

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 91

By: Brinkley and Shortey of the
Senate

and

Tibbs of the House

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11 COMMITTEE SUBSTITUTE

12 An Act relating to identity and eligibility of
13 candidates; requiring proof of identity and
14 eligibility to hold office for certain candidates;
15 requiring promulgation of certain rules; requiring
16 availability of certain documents for public
17 inspection; amending 26 O.S. 2001, Section 20-102, as
18 amended by Section 24, Chapter 485, O.S.L. 2003 (26
19 O.S. Supp. 2010, Section 20-102), which relates to
20 candidacy for nomination for President of the United
21 States; modifying filing requirements for candidacy
22 for certain office; requiring availability of certain
23 documents for public inspection; providing for
24 codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5-111.2 of Title 26, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Each candidate required to file a Declaration of Candidacy
5 for any federal, state, county, municipal or judicial office, or for
6 the nomination of a recognized political party, in any general,
7 primary, or special election shall, at the time of filing the
8 Declaration of Candidacy, provide proof of identity and eligibility
9 to hold the office sought to the election board at which the
10 Declaration was filed.

11 B. The Secretary of the State Election Board shall promulgate
12 rules to specify the documentation required to provide proof of
13 eligibility to hold the office sought. The requirement to provide
14 proof of identity may be satisfied by production of a document
15 specified in Section 7-114 of Title 26 of the Oklahoma Statutes.

16 C. Copies of documents provided pursuant to the provisions of
17 this section shall be made by the election board and kept available
18 for public inspection pursuant to the Oklahoma Open Records Act.

19 SECTION 2. AMENDATORY 26 O.S. 2001, Section 20-102, as
20 amended by Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2010,
21 Section 20-102), is amended to read as follows:

22 Section 20-102. A. Candidates for the nomination for President
23 of the United States shall file with the Secretary of the State
24

1 Election Board. Such candidates shall be members of political
2 parties recognized under the laws of the State of Oklahoma and shall
3 have filed a statement of candidacy with the Federal Election
4 Commission and shall have raised and expended not less than Five
5 Thousand Dollars (\$5,000.00) for ~~said~~ the office. The candidates
6 shall be required to swear an oath or affirm that they meet the
7 aforementioned qualifications, and their signatures shall be
8 witnessed by a notary public. The candidates shall further be
9 required to provide proof of identity and United States citizenship
10 to the State Election Board. A candidate shall present a current
11 state or federal government-issued photo identification to provide
12 proof of identity, and shall also present one of the following
13 documents to provide proof of United States natural-born
14 citizenship:

15 1. An original birth document issued by a state, the
16 Commonwealth of Puerto Rico, or the District of Columbia, or a
17 certified copy thereof;

18 2. An original birth certificate issued by the federal
19 government, or a certified copy thereof;

20 3. An original United States Certificate of Birth Abroad, or
21 certified copy thereof; or

22 4. An original Report of Birth Abroad of a Citizen of the
23 United States, or certified copy thereof.

1 Copies of these documents shall be made by the State Election
2 Board and kept available for public inspection pursuant to the
3 Oklahoma Open Records Act.

4 B. Such filing ~~beginning~~ shall begin at 8:00 a.m. on the first
5 Monday in December and ~~ending~~ end at 5:00 p.m. on the next
6 succeeding Wednesday, or at a time prescribed by the State Election
7 Board for a Presidential Preferential Primary to be held on a date
8 other than the first Tuesday in February. A statement of candidacy
9 must be accompanied by a petition supporting a candidate's filing
10 signed by one percent (1%) of the registered voters in each
11 congressional district eligible to vote for a candidate or one
12 thousand (1,000) registered voters in each congressional district
13 eligible to vote for a candidate, whichever is less, as reflected by
14 the latest January 15 registration report; or by a cashier's check
15 or certified check in the amount of Two Thousand Five Hundred
16 Dollars (\$2,500.00). Such check shall be forfeited unless a
17 candidate receives more than fifteen percent (15%) of the votes
18 cast. The State Election Board shall cause the names of all
19 candidates who have filed within the proper time to be printed on
20 the official ballots. The ballots shall be prepared as provided for
21 by law. Voters shall be restricted to one vote for the candidate of
22 his or her choice of the political party in which the voter is
23 registered.

1 ~~B.~~ C. Each page of a petition supporting a candidate's filing
2 shall identify the county and the congressional district, and shall
3 contain the names of registered voters in only one congressional
4 district and in only one county.

5 ~~C.~~ D. Each page of a petition supporting a candidate's filing
6 shall be verified. Verification shall be made in substantial
7 compliance with the provisions of Section 6 of Title 34 of the
8 Oklahoma Statutes.

9 SECTION 3. This act shall become effective November 1, 2011.

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11 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-07-2011 - DO PASS,
12 As Amended.

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