

1 STATE OF OKLAHOMA

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

3 SENATE BILL 5

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,
8 Section 1-104, which relates to voter registration;
9 allowing recognized political party to allow non-
10 members to vote in certain elections; providing
11 procedures therefor; specifying certain duties of
Secretary of State Election Board and secretaries of
12 county election boards; requiring certain
13 certification and notification; 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 1-104, is
16 amended to read as follows:

17 Section 1-104. A. No registered voter shall be permitted to
18 vote in any Primary Election or Runoff Primary Election of any
19 political party except the political party of which ~~his~~ the voter's
20 registration form shows ~~him~~ the voter to be a member, except as
21 otherwise provided by this section.

22 B. 1. A recognized political party may permit registered
23 voters designated as Independents pursuant to the provisions of
24

1 Section 4-112 of this title to vote in a Primary Election or Runoff
2 Primary Election of the party.

3 ~~2.~~ The state ~~chairman~~ chair of the party shall, between
4 November 1 and 30 of every odd-numbered year, notify the Secretary
5 of the State Election Board as to whether or not the party intends
6 to permit registered voters designated as Independents to vote in a
7 Primary Election or Runoff Primary Election of the party. If the
8 state chairman notifies the Secretary of the State Election Board of
9 the party's intention to so permit, registered voters designated as
10 Independents shall be permitted to vote in any Primary Election or
11 Runoff Primary Election of the party held in the following two (2)
12 calendar years. If the state ~~chairman~~ chair of one party notifies
13 the Secretary of the State Election Board of the party's intent to
14 so permit, the notification period specified in this paragraph shall
15 be extended to December 15 for the state chairman of any other party
16 to so notify or to change prior notification. A registered voter
17 designated as Independent shall not be permitted to vote in a
18 Primary Election or Runoff Primary Election of more than one party.

19 ~~3.~~ Failure to so notify the Secretary of the State Election
20 Board shall serve to prohibit registered voters designated as
21 Independents from voting in a Primary Election or Runoff Primary
22 Election of the party.

23 ~~4.~~ 2. A group of persons seeking to form a recognized political
24 party pursuant to the provisions of Section 1-108 of this title

1 shall, upon filing of the petitions seeking recognition of the
2 political party with the Secretary of the State Election Board,
3 notify the Secretary of the State Election Board as to whether or
4 not the party intends to permit registered voters designated as
5 Independents to vote in a Primary Election or Runoff Primary
6 Election of the party. If the party is recognized and the group of
7 persons seeking recognition of the party notifies the Secretary of
8 the State Election Board of such intention, registered voters
9 designated as Independents shall be permitted to vote in any Primary
10 Election or Runoff Primary Election of the party held prior to
11 January 1 of the following even-numbered year.

12 3. For any office which will be filled at a Primary or Runoff
13 Primary election, the recognized political party of which the
14 candidates for such office are members may permit registered voters
15 designated as Independents or members of any other recognized
16 political party to vote in such election. The Secretary of the
17 State Election Board, for offices for which declarations of
18 candidacy are filed with the Secretary of the State Election Board,
19 and the secretary of the county election board, for offices for
20 which declarations of candidacy are filed with the secretary of the
21 county election board, shall certify a list of offices subject to
22 the provisions of this paragraph and shall provide such list to the
23 state chair of the recognized political party of which such
24 candidates are members not later than ten (10) calendar days after

1 the end of the filing period for declarations of candidacy for the
2 office. If the recognized political party desires to permit
3 registered voters who are not members to vote as provided in this
4 paragraph, the state chair shall so notify the Secretary of the
5 State Election Board in writing within five (5) calendar days of
6 receipt of such list. If the state chair notifies the Secretary of
7 the State Election Board of the party's intention to so permit,
8 registered voters designated as Independents and members of any
9 other recognized political party shall be permitted to vote, only
10 for those offices certified as provided in this paragraph, in any
11 Primary Election or Runoff Primary Election of the party.

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

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