

1 STATE OF OKLAHOMA

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

3 SENATE BILL 767

By: Jolley

4  
5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,  
8 Sections 3-101, as last amended by Section 1, Chapter  
9 224, O.S.L. 2005 and 13A-103, as last amended by  
10 Section 1, Chapter 108, O.S.L. 2004 (26 O.S. Supp.  
11 2008, Sections 3-101 and 13A-103), which relate to  
12 election dates, modifying dates upon which special  
13 elections may be held; modifying terms of members of  
14 boards of education; amending 11 O.S. 2001, Sections  
15 16-103, 16-103.1 and 16-107, as amended by Section  
16 26, Chapter 545, O.S.L. 2004 (11 O.S. Supp. 2008,  
17 Section 16-107), which relate to municipal elections;  
18 modifying dates upon which primary and general  
19 elections may be held; providing that provisions  
20 prohibiting distribution of certain monies not  
21 applicable in certain circumstances; modifying terms  
22 of certain municipal officers; providing for  
23 codification; and providing an effective date.

24  
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-101, as  
last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp.  
2008, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any  
county election board shall be scheduled for a day other than  
Tuesday.

1 B. Except as otherwise provided by law, no special election  
2 shall be held by any county, school district, technology center  
3 school district, municipality or other entity authorized to call  
4 elections except on the ~~second Tuesday of January, February, May,~~  
5 ~~June, July, August, September, October, November and December and~~  
6 ~~the first Tuesday in March and April in odd numbered years and the~~  
7 ~~second Tuesday of January, February, May, and December, the first~~  
8 ~~Tuesday in March and April, the last Tuesday in July, the fourth~~  
9 ~~Tuesday in August, and the first Tuesday after the first Monday in~~  
10 ~~November of any even-numbered year; except in any year when a~~  
11 ~~Presidential Preferential Primary Election is held in February, the~~  
12 ~~date for the special elections shall be~~ a special election may be  
13 held on the same date as the Presidential Preferential Primary  
14 Election.

15 C. In the event that a regular or special election date occurs  
16 on an official state holiday, the election shall be scheduled for  
17 the next following Tuesday.

18 SECTION 2. AMENDATORY 26 O.S. 2001, Section 13A-103, as  
19 last amended by Section 1, Chapter 108, O.S.L. 2004 (26 O.S. Supp.  
20 2008, Section 13A-103), is amended to read as follows:

21 Section 13A-103. A. The election of members of the board of  
22 education of every school district and technology center school  
23 district shall be conducted on the ~~second Tuesday in February last~~  
24 Tuesday in July of each year, ~~except in any year when a Presidential~~

1 ~~Preferential Primary is held in February, then the election shall be~~  
2 ~~held on the same day as the Presidential Preferential Primary.~~

3 If no candidate receives more than fifty percent (50%) of the  
4 votes cast in the election provided for in this subsection, an  
5 election between the two candidates with the highest number of votes  
6 shall be conducted on the first Tuesday ~~in April~~ after the first  
7 Monday in November of that year. The terms of members of the board  
8 of education of every school district and technology center school  
9 district which would have been filled by election in February or  
10 April of 2010 without the passage of this act shall be extended  
11 until the first regular, special or emergency school board meeting  
12 after the members have been certified as elected as provided in  
13 Section 5-107A of Title 70 of the Oklahoma Statutes.

14 B. Elections on the question of making a levy or levies for  
15 schools under Section 9, Section 9B or Section 10 of Article X of  
16 the Oklahoma Constitution shall be held on the second Tuesday in  
17 February of each year, except in any year when a Presidential  
18 Preferential Primary is held in February, then the election shall be  
19 held on the same day as the Presidential Preferential Primary.

20 C. The board of education of every school district or  
21 technology center school district may call a special election for  
22 the purpose of voting on any matter or question authorized by law.

23 SECTION 3. AMENDATORY 11 O.S. 2001, Section 16-103, is  
24 amended to read as follows:

1 Section 16-103. General municipal elections shall be held in  
2 cities and towns on the first Tuesday ~~in April~~ after the first  
3 Monday in November in each odd-numbered year.

4 SECTION 4. AMENDATORY 11 O.S. 2001, Section 16-103.1, is  
5 amended to read as follows:

6 Section 16-103.1 No monies shall be distributed pursuant to  
7 Section 1104 of Title 47 and Section 504 of Title 68 of the Oklahoma  
8 Statutes to any incorporated city or town which has failed to hold a  
9 general or special municipal election to elect officers as provided  
10 in Section 16-101 et seq. of this title or a biennial town meeting  
11 as provided by the Oklahoma Town Meeting Act, on the dates required  
12 by law for four (4) or more years, if a general or special municipal  
13 election, or for two consecutive biennial town meetings; provided,  
14 the provisions of this section shall not apply if such requirements  
15 have not been met solely due to a change in the dates upon which  
16 elections are allowed to be held as provided by this act. Such  
17 monies shall be remitted to the county in which the incorporated  
18 city or town is located and deposited to the county highway fund of  
19 that county to be used as otherwise provided by law. An  
20 incorporated city or town shall henceforth send the county treasurer  
21 of the county in which it is located and the ~~chairman~~ chair of the  
22 Oklahoma Tax Commission, or a person designated by the Oklahoma Tax  
23 Commission to receive service of process, a copy of the  
24 municipality's notice of a biennial town meeting or resolution

1 calling for its regular municipal elections, whichever is  
2 appropriate. The copy of the resolution shall include a notation by  
3 the county election board showing that the resolution was received  
4 and the date it was received.

5 SECTION 5. AMENDATORY 11 O.S. 2001, Section 16-107, as  
6 amended by Section 26, Chapter 545, O.S.L. 2004 (11 O.S. Supp. 2008,  
7 Section 16-107), is amended to read as follows:

8 Section 16-107. A primary election shall be held in cities and  
9 towns on the ~~second Tuesday of February~~ last Tuesday in July in each  
10 odd-numbered year, at which time the several political parties shall  
11 nominate candidates for offices which are to be elected at the  
12 upcoming general municipal election.

13 SECTION 6. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 16-214 of Title 11, unless there  
15 is created a duplication in numbering, reads as follows:

16 The terms of office set forth in Section 16-201 et seq. of Title  
17 11 of the Oklahoma Statutes which would have been filled by election  
18 in February or April of 2010 without the passage of this act shall  
19 be extended until the first meeting of the governing body of the  
20 municipality following certification of the elections for such  
21 offices held in July or November of 2010.

22 SECTION 7. This act shall become effective January 1, 2010.

23  
24 52-1-1372 CD 3/6/2009 6:40:45 AM