

ENROLLED HOUSE
BILL NO. 2663

By: Adair, Ferguson and
Pettigrew of the House

and

Corn of the Senate

An Act relating to elections; providing procedures for scheduling and holding certain elections; providing time when certain persons shall take office; providing for contents of certain election proclamations; providing criteria for calculation of certain periods of legislative service; amending 26 O.S. 2001, Section 5-106, which relates to candidates filing for office; clarifying restriction; amending 26 O.S. 2001, Sections 12-103, 12-108 and 12-113, as amended by Sections 9, 10 and 11 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, which relate to special elections; clarifying terminology; amending 26 O.S. 2001, Section 12-116, which relates to special elections; clarifying dates on which special elections may be held; amending 26 O.S. 2001, Sections 13A-105 and 13A-109, which relate to school district elections; allowing candidates to file declarations of candidacy in county in which they reside; updating statutory references; requiring boards of education to publish legal notice and issue a press release of elections for members of the board; providing for contents of the notice; requiring posting of notice in certain locations; providing for codification; and declaring an emergency.

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 12-110.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Elections to fill the seat of a member of the Oklahoma State Senate or the Oklahoma House of Representatives who is not eligible to complete the term of office to which such member was elected due to the provisions of Section 17A of Article V of the Oklahoma Constitution shall be held as provided in this section.

B. Whenever a member's eligibility to serve shall expire after March 1 in an even-numbered year, the vacancy shall be filled by a special election to be called by the Governor 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 Title 26 of the Oklahoma Statutes. The person elected in the special election shall take office on the later of the date other members of the Legislature elected at such election take office or the expiration of the incumbent's eligibility to serve and shall serve the remainder of the unexpired term.

C. Whenever a member's eligibility to serve shall expire in an odd-numbered year or prior to March 1 in an even-numbered year, the position shall be filled by a special election to be called by the Governor. The Governor shall issue a proclamation calling such an election no less than sixty (60) days prior to the expiration of the member's eligibility to serve. The person elected shall take office upon the expiration of the incumbent's eligibility to serve.

D. The Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board, for any election to be held pursuant to this section. Such proclamation shall be issued prior to the date the member's eligibility to serve expires and must be issued at least ten (10) days prior to the filing period. For an election held pursuant to subsection C of this section, the 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.

E. For purposes of this section:

1. A full term of service in the Oklahoma House of Representatives shall be counted as two (2) years of service;

2. A full term of service in the Oklahoma State Senate shall be counted as four (4) years of service;

3. A period of service of less than a full term which is not exempt from the constitutional limitations on length of legislative service shall be calculated from the date the legislator assumes the office for such term until the date the legislator vacates such office; and

4. A period of service with respect to a term during which a member reaches the constitutionally limited length of service shall be calculated from the date the legislator assumes the office for such term until the date the legislator completes a total of twelve (12) years of service not exempt from the constitutional limitations.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-106, is amended to read as follows:

Section 5-106. Candidates may file for no more than one office at any election. ~~For purposes of this section a~~ A Special Election

and a Regular Election held on the same date shall be considered one election.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 12-103, as amended by Section 9 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 12-103. The proclamation required by 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 such 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 Special Primary Election; and

4. The date of the Special General Election, not less than twenty (20) days after the date of the Special Runoff Primary Election.

Should such a vacancy occur between March 1 and 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 4. AMENDATORY 26 O.S. 2001, Section 12-108, as amended by Section 10 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 12-108. Such 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 such 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 Special Primary Election.

Should such a vacancy occur between March 1 and 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 5. AMENDATORY 26 O.S. 2001, Section 12-113, as amended by Section 11 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 12-113. Such 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 such 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 Special Primary Election.

Should such a vacancy occur between March 1 and 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. 2001, Section 12-116, is amended to read as follows:

Section 12-116. In the event the Governor or the Legislature shall call for a special statewide election on any measure to be submitted to a vote of the people, said election shall be held not fewer than sixty (60) days from the date said election is called. Such special statewide election may be on the same date as a primary or general election or may be on some other date set by the Governor or the Legislature. In the event the board of county commissioners or the governing body of a municipality or school district or technology center school district or any other governmental subdivision calls for a special election on any question, said election shall be held not fewer than sixty (60) days from the date said election is called; provided, that a special election called by a school or technology center school district to be held on the date of the annual school runoff election shall not be held fewer than forty-five (45) days from the date said special election is called. A special election to fill a vacancy for member of the board of education of a school district or to fill a vacancy for municipal office shall be scheduled not fewer than sixty (60) days from the date said election is called.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 13A-105, is amended to read as follows:

Section 13A-105. Candidates for member of the board of education of every school district or technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an attachment to be signed by the candidate listing the requirements of a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and the candidate shall swear or affirm that he or she is eligible to run for ~~such~~ the office or serve in ~~such~~ the office if elected. Candidates shall file on the first Monday in December through the following Wednesday. For school districts and technology center school districts located in more than one county, filing ~~shall~~ may

be either in the county wherein supervision of the district is located or in the county where the candidate resides.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 13A-109, is amended to read as follows:

Section 13A-109. A. The board of education of every school district and technology center school district shall notify, by resolution, the secretary of the county election board responsible for certifying its election of any regular or special election.

B. The resolution calling for an election or elections shall include, but shall not be limited to, the following information:

1. Date or dates of the election or elections;
2. Identification of the office or offices to be filled, qualifications of candidates for office and the length of term of each;
3. Information describing election districts within the school district, if applicable;
4. Ballot titles of the question or questions to be voted upon;
5. Information describing the persons eligible to vote in the election; and
6. All other information necessary for conducting the election or elections.

C. Resolutions calling for regular elections shall be delivered to the secretary of the county election board no fewer than fifteen (15) days preceding the first day of the filing period. The resolution shall contain all questions to be voted upon at the election to be held on the ~~second Tuesday in February~~ day as required in Section 13A-103 of this title.

D. Resolutions calling for special elections shall be delivered to the secretary of the county election board no fewer than sixty (60) days preceding the election.

E. For elections of members of the board of education of a school district and technology center school district, in addition to notifying the secretary of the county election board of the election by resolution as required in this section, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in each county wherein the school district is located at least ten (10) days prior to the filing period and shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in each county wherein the school district is located. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and all information contained in the resolution describing the election as provided for in subsection B of this section. The notice shall also be posted at the school district administrative offices and county election board offices.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 25th day of May, 2004.

Presiding Officer of the Senate