

ENROLLED HOUSE  
BILL NO. 1378

By: Liebmann, Wesselhoft and  
Nance of the House

and

Jolley of the Senate

An Act relating to elections; amending 26 O.S. 2001, Section 3-101, as amended by Section 5, Chapter 485, O.S.L. 2003 and Section 18, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004, Sections 3-101 and 13-101.1), which relate to scheduling elections; modifying months for holding special elections; modifying required time-period between municipal primary and general elections; providing an exception; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-101, as amended by Section 5, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2004, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call elections except on the second Tuesday of January, February, May, June, July, August, September, October, November and December and the first Tuesday in March and April in odd-numbered years and the second Tuesday of January, February, ~~March~~, May, and December, the first Tuesday in March and April, the last Tuesday in July, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year; ~~except, in February 2004, the date for the special elections shall be the fourth Tuesday~~ in any year when a Presidential Preferential Primary Election is held in February, the date for the special elections shall be the same date as the Presidential Preferential Primary Election.

C. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

SECTION 2. AMENDATORY Section 18, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004, Section 13-101.1), is amended to read as follows:

Section 13-101.1 After July 1, 2005, no county election board shall be required to conduct elections for any municipality on a date other than an election date identified in subsection B of Section 3-101 of ~~Title 26 of the Oklahoma Statutes~~ this title. Municipalities that hold both primary and general elections, in addition to scheduling elections on dates identified in subsection B of Section 3-101 of ~~Title 26 of the Oklahoma Statutes~~ this title, shall provide no fewer than ~~forty-five (45)~~ thirty-five (35) days between the primary and general elections; except however, primary and general elections may be scheduled on the identified election dates in March and April when there are fewer than thirty-five (35) days between the election dates.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. 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 19th day of May, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 20th day of May, 2005.

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Presiding Officer of the Senate