

THE HOUSE OF REPRESENTATIVES  
Monday, February 23, 2009

House Bill No. 1081

HOUSE BILL NO. 1081 - By: BUCK of the House and GUMM of the Senate.

An Act relating to elections; amending 26 O.S. 2001, Section 1-105, which relates to substitute candidates; modifying notice requirement for alternative candidate; allowing legislative caucus to select alternative candidate for certain offices; and providing an effective date.

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

1 SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-105, is amended to read  
2 as follows:

3 Section 1-105. A. In the event of the death of a political party's nominee for office  
4 prior to the date of the General Election, a substitute candidate will be permitted to have  
5 his name placed on the General Election ballot as follows:

6 1. If the nominee was a candidate for county office, the political party's central  
7 committee of said county shall notify the secretary of the county election board of the  
8 name of an alternative candidate to be placed on the General Election ballot. Such notice  
9 shall be submitted in writing, within ~~five (5)~~ thirty (30) days after said death has  
10 occurred and shall be signed by at least two duly authorized members of the political  
11 party's county central committee.

12 2. If the nominee was a candidate who filed ~~his~~ a Declaration of Candidacy with the  
13 State Election Board, other than a State Senator or State Representative, the state

1 central committee of the party affected shall notify the Secretary of the State Election  
2 Board of the name of an alternative candidate to be placed on the General Election  
3 ballot. Such notice shall be submitted in writing, within ~~five (5)~~ thirty (30) days after  
4 said death has occurred and shall be signed by at least two duly authorized members of  
5 the political party's state central committee.

6 3. If the nominee was a candidate for State Senator, the Senate caucus of the party  
7 affected shall notify the Secretary of the State Election Board of the name of an  
8 alternative candidate to be placed on the General Election ballot. Such notice shall be  
9 submitted in writing, within thirty (30) days after said death has occurred and shall be  
10 signed by at least two duly authorized members of the political party's Senate caucus.

11 4. If the nominee was a candidate for State Representative, the House Of  
12 Representatives caucus of the party affected shall notify the Secretary of the State  
13 Election Board of the name of an alternative candidate to be placed on the General  
14 Election ballot. Such notice shall be submitted in writing, within thirty (30) days after  
15 said death has occurred and shall be signed by at least two duly authorized members of  
16 the political party's House of Representatives caucus.

17 5. If said death should occur five (5) days or more following the Runoff Primary  
18 Election date, a special General Election shall be called by the Governor and shall be  
19 conducted according to the laws governing such elections, Section 12-101 et seq. of this  
20 title, except that there shall be no filing period or special Primary Election and the  
21 candidates in the special General Election shall be the substitute candidate named by

1 the central committee and the nominee of other political parties elected in the Primary or  
2 Runoff Primary, and any previously filed independent candidates.

3 B. In the event of the death of a candidate who was unopposed for election, a  
4 Special Election shall be called by the Governor. Said Special Election shall be conducted  
5 according to the laws governing such elections, Section 12-101 et seq. of this title.

6 SECTION 2. This act shall become effective November 1, 2009.

7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-19-09 - DO PASS, As  
8 Coauthored.