

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2916

By: Morgan (Danny)

AS INTRODUCED

An Act relating to elections; declaring that certain offices shall become vacant if office holder files for another office; providing when office becomes vacant; providing for filling vacant office during regular election cycle; amending 26 O.S. 2001, Section 5-110, as last amended by Section 8, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2005, Section 5-110), which relates to filing period for Declarations of Candidacy; providing filing period for certain Declarations of Candidacy; providing for codification; providing an effective date; 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 12-120 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. If during the filing period provided for in subsection A of Section 5-110 of Title 26 of the Oklahoma Statutes, a person who currently holds a state-wide office and whose term of office will not expire at the next General Election, files for another office, the office currently held by that person shall become vacant at the next General Election; however, the person shall continue to hold the office until the next General Election.

B. The office being vacated pursuant to subsection A of this section shall be filled during the regular election cycle with a Primary Election, runoff Primary Election if necessary, and General Election for the office occurring on the dates of the regular Primary Election, runoff Primary Election, and General Election.

The filing period for the office shall be as provided in subsection B of Section 5-110 of Title 26 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-110, as last amended by Section 8, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2005, Section 5-110), is amended to read as follows:

Section 5-110. A. Except as provided in subsection B of this section, Declarations of Candidacy provided herein must be filed with the secretary of the appropriate election board no earlier than 8:00 a.m. on the first Monday in June of any even-numbered year and no later than 5:00 p.m. on the next succeeding Wednesday. Such Declarations of Candidacy may be transmitted by United States mail, but in no event shall the secretary of any election board accept such Declarations after the time prescribed by law.

B. Declarations of Candidacy for offices that will become vacant pursuant to Section 1 of this act, shall be filed with the State Election Board no earlier than 8:00 a.m. on the second Monday in June of any even-numbered year and no later than 5:00 p.m. on the next succeeding Wednesday. Such Declarations of Candidacy may be transmitted by United States mail, but in no event shall the Secretary of the State Election Board accept such Declarations after the time prescribed by law.

SECTION 3. This act shall become effective June 1, 2006.

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.

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