

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1470

By: DeWitt

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Section 1-104, which relates to closed primaries; opening primaries to voters of other parties and to Independent voters in certain circumstances; requiring authorization of the political party; requiring notification by a certain date; providing for duration of authorization; extending deadline for authorization in certain circumstances; prohibiting registered voters from voting in a Primary Election or Runoff Primary election of more than one party; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-104, is amended to read as follows:

Section 1-104. A. No registered voter shall be permitted to vote in any Primary Election or Runoff Primary Election of any political party except the political party of which ~~his~~ the registration form of the voter shows ~~him~~ the voter to be a member, except as otherwise provided by this section.

B. 1. A recognized political party may permit registered voters designated as Independents pursuant to the provisions of Section 4-112 of this title to vote in a Primary Election or Runoff Primary Election of the party.

2. The state chairman of the party shall, between November 1 and 30 of every odd-numbered year, notify the Secretary of the State Election Board as to whether or not the party intends to permit registered voters designated as Independents to vote in a Primary Election or Runoff Primary Election of the party. If the state chairman notifies the Secretary of the State Election Board of the

party's intention to so permit, registered voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held in the following two (2) calendar years. If the state chairman of one party notifies the Secretary of the State Election Board of the party's intent to so permit, the notification period specified in this paragraph shall be extended to December 15 for the state chairman of any other party to so notify or to change prior notification. A registered voter designated as Independent shall not be permitted to vote in a Primary Election or Runoff Primary Election of more than one party.

3. Failure to so notify the Secretary of the State Election Board shall serve to prohibit registered voters designated as Independents from voting in a Primary Election or Runoff Primary Election of the party.

4. A group of persons seeking to form a recognized political party pursuant to the provisions of Section 1-108 of this title shall, upon filing of the petitions seeking recognition of the political party with the Secretary of the State Election Board, notify the Secretary of the State Election Board as to whether or not the party intends to permit registered voters designated as Independents to vote in a Primary Election or Runoff Primary Election of the party. If the party is recognized and the group of persons seeking recognition of the party notifies the Secretary of the State Election Board of such intention, registered voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held prior to January 1 of the following even-numbered year.

C. 1. A recognized political party may permit registered voters registered as members of other political parties and voters designated as Independents pursuant to the provisions of Section 4-112 of this title to vote in a Primary Election or Runoff Primary Election of the party if the political party has two or more

nominees for office and no other political party has a nominee for the office.

2. The state chairman of the party shall, between November 1 and 30 of every odd-numbered year, notify the Secretary of the State Election Board as to whether or not the party intends to permit registered voters who are members of other political parties and voters designated as Independents to vote in a Primary Election or Runoff Primary Election of the party if the political party has two or more nominees for office and no other political party has a nominee for the office. If the state chairman notifies the Secretary of the State Election Board of the intention of the party to permit voting pursuant to this subsection, registered voters who are members of other parties and voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held in the following two (2) calendar years if the political party has two or more nominees for office and no other political party has a nominee for the office. If the state chairman of one party notifies the Secretary of the State Election Board of the intention of the party to permit voting pursuant to this subsection, the notification period specified in this paragraph shall be extended to December 15 for the state chairman of any other party to so notify or to change prior notification. A registered voter shall not be permitted to vote in a Primary Election or Runoff Primary Election of more than one party.

3. Failure to so notify the Secretary of the State Election Board shall serve to prohibit registered voters from voting in a Primary Election or Runoff Primary Election of the party.

SECTION 2. This act shall become effective November 1, 2005.

50-1-5882 SD 01/18/05