

THE HOUSE OF REPRESENTATIVES
Monday, February 16, 2009

House Bill No. 1322

HOUSE BILL NO. 1322 - By: REYNOLDS of the House.

An Act relating to officers; ordering a legislative referendum pursuant to the Oklahoma Constitution; providing for special election; creating the Let the People Choose Act; amending 51 O.S. 2001, Section 10, which relates to vacancies in state and county offices; modifying the procedure for filling of vacancies; providing for noncodification; providing an effective date; providing ballot title; and directing filing.

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

1 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution,
2 there is hereby ordered the following legislative referendum which shall be filed with the
3 Secretary of State and addressed to the Governor of the state, who shall submit the same
4 to the people for their approval or rejection at the Special Election, to be held on
5 November 10, 2009.

6 SECTION 2. NEW LAW A new section of law not to be codified in the
7 Oklahoma Statutes reads as follows:

8 This act shall be known and may be cited as the "Let the People Choose Act".

9 SECTION 3. AMENDATORY 51 O.S. 2001, Section 10, is amended to read as
10 follows:

11 Section 10. A. All vacancies in state offices, ~~except in offices of the members of the~~
12 ~~Legislature, members of the House of Representatives from Oklahoma in the Congress of~~

1 ~~the United States of America and members of the Senate of the United States of~~
2 ~~America~~, shall be filled by ~~appointment~~ special election to be called by the Governor,
3 within thirty (30) days after such vacancy occurs. When a vacancy occurs in the office of
4 district judge, associate district judge, or judge of any intermediate appellate court, the
5 Governor shall, in filling such vacancy, utilize the services of the Judicial Nominating
6 Commission in the manner as provided for in the filling of judicial offices under Section
7 4, Article 7B of the Oklahoma Constitution.

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

1 SECTION 4. This act shall become effective December 1, 2009, upon approval by
2 the people.

3 SECTION 5. The Ballot Title for the proposed act shall be in the following form:

4 BALLLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure would change how the Governor fills vacant positions. Vacant
8 positions would be filled by a special election called by the Governor. The special
9 election must be called within thirty (30) days of the vacancy. This measure would
10 be effective December 1, 2009.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL — YES _____

13 AGAINST THE PROPOSAL — NO _____

14 SECTION 6. The Chief Clerk of the House of Representatives, immediately after
15 the passage of this act, shall prepare and file one copy thereof, including the Ballot Title
16 set forth in SECTION 5 hereof, with the Secretary of State and one copy with the
17 Attorney General.

18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-12-09 - DO PASS.