STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 658 By: Easley

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2001, Sections 1-102, as amended by Section 2, Chapter 162, O.S.L. 2003, and 1-104 (26 O.S. Supp. 2004, Section 1-102), which relate to primary elections; making elections for county officers nonpartisan elections; providing for designation of nomination and election of county officers; providing that no runoff primary elections shall be held for election of county officers; amending 26 O.S. 2001, Sections 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004, 8-101, 12-111, as amended by Section 12, Chapter 447, O.S.L. 2002, 12-113, as last amended by Section 5, Chapter 369, O.S.L. 2004, and 12-114 (26 O.S. Supp. 2004, Sections 5-105, 12-111, and 12-113), which relate to candidates for nomination of office, certification and contest of nominees, and vacancies in certain county office; stating certain parameters for filing for office; removing references to county Runoff Primary Elections; stating conditions for winning election; amending 51 O.S. 2001, Section 10, which relates to vacancies in state and county offices; removing references to partisan election and to runoff primary elections; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-102, as amended by Section 2, Chapter 162, O.S.L. 2003 (26 O.S. Supp. 2004, Section 1-102), is amended to read as follows:

Section 1-102. A. A Primary Election shall be held on the last Tuesday in July of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate its candidates for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless such candidate shall have been nominated as herein provided, unless

otherwise provided by law; provided further that this provision shall not exclude the right of a nonpartisan candidate to have his or her name printed upon the General Election ballots.

B. For county offices, all candidates shall run for office in a nonpartisan election. If a candidate receives a majority of all votes cast for the office, the candidate shall be deemed elected to the office. If no candidate receives a majority of all votes cast for the office, the two candidates receiving the highest number of votes cast for the office shall be deemed the nominees for the office and their names shall be placed on the General Election ballot. There shall be no Runoff Primary Election for county offices.

C. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

SECTION 2. 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 registration form shows him 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. The provisions of this section shall not apply to a Primary Election for county offices.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-103 of Title 26, unless there is created a duplication in numbering, reads as follows:

Elections for county officers shall be nonpartisan and all candidates for county offices shall file as nonpartisan candidates.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2004, Section 5-105), is amended to read as follows:

Section 5-105. A. To file as a candidate for nomination by a political party to any state ~~or county~~ office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. Except, however, to file as a candidate for nomination by a political party to any state ~~or county~~ office in 2004, a person must have been a registered voter of that party no later than December 21, 2003. Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state ~~or county~~ office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. Except, however, to file as an independent candidate for any state ~~or county~~ office in 2004, a person must have been registered to vote as an independent no later than December 21, 2003.

C. To file as a candidate for any county office, a person must have been a registered voter of the county for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 8-101, is amended to read as follows:

Section 8-101. The county election board shall certify a list of nominees ~~of each political party~~ for county offices following the Primary ~~and Runoff Primary Elections~~ Election. The State Election Board shall certify a list of nominees of each political party for the offices for which the Board accepts filings of Declarations of Candidacy following the Primary and Runoff Primary Elections.

SECTION 6. AMENDATORY 26 O.S. 2001, Section 12-111, as amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2004, Section 12-111), is amended to read as follows:

Section 12-111. A. Whenever a vacancy shall occur in the office of a county commissioner, 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 following year. In such case, the candidate elected to the office at the Primary Election~~, runoff Primary Election,~~ or the regular General Election shall be appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

B. Whenever a vacancy shall occur in any elective county office of any county in this state having a population of more than the population figure specified in subsection B of Section 10 of Title 51 of the Oklahoma Statutes, 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 following year. In such case, the candidate elected to the office at the Primary Election~~, runoff Primary Election,~~ or the regular General Election shall be appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 12-113, as last amended by Section 5, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2004, Section 12-113), is amended to read as follows:

Section 12-113. ~~Such~~ The proclamation provided for in Section 12-112 of this title 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, 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 8. AMENDATORY 26 O.S. 2001, Section 12-114, is amended to read as follows:

Section 12-114. ~~Said~~ The elections provided for in Section 12-112 of this title shall be conducted under the laws applicable to regular Primary and General Elections, except that the candidate receiving the highest number of votes in ~~said~~ such Primary Election shall be deemed ~~the nominee of his political party~~ elected to the office if the candidate receives a majority of all the votes cast. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes shall be deemed nominees for the office, provided that the dates of the elections do not coincide with the dates for the regular Primary~~, Runoff Primary~~ and General Elections. If ~~the~~ a nominee ~~of a political party~~ is unopposed in the Special Election, ~~he~~ the nominee shall be issued a certificate of election after the expiration of the contest period

following the Primary ~~or Runoff Primary~~ Election, if no contest is filed, and shall immediately assume the duties of ~~said~~ the office.

SECTION 9. AMENDATORY 51 O.S. 2001, Section 10, is amended to read as follows:

Section 10. A. All vacancies in state offices, except in offices of the members of the Legislature, members of the House of Representatives from Oklahoma in the Congress of the United States of America and members of the Senate of the United States of America, shall be filled by appointment by the Governor. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, the Governor shall, in filling such vacancy, utilize the services of the Judicial Nominating Commission in the manner as provided for in the filling of judicial offices under Section 4~~,~~ of Article ~~7B~~ VII-B of the Oklahoma Constitution.

B. All vacancies in county offices except the board of county commissioners or except for any elective county office of any county in the State of Oklahoma having a population of more than six hundred thousand (600,000), according to the latest Federal Decennial Census shall be filled by appointment by the board of county commissioners. If such an appointment is made prior to the prescribed filing period for county officers in accordance with the provisions of Section 131 of Title 19 of the Oklahoma Statutes, the county commissioners shall, at the time said appointment is made, proclaim a special election to fill the balance of the unexpired term, providing the balance of the term does not expire in the year following the next succeeding general election. In making the proclamation, the county commissioners shall establish the dates for the filing period, primary election~~, runoff primary election~~ and general election to be the same as the next succeeding filing period, primary election~~, runoff primary election~~ and general election for county officers. The appointee shall be eligible to

become a candidate at ~~said~~ the special election, providing ~~said~~ the appointee is otherwise qualified. The office to be filled shall be printed on the same ballot as other county offices.

SECTION 10. This act shall become effective November 1, 2005.

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