

1 **SENATE FLOOR VERSION**

2 February 21, 2011

3 SENATE BILL NO. 808

By: Holt of the Senate

4 and

5 Banz of the House

6
7 An Act relating to presidential preferential primary
8 elections; amending 26 O.S. 2001, Sections 3-101, as
9 last amended by Section 1, Chapter 224, O.S.L. 2005,
10 20-101, as amended by Section 1, Chapter 174, O.S.L.
11 2003 and 20-102, as amended by Section 24, Chapter
12 485, O.S.L. 2003 (26 O.S. Supp. 2010, Sections 3-101,
13 20-101 and 20-102), which relate to election dates;
14 modifying date of presidential preferential primary
15 election; and providing an effective date.

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

17 SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-101, as
18 last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp.
19 2010, Section 3-101), is amended to read as follows:

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

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

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

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

14 SECTION 2. AMENDATORY 26 O.S. 2001, Section 20-101, as
15 amended by Section 1, Chapter 174, O.S.L. 2003 (26 O.S. Supp. 2010,
16 Section 20-101), is amended to read as follows:

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

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

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

6 SECTION 3. AMENDATORY 26 O.S. 2001, Section 20-102, as
7 amended by Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2010,
8 Section 20-102), is amended to read as follows:

9 Section 20-102. A. Candidates for the nomination for President
10 of the United States shall file with the Secretary of the State
11 Election Board. Such candidates shall be members of political
12 parties recognized under the laws of the State of Oklahoma and shall
13 have filed a statement of candidacy with the Federal Election
14 Commission and shall have raised and expended not less than Five
15 Thousand Dollars (\$5,000.00) for ~~said~~ the office. The candidates
16 shall be required to swear an oath or affirm that they meet the
17 aforementioned qualifications, and their signatures shall be
18 witnessed by a notary public. Such filing ~~beginning~~ shall begin at
19 8:00 a.m. on the first Monday in December and ~~ending~~ end at 5:00
20 p.m. on the next succeeding Wednesday, or at a time prescribed by
21 the State Election Board for a Presidential Preferential Primary to
22 be held on a date other than the first Tuesday in ~~February~~ March. A
23 statement of candidacy must be accompanied by a petition supporting
24 a candidate's filing signed by one percent (1%) of the registered

1 voters in each congressional district eligible to vote for a
2 candidate or one thousand (1,000) registered voters in each
3 congressional district eligible to vote for a candidate, whichever
4 is less, as reflected by the latest January 15 registration report;
5 or by a cashier's check or certified check in the amount of Two
6 Thousand Five Hundred Dollars (\$2,500.00). Such check shall be
7 forfeited unless a candidate receives more than fifteen percent
8 (15%) of the votes cast. The State Election Board shall cause the
9 names of all candidates who have filed within the proper time to be
10 printed on the official ballots. The ballots shall be prepared as
11 provided for by law. Voters shall be restricted to one vote for the
12 candidate of his or her choice of the political party in which the
13 voter is registered.

14 B. Each page of a petition supporting a candidate's filing
15 shall identify the county and the congressional district, and shall
16 contain the names of registered voters in only one congressional
17 district and in only one county.

18 C. Each page of a petition supporting a candidate's filing
19 shall be verified. Verification shall be made in substantial
20 compliance with the provisions of Section 6 of Title 34 of the
21 Oklahoma Statutes.

22 SECTION 4. This act shall become effective November 1, 2011.

23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-16-11 - DO PASS, As
24 Coauthored.