

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 359

By: Brogdon

4
5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Sections 1-108, as last amended by Section 6, Chapter
9 53, O.S.L. 2004 and 1-109 (26 O.S. Supp. 2008,
10 Section 1-108), which relate to political parties;
11 modifying requirements for recognition and
12 termination of recognition of political parties;
13 amending 26 O.S. 2001, Section 10-101, which relates
14 to nomination of presidential electors; modifying
15 requirement for petitions seeking ballot access for
16 uncommitted candidates; authorizing fee in lieu of
17 petition; and providing an effective date.

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

19 SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-108, as
20 last amended by Section 6, Chapter 53, O.S.L. 2004 (26 O.S. Supp.
21 2008, Section 1-108), is amended to read as follows:

22 Section 1-108. A group of persons may form a recognized
23 political party at any time except during the period between June 1
24 and November 15 of any even-numbered year if the following procedure
is observed:

1. Notice of intent to form a recognized political party must
be filed in writing with the Secretary of the State Election Board

1 at any time except during the period between March 1 and November 15
2 of any even-numbered year.

3 2. After such notice is filed, petitions seeking recognition of
4 a political party, in a form to be prescribed by the Secretary of
5 the State Election Board, shall be filed with such Secretary,
6 bearing the signatures of not fewer than five thousand (5,000)
7 ~~registered voters equal to at least five percent (5%) of the total~~
8 ~~votes cast in the last General Election either for Governor or for~~
9 ~~electors for President and Vice President.~~ Each page of such
10 petitions must contain the names of registered voters from a single
11 county. Petitions may be circulated a maximum of one (1) year after
12 notice is filed, provided that petitions shall be filed with such
13 Secretary no later than May 1 of an even-numbered year. Such
14 petitions shall not be circulated between May 1 and November 15 of
15 any even-numbered year.

16 3. Within thirty (30) days after receipt of such petitions, the
17 State Election Board shall determine the sufficiency of such
18 petitions. If such Board determines there are a sufficient number
19 of valid signatures of registered voters, the party becomes
20 recognized under the laws of the State of Oklahoma with all rights
21 and obligations accruing thereto.

22 SECTION 2. AMENDATORY 26 O.S. 2001, Section 1-109, is
23 amended to read as follows:

24

1 Section 1-109. A. Any recognized political party whose nominee
2 for Governor or nominees for electors for President and Vice
3 President fail to receive at least ~~ten percent (10%)~~ one percent
4 (1%) of the total votes cast for said offices in any General
5 Election shall cease to be a recognized political party. Said party
6 may regain recognition only by following the procedure prescribed
7 for formation of new political parties. The State Election Board
8 shall proclaim the fact of a party's failure to receive a sufficient
9 number of votes and shall order that said party cease to be
10 recognized.

11 B. Any recognized political party that ceases to be recognized
12 under provisions of this section shall be designated as a political
13 organization. Such political organization designation shall
14 terminate four (4) years from the date that the political party
15 ceases to be recognized or when the political organization regains
16 recognition as a political party, whichever is earlier.

17 SECTION 3. AMENDATORY 26 O.S. 2001, Section 10-101, is
18 amended to read as follows:

19 Section 10-101. The nominees for Presidential Electors of any
20 recognized political party shall be selected at a statewide
21 convention of said party in a manner to be determined by said party.
22 The nominees for Presidential Electors shall be certified by said
23 party's ~~chairman~~ chair to the Secretary of the State Election Board
24 no fewer than ninety (90) days nor more than one hundred eighty

1 (180) days from the date of the General Election at which candidates
2 for Presidential Electors shall appear on the ballot. Failure of a
3 political party to properly certify the names of its nominees for
4 Presidential Electors within the time specified shall bar such party
5 from placing any candidates for Presidential Electors on the ballot
6 at said election. Candidates for Presidential Electors seeking to
7 appear on the ballot as uncommitted shall be entitled to have their
8 names placed upon the ballot at a General Election by observing the
9 following procedure:

10 1. No later than July 15 of a presidential election year,
11 petitions seeking ballot access for said uncommitted candidates for
12 Presidential Electors, in a form to be prescribed by the Secretary
13 of the State Election Board, shall be filed with said Secretary,
14 bearing the signatures of not fewer than five thousand (5,000)
15 ~~registered voters equal to at least three percent (3%) of the total~~
16 ~~votes cast in the last General Election for President.~~ Each page of
17 said petitions must contain the ~~name~~ names of registered voters from
18 a single county. A filing fee of Five Thousand Dollars (\$5,000.00)
19 may be submitted in lieu of a petition. The filing fee shall be in
20 a form prescribed by the Secretary of the State Election Board and
21 shall be filed with the Secretary. The filing fee shall be refunded
22 if the candidates receive more than one percent (1%) of the vote in
23 the General Election. If the candidates do not receive more than

24

1 one percent (1%) of the vote in the General Election, the filing fee
2 shall be forfeited.

3 2. Within thirty (30) days after receipt of ~~said~~ petitions
4 seeking ballot access for uncommitted candidates for Presidential
5 Electors, the State Election Board shall determine the sufficiency
6 of said petitions. If said Board determines there are a sufficient
7 number of valid signatures of registered voters, the nominees for
8 Presidential Electors are entitled to appear on the ballot at the
9 next following General Election at which candidates for Presidential
10 Electors shall appear on the ballot.

11 SECTION 4. This act shall become effective November 1, 2009.

12
13 52-1-613 CD 3/6/2009 4:03:03 AM

14
15
16
17
18
19
20
21
22
23
24