

1 **SENATE FLOOR VERSION**

2 February 22, 2011

3 As Amended

4 SENATE BILL NO. 602

5 By: Sykes of the Senate

6 and

7 Banz of the House

8 An Act relating to election dates and deadlines;  
9 creating the Let the Troops Vote Act; providing short  
10 title; amending 26 O.S. 2001, Sections 1-102, as  
11 amended by Section 2, Chapter 162, O.S.L. 2003, 1-  
12 108, as last amended by Section 6, Chapter 53, O.S.L.  
13 2004, 3-101, as last amended by Section 1, Chapter  
14 224, O.S.L. 2005, 4-119, as amended by Section 7,  
15 Chapter 485, O.S.L. 2003, 5-110, as last amended by  
16 Section 8, Chapter 53, O.S.L. 2004, 12-103, as last  
17 amended by Section 3, Chapter 369, O.S.L. 2004, 12-  
18 106, 12-108 and 12-113, as last amended by Sections 4  
19 and 5, Chapter 369, O.S.L. 2004, 12-116, as amended  
20 by Section 6, Chapter 369, O.S.L. 2004, 13-102, as  
21 amended by Section 19, Chapter 545, O.S.L. 2004, 14-  
22 115.5, as amended by Section 22, Chapter 545, O.S.L.  
23 2004, 14-118, as last amended by Section 1, Chapter  
24 149, O.S.L. 2010, 20-101, as amended by Section 1,  
Chapter 174, O.S.L. 2003 and 20-102, as amended by  
Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp.  
2010, Sections 1-102, 1-108, 3-101, 4-119, 5-110, 12-  
103, 12-108, 12-113, 12-116, 13-102, 14-115.5, 14-  
118, 20-101 and 20-102), which relate to election  
dates and procedures; modifying time period during  
which recognized political parties may be formed;  
changing dates upon which special elections may be  
held; modifying time period during which changes of  
political affiliation may be processed and approved;  
modifying period during which declarations of  
candidacy filed; requiring certain proclamation to  
prescribe filing and election dates that permit  
compliance with certain provisions; modifying time  
period during which occurrence of vacancy requires  
calling of special election; modifying time period

1 after which special statewide election may be held  
2 after call; specifying filing period for certain  
3 municipal offices; modifying date of submission of  
4 list of nominees to absentee voting board; providing  
5 for transmission of absentee ballots; modifying date  
6 upon which Presidential Preferential Primary election  
7 held; eliminating procedure for return of certain  
8 funds; amending 11 O.S. 2001, Section 16-102, as  
9 amended by Section 25, Chapter 545, O.S.L. 2004 (11  
10 O.S. Supp. 2010, Section 16-102), which relates to  
11 municipal elections; **repealing Section 9,  
12 Chapter 485, O.S.L. 2003, as amended by Section 21,  
13 Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2010, Section  
14 14-104.1), which relates to absentee ballots;**  
15 providing for noncodification; and providing an  
16 effective date.

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

18 SECTION 1. NEW LAW A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

20 This act shall be known and may be cited as the "Let the Troops  
21 Vote Act".

22 SECTION 2. AMENDATORY 26 O.S. 2001, Section 1-102, as  
23 amended by Section 2, Chapter 162, O.S.L. 2003 (26 O.S. Supp. 2010,  
24 Section 1-102), is amended to read as follows:

25 Section 1-102. A Primary Election shall be held on the last  
26 Tuesday in ~~July~~ June of each even-numbered year, at which time each  
27 political party recognized by the laws of Oklahoma shall nominate  
28 its candidates for the offices to be filled at the next succeeding  
29 General Election, unless otherwise provided by law. No candidate's

1 name shall be printed upon the General Election ballot unless such  
2 candidate shall have been nominated as herein provided, unless  
3 otherwise provided by law; provided further that this provision  
4 shall not exclude the right of a nonpartisan candidate to have his  
5 or her name printed upon the General Election ballots. No county,  
6 municipality or school district shall schedule an election on any  
7 date during the twenty (20) days immediately preceding the date of  
8 any such primary election.

9 SECTION 3. AMENDATORY 26 O.S. 2001, Section 1-108, as  
10 last amended by Section 6, Chapter 53, O.S.L. 2004 (26 O.S. Supp.  
11 2010, Section 1-108), is amended to read as follows:

12 Section 1-108. A group of persons may form a recognized  
13 political party at any time except during the period between ~~June 1~~  
14 March 1 and November 15 of any even-numbered year if the following  
15 procedure is observed:

16 1. Notice of intent to form a recognized political party must  
17 be filed in writing with the Secretary of the State Election Board  
18 at any time except during the period between March 1 and November 15  
19 of any even-numbered year;

20 2. After such notice is filed, petitions seeking recognition of  
21 a political party, in a form to be prescribed by the Secretary of  
22 the State Election Board, shall be filed with such Secretary,  
23 bearing the signatures of registered voters equal to at least five  
24 percent (5%) of the total votes cast in the last General Election

1 either for Governor or for electors for President and Vice  
2 President. Each page of such petitions must contain the names of  
3 registered voters from a single county. Petitions may be circulated  
4 a maximum of one (1) year after notice is filed, provided that  
5 petitions shall be filed with ~~such~~ the Secretary no later than ~~May 1~~  
6 March 1 of an even-numbered year. Such petitions shall not be  
7 circulated between ~~May 1~~ March 1 and November 15 of any  
8 even-numbered year-; and

9 3. Within thirty (30) days after receipt of such petitions, the  
10 State Election Board shall determine the sufficiency of such  
11 petitions. If such Board determines there are a sufficient number  
12 of valid signatures of registered voters, the party becomes  
13 recognized under the laws of the State of Oklahoma with all rights  
14 and obligations accruing thereto.

15 SECTION 4. AMENDATORY 26 O.S. 2001, Section 3-101, as  
16 last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp.  
17 2010, Section 3-101), is amended to read as follows:

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

21 B. Except as otherwise provided by law, no special election  
22 shall be held by any county, school district, technology center  
23 school district, municipality or other entity authorized to call  
24 elections except on ~~the~~ the:

1        1. The second Tuesday of January, February, May, June, July,  
2 August, September, October, and November ~~and December~~ and the first  
3 Tuesday in March and April in odd-numbered years ~~and the~~;

4        2. The second Tuesday of January, and February, ~~May, and~~  
5 ~~December~~, the first Tuesday in March and April, the ~~last Tuesday in~~  
6 ~~July~~ last Tuesday in June, the fourth Tuesday in August, and the  
7 first Tuesday after the first Monday in November of any even-  
8 numbered year; ~~except in any year when a Presidential Preferential~~  
9 ~~Primary Election is held in February, the date for the special~~  
10 ~~elections shall be the same date as the Presidential Preferential~~  
11 ~~Primary Election.~~

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

15        SECTION 5.        AMENDATORY        26 O.S. 2001, Section 4-119, as  
16 amended by Section 7, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2010,  
17 Section 4-119), is amended to read as follows:

18        Section 4-119. Any registered voter may make application under  
19 oath to change political affiliation by executing a form prescribed  
20 by the Secretary of the State Election Board at any time. The  
21 county election board secretary in the applicant's county of  
22 residence shall process and approve any such application for  
23 political affiliation change upon receipt, except as provided in  
24 Section 4-110.1 of ~~Title 26 of the Oklahoma Statutes~~ this title and

1 except during the period from ~~June 1~~ April 1 through August 31,  
2 inclusive, in any even-numbered year. The secretary shall process  
3 and approve such applications for change of political affiliation  
4 received or postmarked from ~~June 1~~ April 1 through August 31 in any  
5 even-numbered year after August 31.

6 SECTION 6. AMENDATORY 26 O.S. 2001, Section 5-110, as  
7 last amended by Section 8, Chapter 53, O.S.L. 2004 (26 O.S. Supp.  
8 2010, Section 5-110), is amended to read as follows:

9 Section 5-110. Declarations of Candidacy provided herein must  
10 be filed with the secretary of the appropriate election board no  
11 earlier than 8:00 a.m. on the first Monday in ~~June~~ April of any  
12 even-numbered year and no later than 5:00 p.m. on the next  
13 succeeding Wednesday. Such Declarations of Candidacy may be  
14 transmitted by United States mail, but in no event shall the  
15 secretary of any election board accept such Declarations after the  
16 time prescribed by law.

17 SECTION 7. AMENDATORY 26 O.S. 2001, Section 12-103, as  
18 last amended by Section 3, Chapter 369, O.S.L. 2004 (26 O.S. Supp.  
19 2010, Section 12-103), is amended to read as follows:

20 Section 12-103. The proclamation required by Section 12-102 of  
21 this title shall prescribe filing and election dates that permit  
22 full compliance with the requirements of the federal Military and  
23 Overseas Voter Empowerment Act of 2009 and shall contain the  
24 following facts:

1 1. A filing period of three (3) days, on a Monday, Tuesday and  
2 Wednesday not less than ten (10) days from the date of such  
3 proclamation;

4 2. The date of the Special Primary Election, not less than  
5 twenty (20) days after the close of the filing period;

6 3. The date of the Special Runoff Primary Election, not less  
7 than twenty (20) days after the date of the Special Primary  
8 Election; and

9 4. The date of the Special General Election, not less than  
10 twenty (20) days after the date of the Special Runoff Primary  
11 Election.

12 Should such a vacancy occur ~~between~~ on or after March 1 ~~and June~~  
13 ~~±~~ of an even-numbered year, when a special election is required, the  
14 proclamation must contain dates that are the same as are required by  
15 law for the regular filing period, Primary Election, Runoff Primary  
16 Election and General Election, if practicable.

17 SECTION 8. AMENDATORY 26 O.S. 2001, Section 12-106, is  
18 amended to read as follows:

19 Section 12-106. A. Whenever a vacancy shall occur in the  
20 office of a member of the State Senate or the State House of  
21 Representatives, the vacancy shall be filled at a Special Election  
22 to be called by the Governor within thirty (30) days after the  
23 vacancy occurs; provided, no special election shall be called if the  
24

1 vacancy occurs after March 1 of any even-numbered year if the term  
2 of the office expires the same year.

3 B. If in an even-numbered year an incumbent State Senator with  
4 two (2) or more years remaining in the term for which elected shall  
5 file with the Oklahoma Secretary of State before ~~June 1~~ April 1 a  
6 resignation in writing which states that the resignation will not  
7 become effective immediately, but rather will become effective on  
8 some date certain that is after the General Election but before the  
9 convening of the next session of the Legislature, the vacancy shall  
10 be filled by a special election which shall be held in that even-  
11 numbered year on the same dates as the regular Primary Election,  
12 Runoff Primary Election and General Election. The filing period for  
13 the special election shall be the regular filing period prescribed  
14 in Section 5-110 of this title. The person elected in the General  
15 Election of the special election shall take office on the date the  
16 resignation of the incumbent becomes effective and shall serve the  
17 remainder of the unexpired term.

18 SECTION 9. AMENDATORY 26 O.S. 2001, Section 12-108, as  
19 last amended by Section 4, Chapter 369, O.S.L. 2004 (26 O.S. Supp.  
20 2010, Section 12-108), is amended to read as follows:

21 Section 12-108. Such proclamation shall contain the following  
22 facts:  
23  
24

1 1. A filing period of three (3) days, on a Monday, Tuesday and  
2 Wednesday not less than ten (10) days from the date of such  
3 proclamation;

4 2. The date of the Special Primary Election, not less than  
5 twenty (20) days after the close of the filing period; and

6 3. The date of the Special General Election, not less than  
7 twenty (20) days after the date of the Special Primary Election.

8 Should such a vacancy occur ~~between~~ on or after March 1 ~~and June~~  
9 ~~±~~ of an even-numbered year, when a special election is required, the  
10 proclamation must contain dates that are the same as are required by  
11 law for the regular filing period, Primary Election, Runoff Primary  
12 Election and General Election, if practicable.

13 SECTION 10. AMENDATORY 26 O.S. 2001, Section 12-113, as  
14 last amended by Section 5, Chapter 369, O.S.L. 2004 (26 O.S. Supp.  
15 2010, Section 12-113), is amended to read as follows:

16 Section 12-113. Such proclamation shall contain the following  
17 facts:

18 1. A filing period of three (3) days, on a Monday, Tuesday and  
19 Wednesday, not less than ten (10) days from the date of such  
20 proclamation;

21 2. The date of the Special Primary Election, not less than  
22 twenty (20) days after the close of the filing period; and

23 3. The date of the Special General Election, not less than  
24 twenty (20) days after the date of the Special Primary Election.

1       Should such a vacancy occur ~~between~~ on or after March 1 ~~and June~~  
2 ± of an even-numbered year, when a special election is required, the  
3 proclamation must contain dates that are the same as are required by  
4 law for the regular filing period, Primary Election, Runoff Primary  
5 Election and General Election, if practicable.

6       SECTION 11.       AMENDATORY       26 O.S. 2001, Section 12-116, as  
7 amended by Section 6, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2010,  
8 Section 12-116), is amended to read as follows:

9       Section 12-116. In the event the Governor or the Legislature  
10 shall call for a special statewide election on any measure to be  
11 submitted to a vote of the people, said election shall be held not  
12 fewer than ~~sixty (60)~~ seventy (70) days from the date said election  
13 is called. Such special statewide election may be on the same date  
14 as a primary or general election or may be on some other date set by  
15 the Governor or the Legislature. In the event the board of county  
16 commissioners or the governing body of a municipality or school  
17 district or technology center school district or any other  
18 governmental subdivision calls for a special election on any  
19 question, said election shall be held not fewer than sixty (60) days  
20 from the date said election is called; provided, that a special  
21 election called by a school or technology center school district to  
22 be held on the date of the annual school runoff election shall not  
23 be held fewer than forty-five (45) days from the date said special  
24 election is called. A special election to fill a vacancy for member

1 of the board of education of a school district or to fill a vacancy  
2 for municipal office shall be scheduled not fewer than sixty (60)  
3 days from the date said election is called.

4 SECTION 12. AMENDATORY 26 O.S. 2001, Section 13-102, as  
5 amended by Section 19, Chapter 545, O.S.L. 2004 (26 O.S. Supp. 2010,  
6 Section 13-102), is amended to read as follows:

7 Section 13-102. A. Not fewer than fifteen (15) days before the  
8 filing period for any regular municipal election, or in the event of  
9 a special election, not fewer than sixty (60) days before such  
10 election, the governing board of any municipality shall submit a  
11 resolution to the secretary of the county election board conducting  
12 such election. Such resolution shall contain the following facts:

13 1. The dates of the election or elections;

14 2. The offices to be filled or the questions to be voted upon  
15 at such election or elections;

16 3. Qualifications for such offices;

17 4. Designation of which offices shall be filled by voting by  
18 ward and which offices shall be filled by voting at large;

19 5. Indication of whether the election will be partisan or  
20 nonpartisan;

21 6. For charter cities where the charter is silent, indication  
22 of any portion of state law which will apply; and

23 7. Any other information necessary for conducting said election  
24 or elections.

1        B. In the event that a municipality governed by charter  
2 schedules a regular or special election for a municipal office on  
3 the same date as an election involving state or federal offices, the  
4 filing period for such municipal office shall be scheduled on a  
5 Monday, Tuesday and Wednesday not less than fifteen (15) days nor  
6 more than twenty (20) days following the date of the resolution or  
7 order.

8            SECTION 13.            AMENDATORY            26 O.S. 2001, Section 14-115.5,  
9 as amended by Section 22, Chapter 545, O.S.L. 2004 (26 O.S. Supp.  
10 2010, Section 14-115.5), is amended to read as follows:

11            Section 14-115.5 To carry out the provisions of Sections 14-115  
12 and 14-115.4 of this title, the secretary of the county election  
13 board shall designate one or more absentee voting boards, to be  
14 composed of two (2) members each, with each member to be of a  
15 different political affiliation. No later than ~~July 1~~ June 1 in  
16 each even-numbered year, the chair of the county central committees  
17 of the two political parties having the highest number of registered  
18 voters in the county shall each submit a list of ten names to the  
19 secretary. Such lists shall contain names of registered voters of  
20 the county, who may be members of the county election board, except  
21 the secretary, or precinct election boards. The secretary shall be  
22 confined to such list in designating membership on the absentee  
23 voting board or boards, unless all persons on such lists are  
24 ineligible or unwilling to serve. In the event the chair of the

1 county central committee of a political party fails to submit a list  
2 as herein provided, the secretary shall appoint membership to such  
3 board or boards from the ranks of registered voters of such party  
4 within the county. Provided further, that in the event the list of  
5 names of either or both parties is exhausted and additional absentee  
6 voting boards are needed, the secretary shall appoint additional  
7 members to such boards from the ranks of such party or parties in  
8 the county. Members of an absentee voting board shall be reimbursed  
9 for their expenses at the same rate as a precinct judge or clerk, as  
10 provided in Section 2-129 of this title. One member of each such  
11 board serving a nursing home or convalescent hospital shall be  
12 allowed mileage reimbursement at the rate prescribed for travel by  
13 state employees according to the State Travel Reimbursement Act.

14 SECTION 14. AMENDATORY 26 O.S. 2001, Section 14-118, as  
15 last amended by Section 1, Chapter 149, O.S.L. 2010 (26 O.S. Supp.  
16 2010, Section 14-118), is amended to read as follows:

17 Section 14-118. A. When an application for an absentee ballot  
18 pursuant to Section 14-117 of this title is received by the  
19 secretary of a county election board, it shall be the duty of the  
20 secretary to transmit by United States mail, by facsimile device as  
21 defined in Section 1862 of Title 21 of the Oklahoma Statutes, or as  
22 provided in subsection B of this section the ballots which the  
23 elector has requested and is entitled to receive. When an  
24 application for an absentee ballot is received at least forty-five

1 (45) days before an election involving state or federal offices, the  
2 absentee ballot shall be transmitted by mail, by electronic mail, or  
3 by other means of electronic communication, as provided in this  
4 section, or by facsimile device as provided in Section 14-118.1 of  
5 this title, not less than forty-five (45) days preceding the  
6 election. When an application for an absentee ballot for an  
7 election involving state or federal offices is received less than  
8 forty-five (45) days preceding the election, the absentee ballot  
9 shall be transmitted by mail, by electronic mail, or by other means  
10 of electronic communication, as provided in this section, or by  
11 facsimile device as provided in Section 14-118.1 of this title,  
12 within forty-eight (48) hours of receipt of the application.

13 B. The secretary of the county election board may transmit  
14 balloting materials for any state or federal election, or for any  
15 other election as designated by the Secretary of the State Election  
16 Board as provided in subsection D of this section, ~~to an~~ by  
17 electronic mail address or by other means of electronic  
18 communication in a form and manner prescribed by the Secretary of  
19 the State Election Board, if the voter:

- 20 1. Is a Federal Post Card Application registrant and is  
21 eligible to receive an absentee ballot as provided by law;
- 22 2. Provides an electronic mail address; and
- 23 3. Requests that balloting materials be sent by electronic  
24 mail.

1        If the secretary of the county election board transmits a ballot  
2 to a voter ~~at an~~ by electronic mail address or by other means of  
3 electronic communication as provided in this subsection, the  
4 secretary shall amend the voter's federal postcard application for  
5 future elections to include the voter's electronic mail address.

6        C. An electronic mail address provided under this section is  
7 confidential and does not constitute public information for purposes  
8 of the Oklahoma Open Records Act. The secretary of the county  
9 election board shall ensure that an electronic mail address provided  
10 under this section is excluded from disclosure.

11        D. The Secretary of the State Election Board shall determine if  
12 balloting materials for any election other than a state or federal  
13 election may be produced in a form which would allow them to be  
14 transmitted ~~to an~~ by electronic mail address or by other means of  
15 electronic communication. If so, the Secretary shall so designate  
16 them. If such designation is not made, the balloting materials may  
17 be transmitted to the voter as provided in subsection A of this  
18 section.

19        E. All other provisions of this title that would normally apply  
20 to a ballot voted under this title apply to a ballot provided  
21 pursuant to the provisions of subsection B of this section.

22        F. The Secretary of the State Election Board may suspend the  
23 provisions of subsection B of this section if the Secretary  
24 determines that electronic transmission of balloting materials is

1 not in the best interest of the people of this state due to a  
2 potential problem with the security of the balloting materials.

3 SECTION 15. AMENDATORY 26 O.S. 2001, Section 20-101, as  
4 amended by Section 1, Chapter 174, O.S.L. 2003 (26 O.S. Supp. 2010,  
5 Section 20-101), is amended to read as follows:

6 Section 20-101. A. A Presidential Preferential Primary for  
7 recognized political parties shall be held on the first Tuesday in  
8 ~~February~~ March in each of the years in which the President and Vice  
9 President of the United States are to be elected.

10 B. If one or more states having a mutual boundary with this  
11 state establish a single date for a regional primary, the State  
12 Election Board is authorized to change the date of the Oklahoma  
13 primary to the date established for the regional primary.

14 C. No county, municipality, school district or other entity  
15 authorized by law to call elections shall schedule an election on  
16 any date during the twenty (20) days immediately preceding the date  
17 of any such Primary Election. However, this subsection shall not  
18 apply to home rule municipalities.

19 SECTION 16. 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 Election Board. Such candidates shall be members of political

1 parties recognized under the laws of the State of Oklahoma and shall  
2 have filed a statement of candidacy with the Federal Election  
3 Commission and shall have raised and expended not less than Five  
4 Thousand Dollars (\$5,000.00) for said office. The candidates shall  
5 be required to swear an oath or affirm that they meet the  
6 aforementioned qualifications, and their signatures shall be  
7 witnessed by a notary public. Such filing beginning at 8:00 a.m. on  
8 the first Monday in December and ending at 5:00 p.m. on the next  
9 succeeding Wednesday, or at a time prescribed by the State Election  
10 Board for a Presidential Preferential Primary to be held on a date  
11 other than the first Tuesday in ~~February~~ March. A statement of  
12 candidacy must be accompanied by a petition supporting a candidate's  
13 filing signed by one percent (1%) of the registered voters in each  
14 congressional district eligible to vote for a candidate or one  
15 thousand (1,000) registered voters in each congressional district  
16 eligible to vote for a candidate, whichever is less, as reflected by  
17 the latest January 15 registration report; or by a cashier's check  
18 or certified check in the amount of Two Thousand Five Hundred  
19 Dollars (\$2,500.00). ~~Such check shall be forfeited unless a~~  
20 ~~candidate receives more than fifteen percent (15%) of the votes~~  
21 ~~east.~~ The State Election Board shall cause the names of all  
22 candidates who have filed within the proper time to be printed on  
23 the official ballots. The ballots shall be prepared as provided for  
24 by law. Voters shall be restricted to one vote for the candidate of

1 his or her choice of the political party in which the voter is  
2 registered.

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

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

11 SECTION 17. AMENDATORY 11 O.S. 2001, Section 16-102, as  
12 amended by Section 25, Chapter 545, O.S.L. 2004 (11 O.S. Supp. 2010,  
13 Section 16-102), is amended to read as follows:

14 Section 16-102. A. The provisions of Section 16-101 et seq. of  
15 this title shall not apply to any municipality which is governed by  
16 charter; provided, that elections for such municipalities which  
17 shall be conducted by the county election board shall be scheduled  
18 only on an election date identified by Section subsection B of 3-101  
19 of Title 26 of the Oklahoma Statutes. However, such a municipality  
20 may, by indicating in its resolution calling an election, choose to  
21 follow any provision of state law governing elections conducted by a  
22 county election board when the municipality's charter or ordinances  
23 are silent on the matter addressed by such provision. In such  
24 instance, if the municipal election or any substantial portion

1 thereof is not conducted by a county election board, the duties  
2 required of the county election board or its secretary shall be  
3 performed by the municipal authority designated by the municipal  
4 governing body and nothing herein shall be construed to require the  
5 county election board to perform any such duties. The residency  
6 requirements of Sections 16-109 and 16-110 of this title shall apply  
7 to all municipalities except to the extent that such residency  
8 requirements are governed by municipal charter.

9 B. The provisions of Sections 16-101 through 16-114 of this  
10 title shall not apply to any municipality subject to the provisions  
11 of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this  
12 title shall apply to such municipalities.

13 C. In the event that a municipality governed by charter  
14 schedules a regular or special election for a municipal office on  
15 the same date as an election involving state or federal offices, the  
16 filing period for such municipal office shall be scheduled on a  
17 Monday, Tuesday and Wednesday not less than fifteen (15) days nor  
18 more than twenty (20) days following the date of the resolution or  
19 order.

20 **SECTION 18. REPEALER Section 9, Chapter 485, O.S.L.**  
21 **2003, as amended by Section 21, Chapter 545, O.S.L. 2004 (26 O.S.**  
22 **Supp. 2010, Section 14-104.1), is hereby repealed.**

23 SECTION 19. This act shall become effective November 1, 2011.  
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1 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-16-11 - DO PASS, As  
Amended and Coauthored.

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