

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2280

By: Glenn of the House

and

Ballenger of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to county officers; amending 19 O.S.
12 2011, Section 350, which relates to county
13 commissioners; modifying the date for publishing of
14 holidays; amending 26 O.S. 2011, Section 12-111,
15 which relates to vacancies in county office;
16 modifying filling of vacancy for certain offices;
17 amending 51 O.S. 2011, Section 10, which relates to
18 vacancies; modifying filling of vacancies in certain
19 offices; and providing an effective date.

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

21 SECTION 1. AMENDATORY 19 O.S. 2011, Section 350, is
22 amended to read as follows:

23 Section 350. The county commissioners and members of the county
24 excise board of each county shall designate and publish ~~between the~~

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 ~~1st and 20th of January~~ by December 15 each year ~~which~~ a list of
2 holidays the county offices will be closed.

3 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-111, is
4 amended to read as follows:

5 Section 12-111. A. Whenever a vacancy shall occur in the
6 office of a county commissioner, the vacancy shall be filled at a
7 special election to be called by the Governor within thirty (30)
8 days after the vacancy occurs. Provided, no special election shall
9 be called if the vacancy occurs after March 1 of any even-numbered
10 year if the term of the office expires the following year. In such
11 case, the candidate elected to the office at the Primary Election,
12 runoff Primary Election, or the regular General Election shall be
13 appointed by the Governor as soon as practical after the applicable
14 election to fill the unexpired term.

15 B. Whenever a vacancy shall occur in any elective county office
16 ~~of any county in this state having a population of more than the~~
17 ~~population figure specified in subsection B of Section 10 of Title~~
18 ~~51 of the Oklahoma Statutes,~~ other than the office of county
19 commissioner, the vacancy shall be filled at a special election to
20 be called by the Governor within thirty (30) days after the vacancy
21 occurs. Provided, no special election shall be called if the
22 vacancy occurs after March 1 of any even-numbered year if the term
23 of the office expires the following year. In such case, the

1 candidate elected to the office at the Primary Election, runoff
2 Primary Election, or the regular General Election shall be appointed
3 by the Governor as soon as practical after the applicable election
4 to fill the unexpired term.

5 SECTION 3. AMENDATORY 51 O.S. 2011, Section 10, is
6 amended to read as follows:

7 Section 10. ~~A.~~ All vacancies in state offices, except in
8 offices of the members of the Legislature, members of the House of
9 Representatives from Oklahoma in the Congress of the United States
10 of America and members of the Senate of the United States of
11 America, shall be filled by appointment by the Governor. When a
12 vacancy occurs in the office of district judge, associate district
13 judge, or judge of any intermediate appellate court, the Governor
14 shall, in filling such vacancy, utilize the services of the Judicial
15 Nominating Commission in the manner as provided for in the filling
16 of judicial offices under Section 4~~7~~ of Article ~~7B~~ VII-B of the
17 Oklahoma Constitution.

18 ~~B. All vacancies in county offices except the board of county~~
19 ~~commissioners or except for any elective county office of any county~~
20 ~~in the State of Oklahoma having a population of more than six~~
21 ~~hundred thousand (600,000), according to the latest Federal~~
22 ~~Decennial Census shall be filled by appointment by the board of~~
23 ~~county commissioners. If such an appointment is made prior to the~~

1 ~~prescribed filing period for county officers in accordance with the~~
2 ~~provisions of Section 131 of Title 19 of the Oklahoma Statutes, the~~
3 ~~county commissioners shall, at the time said appointment is made,~~
4 ~~proclaim a special election to fill the balance of the unexpired~~
5 ~~term, providing the balance of the term does not expire in the year~~
6 ~~following the next succeeding general election. In making the~~
7 ~~proclamation, the county commissioners shall establish the dates for~~
8 ~~the filing period, primary election, runoff primary election and~~
9 ~~general election to be the same as the next succeeding filing~~
10 ~~period, primary election, runoff primary election and general~~
11 ~~election for county officers. The appointee shall be eligible to~~
12 ~~become a candidate at said special election, providing said~~
13 ~~appointee is otherwise qualified. The office to be filled shall be~~
14 ~~printed on the same ballot as other county offices.~~

15 SECTION 4. This act shall become effective November 1, 2012.

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17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
18 02/16/2012 - DO PASS, As Amended and Coauthored.
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