

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2095

6 By: Worthen

7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2001,
9 Sections 3-101, as last amended by Section 1, Chapter
10 224, O.S.L. 2005, 13A-103, as last amended by Section
11 1, Chapter 108, O.S.L. 2004, 20-101, as amended by
12 Section 1, Chapter 174, O.S.L. 2003 and 20-102, as
13 amended by Section 24, Chapter 485, O.S.L. 2003 (26
14 O.S. Supp. 2006, Sections 3-101, 13A-103, 20-101 and
15 20-102), which relate to when certain elections are
16 held and to the Presidential Preference Primary;
17 modifying dates of certain elections; and declaring
18 an emergency.

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

20 SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-101, as
21 last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp.
22 2006, Section 3-101), is amended to read as follows:

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

26 B. Except as otherwise provided by law, no special election
27 shall be held by any county, school district, technology center

1 school district, municipality or other entity authorized to call
2 elections except on the second Tuesday of ~~January~~, February, May,
3 ~~June~~, July, August, September, ~~October~~, and November ~~and December~~
4 and the first Tuesday in March and April in odd-numbered years and
5 the second Tuesday of ~~January~~, February, and May, and ~~December~~, the
6 first Tuesday in March and April, the last Tuesday in July, the
7 fourth Tuesday in August, and the first Tuesday after the first
8 Monday in November of any even-numbered year; except in any year
9 when a Presidential Preferential Primary Election is held in
10 ~~February~~ January, the date for the special elections shall be the
11 same date as the Presidential Preferential Primary Election.

12 C. If an election date would fall on September 11, the election
13 shall be held the last Tuesday in September.

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

17 SECTION 2. AMENDATORY 26 O.S. 2001, Section 13A-103, as
18 last amended by Section 1, Chapter 108, O.S.L. 2004 (26 O.S. Supp.
19 2006, Section 13A-103), is amended to read as follows:

20 Section 13A-103. A. The election of members of the board of
21 education of every school district and technology center school
22 district shall be conducted on the second Tuesday in February of
23 each year, except in any year when a Presidential Preferential
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1 Primary is held in ~~February~~ January, then the election shall be held
2 on the same day as the Presidential Preferential Primary.

3 If no candidate receives more than fifty percent (50%) of the
4 votes cast in the election provided for in this subsection, an
5 election between the two candidates with the highest number of votes
6 shall be conducted on the first Tuesday in April of that year.

7 B. Elections on the question of making a levy or levies for
8 schools under Section 9, Section 9B or Section 10 of Article X of
9 the Oklahoma Constitution shall be held on the second Tuesday in
10 February of each year, except in any year when a Presidential
11 Preferential Primary is held in ~~February~~ January, then the election
12 shall be held on the same day as the Presidential Preferential
13 Primary.

14 C. The board of education of every school district or
15 technology center school district may call a special election for
16 the purpose of voting on any matter or question authorized by law.

17 SECTION 3. AMENDATORY 26 O.S. 2001, Section 20-101, as
18 amended by Section 1, Chapter 174, O.S.L. 2003 (26 O.S. Supp. 2006,
19 Section 20-101), is amended to read as follows:

20 Section 20-101. A. A Presidential Preferential Primary for
21 recognized political parties shall be held on the ~~first~~ last Tuesday
22 in ~~February~~ January in each of the years in which the President and
23 Vice President of the United States are to be elected.

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1 B. If one or more states having a mutual boundary with this
2 state establish a single date for a regional primary, the State
3 Election Board is authorized to change the date of the Oklahoma
4 primary to the date established for the regional primary.

5 C. No county, municipality, school district or other entity
6 authorized by law to call elections shall schedule an election on
7 any date during the twenty (20) days immediately preceding the date
8 of any such Primary Election. However, this subsection shall not
9 apply to home rule municipalities.

10 SECTION 4. AMENDATORY 26 O.S. 2001, Section 20-102, as
11 amended by Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2006,
12 Section 20-102), is amended to read as follows:

13 Section 20-102. A. Candidates for the nomination for President
14 of the United States shall file with the Secretary of the State
15 Election Board. Such candidates shall be members of political
16 parties recognized under the laws of the State of Oklahoma and shall
17 have filed a statement of candidacy with the Federal Election
18 Commission and shall have raised and expended not less than Five
19 Thousand Dollars (\$5,000.00) for said office. The candidates shall
20 be required to swear an oath or affirm that they meet the
21 aforementioned qualifications, and their signatures shall be
22 witnessed by a notary public. Such filing beginning at 8:00 a.m. on
23 the first Monday in December and ending at 5:00 p.m. on the next
24 succeeding Wednesday, or at a time prescribed by the State Election

1 Board for a Presidential Preferential Primary to be held on a date
2 other than the ~~first~~ last Tuesday in ~~February~~ January. A statement
3 of candidacy must be accompanied by a petition supporting a
4 candidate's filing signed by one percent (1%) of the registered
5 voters in each congressional district eligible to vote for a
6 candidate or one thousand (1,000) registered voters in each
7 congressional district eligible to vote for a candidate, whichever
8 is less, as reflected by the latest January 15 registration report;
9 or by a cashier's check or certified check in the amount of Two
10 Thousand Five Hundred Dollars (\$2,500.00). Such check shall be
11 forfeited unless a candidate receives more than fifteen percent
12 (15%) of the votes cast. The State Election Board shall cause the
13 names of all candidates who have filed within the proper time to be
14 printed on the official ballots. The ballots shall be prepared as
15 provided for by law. Voters shall be restricted to one vote for the
16 candidate of his or her choice of the political party in which the
17 voter is registered.

18 B. Each page of a petition supporting a candidate's filing
19 shall identify the county and the congressional district, and shall
20 contain the names of registered voters in only one congressional
21 district and in only one county.

22 C. Each page of a petition supporting a candidate's filing
23 shall be verified. Verification shall be made in substantial
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1 compliance with the provisions of Section 6 of Title 34 of the
2 Oklahoma Statutes.

3 SECTION 5. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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