

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 2037

By: Reynolds

AS INTRODUCED

An Act relating to elections; amending 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), which relates to days on which elections are held; modifying when certain special elections may be held; amending 26 O.S. 2001, Section 4-113, as amended by Section 6, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004, Section 4-113), which relates to voter identification cards; requiring voter identification card to contain an identification number; amending 26 O.S. 2001, Section 8-109, which relates to contest of elections; modifying time for requesting recount; amending 26 O.S. 2001, Section 12-106 and 12-108, as last amended by Section 4, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2004, Section 12-108), which relate to vacancies in the Legislature; providing for filling of vacancy caused by constitutional limitation on terms of office; 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 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.~~

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 26 O.S. 2001, Section 4-113, as amended by Section 6, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2004, Section 4-113), is amended to read as follows:

Section 4-113. A. The Secretary of the State Election Board shall devise a voter identification card which shall be issued to every person who becomes a registered voter in Oklahoma. Said voter identification card shall contain such information as is necessary to determine a registered voter's eligibility. The voter identification card shall contain a unique identification number which shall include the driver license number of the registered voter or the number from an identification card issued by the Department of Public Safety to the registered voter.

B. When a person registers to vote or changes his or her registration in any manner to require a new voter identification card, the county election board secretary in the county of the voter's residence shall transmit the new voter identification card as acknowledgment of the transaction which may be the notice required in Section 4-103.1 of this title.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 8-109, is amended to read as follows:

Section 8-109. Any candidate whose name appeared on a Primary, Runoff Primary or General Election ballot, or any individual authorized to request a recount pursuant to Section 8-111 of this title may, at any time before 5:00 p.m. ~~Friday~~ Tuesday next following an election, contest the correctness of the announced results of said election by filing a written petition with the

appropriate election board. Contests alleging irregularities or fraud shall not be permitted in any election except those in which candidates are seeking office. Nothing in this section shall be construed to prohibit any proceedings in district court, which are otherwise authorized by law, alleging irregularities or fraud in an election.

SECTION 4. 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 5. AMENDATORY 26 O.S. 2001, Section 12-108, as last amended by Section 4, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2004, Section 12-108), 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 or should the provisions of subsection C of Section 12-106 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 6. This act shall become effective July 1, 2005.

SECTION 7. 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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