

SB 767

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THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 767  
As Amended

SENATE BILL NO. 767 - By: Jolley of the Senate and Murphey of the House.

[ elections - primary and general elections - codification - effective date ]

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-101, as last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp. 2008, Section 3-101), is amended to read as follows:

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

B. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call elections except on the ~~second Tuesday of January, February, May, June, July, August, September, October, November and December and the first Tuesday in March and April in odd numbered years and the second Tuesday of January, February, May, and December, the first Tuesday in March and April, the last Tuesday in July, the fourth Tuesday in August, and the first Tuesday after the first Monday in~~

1 November of any ~~even-numbered~~ year; except in any year when a  
2 Presidential Preferential Primary Election is held in February, ~~the~~  
3 ~~date for the special elections shall be~~ a special election may be  
4 held on the same date as the Presidential Preferential Primary  
5 Election.

6 C. In the event that a regular or special election date occurs  
7 on an official state holiday, the election shall be scheduled for  
8 the next following Tuesday.

9 SECTION 2. AMENDATORY 26 O.S. 2001, Section 13A-103, as  
10 last amended by Section 1, Chapter 108, O.S.L. 2004 (26 O.S. Supp.  
11 2008, Section 13A-103), is amended to read as follows:

12 Section 13A-103. A. The election of members of the board of  
13 education of every school district and technology center school  
14 district shall be conducted on the ~~second Tuesday in February~~ last  
15 Tuesday in July of each year, ~~except in any year when a Presidential~~  
16 ~~Preferential Primary is held in February, then the election shall be~~  
17 ~~held on the same day as the Presidential Preferential Primary.~~

18 If no candidate receives more than fifty percent (50%) of the  
19 votes cast in the election provided for in this subsection, an  
20 election between the two candidates with the highest number of votes  
21 shall be conducted on the first Tuesday ~~in April~~ after the first  
22 Monday in November of that year. The terms of members of the board  
23 of education of every school district and technology center school

1 district which would have been filled by election in February or  
2 April of 2010 without the passage of this act shall be extended  
3 until the first regular, special or emergency school board meeting  
4 after the members have been certified as elected as provided in  
5 Section 5-107A of Title 70 of the Oklahoma Statutes.

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

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

15 SECTION 3. AMENDATORY 11 O.S. 2001, Section 16-103, is  
16 amended to read as follows:

17 Section 16-103. General municipal elections shall be held in  
18 cities and towns on the first Tuesday ~~in April~~ after the first  
19 Monday in November in each odd-numbered year.

20 SECTION 4. AMENDATORY 11 O.S. 2001, Section 16-103.1, is  
21 amended to read as follows:

22 Section 16-103.1 No monies shall be distributed pursuant to  
23 Section 1104 of Title 47 and ~~Section 504~~ Section 500.6 of Title 68

1 of the Oklahoma Statutes to any incorporated city or town which has  
2 failed to hold a general or special municipal election to elect  
3 officers as provided in Section 16-101 et seq. of this title or a  
4 biennial town meeting as provided by the Oklahoma Town Meeting Act,  
5 on the dates required by law for four (4) or more years, if a  
6 general or special municipal election, or for two consecutive  
7 biennial town meetings; provided, the provisions of this section  
8 shall not apply if such requirements have not been met solely due to  
9 a change in the dates upon which elections are allowed to be held as  
10 provided by this act. Such monies shall be remitted to the county  
11 in which the incorporated city or town is located and deposited to  
12 the county highway fund of that county to be used as otherwise  
13 provided by law. An incorporated city or town shall henceforth send  
14 the county treasurer of the county in which it is located and the  
15 ~~chairman~~ chair of the Oklahoma Tax Commission, or a person  
16 designated by the Oklahoma Tax Commission to receive service of  
17 process, a copy of the municipality's notice of a biennial town  
18 meeting or resolution calling for its regular municipal elections,  
19 whichever is appropriate. The copy of the resolution shall include  
20 a notation by the county election board showing that the resolution  
21 was received and the date it was received.

1 SECTION 5. AMENDATORY 11 O.S. 2001, Section 16-107, as  
2 amended by Section 26, Chapter 545, O.S.L. 2004 (11 O.S. Supp. 2008,  
3 Section 16-107), is amended to read as follows:

4 Section 16-107. A primary election shall be held in cities and  
5 towns on the ~~second Tuesday of February~~ last Tuesday in July in each  
6 odd-numbered year, at which time the several political parties shall  
7 nominate candidates for offices which are to be elected at the  
8 upcoming general municipal election.

9 SECTION 6. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 16-214 of Title 11, unless there  
11 is created a duplication in numbering, reads as follows:

12 The terms of office set forth in Section 16-201 et seq. of Title  
13 11 of the Oklahoma Statutes which would have been filled by election  
14 in February or April of 2010 without the passage of this act shall  
15 be extended until the first meeting of the governing body of the  
16 municipality following certification of the elections for such  
17 offices held in July or November of 2010.

18 SECTION 7. This act shall become effective January 1, 2010.

19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-19-09 - DO PASS, As  
20 Amended and Coauthored.