

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2649:

Reynolds

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Sections 12-106 and 12-108, which relate to vacancies in the Legislature; providing for filling of vacancy caused by constitutional limitation on terms of office; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 12-106, is amended to read as follows:

Section 12-106. A. Whenever a vacancy shall occur in the office of a member of the State Senate or the State House of Representatives, the vacancy shall be filled at a 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 March 1 of any even-numbered year if the term of the office expires the same year.

B. If in an even-numbered year an incumbent State Senator with two (2) or more years remaining in the term for which elected shall file with the Oklahoma Secretary of State before June 1 a resignation in writing which states that the resignation will not become effective immediately, but rather will become effective on some date certain that is after the General Election but before the convening of the next session of the Legislature, the vacancy shall be filled by a special election 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 this title. The person elected in the General Election of the special election shall take office on the date the resignation of the incumbent becomes effective and shall serve the remainder of the unexpired term.

C. If a member of the State Senate or a member of the State House of Representatives shall not be eligible to complete a term of office because of the limitation on terms of office established by Section 17A of Article V of the Oklahoma Constitution, a special election shall be held. The proclamation and filing dates shall be as provided in Sections 12-107 and 12-108 of this title. The election shall be conducted under the laws applicable to regular Primary and General Elections as provided in Section 12-109 of this title.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 12-108, is amended to read as follows:

Section 12-108. 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, or should the provisions of subsection C of Section 12-106 of this title apply, 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 3. 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.

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