

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1055

By: Farley

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2001,  
8 Section 1-104, which relates to Primary Elections and  
9 Runoff Primary Elections; allowing all registered  
10 voters eligible to vote for an office to vote in the  
11 Primary and Runoff Primary Election of a recognized  
12 political party in certain circumstances; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 26 O.S. 2001, Section 1-104, is  
16 amended to read as follows:

17 Section 1-104. A. No registered voter shall be permitted to  
18 vote in any Primary Election or Runoff Primary Election of any  
19 political party except the political party of which ~~his~~ the  
20 registration form of the voter shows ~~him~~ the voter to be a member,  
21 except as otherwise provided by this section.

22 B. If a recognized political party has two or more nominees for  
23 an office, no other recognized political party has a nominee for the  
24 office, and no person registered as an Independent pursuant to  
Section 4-112 of this title is a candidate for the office, all

1 registered voters eligible to vote for that office, regardless of  
2 whether the voters are registered as members of the recognized  
3 political party having candidates for the office, are registered as  
4 members of another recognized political party, or are registered as  
5 Independents, shall be allowed to vote in the Primary Election and,  
6 if a Runoff Primary Election is necessary, in the Runoff Primary  
7 Election.

8       C. 1. A recognized political party may permit registered  
9 voters designated as Independents pursuant to the provisions of  
10 Section 4-112 of this title to vote in a Primary Election or Runoff  
11 Primary Election of the party.

12       2. The state chairman of the party shall, between November 1  
13 and 30 of every odd-numbered year, notify the Secretary of the State  
14 Election Board as to whether or not the party intends to permit  
15 registered voters designated as Independents to vote in a Primary  
16 Election or Runoff Primary Election of the party. If the state  
17 chairman notifies the Secretary of the State Election Board of the  
18 party's intention to so permit, registered voters designated as  
19 Independents shall be permitted to vote in any Primary Election or  
20 Runoff Primary Election of the party held in the following two (2)  
21 calendar years. If the state chairman of one party notifies the  
22 Secretary of the State Election Board of the party's intent to so  
23 permit, the notification period specified in this paragraph shall be  
24 extended to December 15 for the state chairman of any other party to

1 so notify or to change prior notification. A registered voter  
2 designated as Independent shall not be permitted to vote in a  
3 Primary Election or Runoff Primary Election of more than one party.

4 3. Failure to so notify the Secretary of the State Election  
5 Board shall serve to prohibit registered voters designated as  
6 Independents from voting in a Primary Election or Runoff Primary  
7 Election of the party.

8 4. A group of persons seeking to form a recognized political  
9 party pursuant to the provisions of Section 1-108 of this title  
10 shall, upon filing of the petitions seeking recognition of the  
11 political party with the Secretary of the State Election Board,  
12 notify the Secretary of the State Election Board as to whether or  
13 not the party intends to permit registered voters designated as  
14 Independents to vote in a Primary Election or Runoff Primary  
15 Election of the party. If the party is recognized and the group of  
16 persons seeking recognition of the party notifies the Secretary of  
17 the State Election Board of such intention, registered voters  
18 designated as Independents shall be permitted to vote in any Primary  
19 Election or Runoff Primary Election of the party held prior to  
20 January 1 of the following even-numbered year.

21 SECTION 2. This act shall become effective November 1, 2011.

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