STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2712 By: Toure

COMMITTEE SUBSTITUTE

An Act relating to elections; providing that vacancies in the office of district judge or associate district judge be filled at a nonpartisan special election; requiring a proclamation of the calling of the election; providing for filing of copy of proclamation; providing dates for filing declarations of candidacy and for elections; providing that general election laws apply; providing that unopposed candidate be issued certificate of election; providing that successful candidate serve the remainder of the unexpired term; amending 51 O.S. 2001, Section 10, which relates to vacancies in certain offices; eliminating provision that the Governor fill by appointment vacancies in office of district judge or associate district judge; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-120 of Title 26, unless there is created a duplication in numbering, reads as follows:

Whenever a vacancy shall occur in the office of district judge or associate district judge, the vacancy shall be filled at a nonpartisan Special Election to be called by the Governor within thirty (30) days after the vacancy occurs; provided, no special election shall be called if the vacancy occurs after June 1 of any even-numbered year if the term of the office expires the same year.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-121 of Title 26, unless there is created a duplication in numbering, reads as follows:

In calling such an election, the Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-122 of Title 26, unless there is created a duplication in numbering, reads as follows:

Said proclamation 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 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 and General Election.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-123 of Title 26, unless there is created a duplication in numbering, reads as follows:

Said elections shall be conducted under the laws applicable to regular Primary and General Elections. If a candidate for district judge or associate district judge is unopposed in the Special Election, the candidate shall be issued a certificate of election after the expiration of the contest period, if no contest is filed, and shall immediately assume the duties of said office.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-124 of Title 26, unless there is created a duplication in numbering, reads as follows:

The successful candidate shall serve the remainder of the unexpired term.

SECTION 6. AMENDATORY 51 O.S. 2001, 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, offices of district judges, offices of associate district judges, 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. When a vacancy occurs in the office of ~~district judge, associate district judge, or~~ judge of any intermediate appellate court, the Governor shall, 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 six hundred thousand (600,000), 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 7. This act shall become effective November 1, 2004.

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