential election year, petitions signed by a number of registered voters supporting the candidacy of said candidate for President of the United States equal to at least three percent (3%) of the total votes cast in the last General Election for President shall be filed with the Secretary of the State Election Board. The form of said petitions shall be prescribed by the Secretary. Each page of said petitions must contain the names of registered voters from a single county.

2. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions.

3. If the petitions are found to be sufficient, the Independent candidate for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board the names of the nominees for Presidential Elector pledged to him or her and the name of his or her Vice Presidential running mate. Each candidate for Presidential Elector so nominated shall subscribe to an oath stating that, if elected, ~~he~~ the candidate will cast his or her ballot for the candidate who nominated him or her and for ~~said~~ the candidate's Vice Presidential running mate. ~~Said~~ The oath shall be filed with the Secretary of the State Election Board no later than September 15.

B. One nominee for Presidential Elector shall be chosen from each congressional district and two nominees for Presidential Elector shall be chosen at-large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 10-101.2, is amended to read as follows:

Section 10-101.2 A. The names of a slate of candidates for the office of Presidential Elector pledged to the nominee of a political party not recognized under the laws of the State of Oklahoma for

President of the United States shall be printed on the ballot only by observing the following procedure:

1. No later than July 15 of a presidential election year, petitions signed by a number of registered voters supporting the candidacy of said nominee for President of the United States equal to at least three percent (3%) of the total votes cast in the last General Election for President shall be filed with the Secretary of the State Election Board. Notice of intention to circulate petitions shall be filed with the Secretary of the State Election Board before such petitions may be circulated. The form of said petitions shall be prescribed by the Secretary. Each page of said petitions must contain the names of registered voters from a single county.

2. Within thirty (30) days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions.

3. If the petitions are found to be sufficient, the nominee for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board the names of the nominees for Presidential Elector pledged to him and the name of his Vice Presidential running mate. Each candidate for Presidential Elector so nominated shall subscribe to an oath stating that, if elected, he will cast his ballot for the candidate who nominated him and for said candidate's Vice Presidential running mate. Said oath shall be filed with the Secretary of the State Election Board no later than September 15.

B. One nominee for Presidential Elector shall be chosen from each congressional district and two nominees for Presidential Elector shall be chosen at-large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 10-103, is amended to read as follows:

Section 10-103. On the first Tuesday after the first Monday in November in each year next preceding the expiration of the term of office of each President of the United States, the registered voters of this state shall elect a number of electors for President and Vice President equal to the number of United States Senators and United States Representatives which the state is entitled to elect. Said electors shall be elected in the same manner as is provided for state officers. Receipt by the Presidential Electors of a party or receipt by uncommitted electors of the highest number of votes statewide shall constitute election of the two at-large Presidential Electors of that party or election of the uncommitted electors. Receipt by the Presidential Electors of a party or receipt by uncommitted electors of the highest number of votes in a congressional district shall constitute election of the congressional district Presidential Elector of that party or election of the uncommitted electors.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 10-105, is amended to read as follows:

Section 10-105. At any General Election in which Presidential Electors are to be elected, the State Election Board shall provide ballots on which the names of the Presidential Electors of each political party shall be bracketed adjacent to the names of said party's candidates for President and Vice President. The names of the Independent nominees for Presidential Electors shall be bracketed adjacent to the names of the candidates for President and Vice President for whom they have subscribed an oath to cast their ballots or bracketed adjacent to the word "Uncommitted" in the event said nominees are uncommitted. The ballots shall indicate whether the elector is an at-large Presidential Elector or a congressional

district Presidential Elector. Said ballots shall, in all other respects, have the appearance of ballots used for state officers.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 10-107, is amended to read as follows:

Section 10-107. Persons chosen as Presidential Electors shall meet at 10:00 a.m. in the Governor's office at the time appointed by the laws of the United States and cast their votes in the manner therein provided and perform such duties as may be required by law. The at-large Presidential Electors shall cast their two votes for the Presidential and Vice Presidential candidates who received the highest number of votes in the state. Each congressional district Presidential Elector shall cast a vote for the Presidential and Vice Presidential candidates who received the highest number of votes in the congressional district that Presidential Elector represents. Each such Elector shall receive mileage reimbursement at the rate as provided for state employees, said reimbursement to be paid from funds appropriated to the Office of the Governor.

SECTION 2. This act shall become effective November 1, 2001.

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