

1 STATE OF OKLAHOMA

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

3 SENATE BILL 459

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Section 1-105, which relates to substitute
9 candidates; modifying procedure for selection of
10 substitute candidate upon death of nominee for
11 legislative office; clarifying language; and
12 providing an effective date.

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

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

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

20 1. If the deceased nominee was a candidate for county office,
21 the political party's central committee of ~~said~~ the county shall
22 notify the secretary of the county election board of the name of an
23 alternative candidate to be placed on the General Election ballot.
24 Such notice shall be submitted in writing, within ~~five (5)~~ ten (10)
days after ~~said~~ the death has occurred if the death occurred more

1 than thirty (30) days prior to such General Election and within five
2 (5) days if the death occurred within thirty (30) days of such
3 General Election, and shall be signed by at least two duly
4 authorized members of the political party's county central
5 committee-;

6 2. If Except as otherwise provided in paragraph 3 of this
7 subsection for nominees for legislative office, if the deceased
8 nominee was a candidate who filed ~~his~~ a Declaration of Candidacy
9 with the State Election Board, the state central committee of the
10 party affected shall notify the Secretary of the State Election
11 Board of the name of an alternative candidate to be placed on the
12 General Election ballot. Such notice shall be submitted in writing,
13 within ~~five (5)~~ ten (10) days after ~~said~~ the death has occurred if
14 the death occurred more than thirty (30) days prior to such General
15 Election and within five (5) days if the death occurred within
16 thirty (30) days of such General Election, and shall be signed by at
17 least two duly authorized members of the political party's state
18 central committee-; and

19 3. If the deceased nominee was a candidate for the State Senate
20 or Oklahoma House of Representatives, a majority of the members of
21 the political party of the house of the Legislature of which the
22 deceased nominee would have been a member if elected shall select an
23 alternative candidate to be placed on the General Election ballot.
24 Such selection shall be made in consultation with the family of the

1 deceased nominee and the county central committees of the political
2 party of all counties in which the affected district is located.
3 The duly elected leader of the legislative political party caucus of
4 which the deceased nominee would have been a member if elected shall
5 notify the Secretary of the State Election Board of the name of the
6 alternative candidate within ten (10) days after the death has
7 occurred if the death occurred more than thirty (30) days prior to
8 such General Election or within five (5) days if the death occurred
9 within thirty (30) days of such General Election. Such notification
10 shall be in writing and shall be signed by the duly elected leader
11 of the political party caucus of the house of the Legislature of
12 which the deceased nominee would have been a member if elected.

13 B. If ~~said~~ the death of a candidate should occur five (5) or
14 more days ~~or more~~ following the Runoff Primary Election date, a
15 special General Election shall be called by the Governor and shall
16 be conducted according to the laws governing such elections, Section
17 12-101 et seq. of this title, except that there shall be no filing
18 period or special Primary Election and the candidates in the special
19 General Election shall be the substitute candidate named ~~by the~~
20 ~~central committee~~ as provided in this section and the nominee of
21 other political parties elected in the Primary or Runoff Primary,
22 and any previously filed independent candidates.

23 ~~B.~~ C. In the event of the death of a candidate who was
24 unopposed for election, a Special Election shall be called by the

1 Governor. ~~Said Special Election~~ and shall be conducted according to
2 the laws governing such elections, Section 12-101 et seq. of this
3 title.

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

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