

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1909

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to officers; creating the Let the
8 People Choose Act; providing short title; amending 51
9 O.S. 2001, Section 10, which relates to vacancies in
10 state and county offices; modifying the procedure for
11 filling of certain vacancies; providing for
12 noncodification; and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law not to be
15 codified in the Oklahoma Statutes reads as follows:

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

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

20 Section 10. A. 1. All vacancies in elective state or federal
21 ~~offices, except in offices of the members of the Legislature,~~
22 ~~members of the House of Representatives from Oklahoma in the~~
23 ~~Congress of the United States of America and members of the Senate~~
24 ~~of the United States of America,~~ shall be filled by appointment
special election, to be called by the Governor within thirty (30)

1 days after such vacancy occurs; provided, no special election shall
2 be called if the vacancy occurs after March 1 of any even-numbered
3 year if the election for the office is scheduled to be held the same
4 year.

5 2. All vacancies in state offices other than elective state
6 offices shall be filled by the appointing authority in the same
7 manner as the original appointment for the remainder of the
8 unexpired term, unless otherwise provided by law.

9 3. When a vacancy occurs in the office of district judge,
10 associate district judge, or judge of any intermediate appellate
11 court, the Governor shall, in filling such vacancy, utilize the
12 services of the Judicial Nominating Commission in the manner as
13 provided for in the filling of judicial offices under Section 4~~7~~ of
14 Article ~~7B~~ VII-B of the Oklahoma Constitution.

15 B. All vacancies in county offices except the board of county
16 commissioners or except for any elective county office of any county
17 in the State of Oklahoma having a population of more than six
18 hundred thousand (600,000), according to the latest Federal
19 Decennial Census, shall be filled by appointment by the board of
20 county commissioners. If such an appointment is made prior to the
21 prescribed filing period for county officers in accordance with the
22 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the
23 county commissioners shall, at the time ~~said~~ the appointment is
24 made, proclaim a special election to fill the balance of the

1 unexpired term, providing the balance of the term does not expire in
2 the year following the next succeeding general election. In making
3 the proclamation, the county commissioners shall establish the dates
4 for the filing period, primary election, runoff primary election and
5 general election to be the same as the next succeeding filing
6 period, primary election, runoff primary election and general
7 election for county officers. The appointee shall be eligible to
8 become a candidate at ~~said~~ the special election, providing ~~said~~ the
9 appointee is otherwise qualified. The office to be filled shall be
10 printed on the same ballot as other county offices.

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

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