

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2795

By: Kouplen

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,  
8 Section 12-111, as amended by Section 12, Chapter  
9 447, O.S.L. 2002 (26 O.S. Supp. 2009, Section 12-111)  
10 and 51 O.S. 2001, Section 10, which relate to vacancy  
11 in county office; removing population requirement for  
12 certain procedure for filling vacancy in elective  
13 county offices; and providing an effective date.

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

15 SECTION 1. AMENDATORY 26 O.S. 2001, Section 12-111, as  
16 amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2009,  
17 Section 12-111), is amended to read as follows:

18 Section 12-111. A. Whenever a vacancy shall occur in the  
19 office of a county commissioner, the vacancy shall be filled at a  
20 special election to be called by the Governor within thirty (30)  
21 days after the vacancy occurs. Provided, no special election shall  
22 be called if the vacancy occurs after March 1 of any even-numbered  
23 year if the term of the office expires the following year. In such  
24 case, the candidate elected to the office at the Primary Election,

1 runoff Primary Election, or the regular General Election shall be  
2 appointed by the Governor as soon as practical after the applicable  
3 election to fill the unexpired term.

4 B. Whenever a vacancy shall occur in any elective county office  
5 of any county in this state ~~having a population of more than the~~  
6 ~~population figure specified in subsection B of Section 10 of Title~~  
7 ~~51 of the Oklahoma Statutes~~, the vacancy shall be filled at a  
8 special election to be called by the Governor within thirty (30)  
9 days after the vacancy occurs. Provided, no special election shall  
10 be called if the vacancy occurs after March 1 of any even-numbered  
11 year if the term of the office expires the following year. In such  
12 case, the candidate elected to the office at the Primary Election,  
13 runoff Primary Election, or the regular General Election shall be  
14 appointed by the Governor as soon as practical after the applicable  
15 election to fill the unexpired term.

16 SECTION 2. AMENDATORY 51 O.S. 2001, Section 10, is  
17 amended to read as follows:

18 Section 10. A. All vacancies in state offices, except in  
19 offices of the members of the Legislature, members of the House of  
20 Representatives from Oklahoma in the Congress of the United States  
21 of America and members of the Senate of the United States of  
22 America, shall be filled by appointment by the Governor. When a  
23 vacancy occurs in the office of district judge, associate district  
24 judge, or judge of any intermediate appellate court, the Governor

1 shall, in filling such vacancy, utilize the services of the Judicial  
2 Nominating Commission in the manner as provided for in the filling  
3 of judicial offices under Section 47 of Article ~~7B~~ VII-B of the  
4 Oklahoma Constitution.

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

1 SECTION 3. This act shall become effective November 1, 2010.

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