

1 STATE OF OKLAHOMA

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

3 SENATE BILL 552

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to vacancies in state offices;  
8 ordering a legislative referendum pursuant to the  
9 Oklahoma Constitution; creating the Let the People  
10 Choose Act; amending 51 O.S. 2001, Section 10, which  
11 relates to vacancies in state and county offices;  
12 modifying the procedure for filling of vacancies;  
13 providing for noncodification; providing an effective  
14 date; providing ballot title; and directing filing.

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

16 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma  
17 Constitution, there is hereby ordered the following legislative  
18 referendum which shall be filed with the Secretary of State and  
19 addressed to the Governor of the state, who shall submit the same to  
20 the people for their approval or rejection at the next General  
21 Election.

22 SECTION 2. NEW LAW A new section of law not to be  
23 codified in the Oklahoma Statutes reads as follows:

24 This act shall be known and may be cited as the "Let the People  
Choose Act".

1 SECTION 3. AMENDATORY 51 O.S. 2001, Section 10, is  
2 amended to read as follows:

3 Section 10. A. All vacancies in state offices, ~~except in~~  
4 ~~offices of the members of the Legislature, members of the House of~~  
5 ~~Representatives from Oklahoma in the Congress of the United States~~  
6 ~~of America and members of the Senate of the United States of~~  
7 ~~America~~, shall be filled by ~~appointment~~ special election to be  
8 called by the Governor, within thirty (30) days after such vacancy  
9 occurs. When a vacancy occurs in the office of district judge,  
10 associate district judge, or judge of any intermediate appellate  
11 court, the Governor shall, in filling such vacancy, utilize the  
12 services of the Judicial Nominating Commission in the manner as  
13 provided for in the filling of judicial offices under Section 4,  
14 Article 7B of the Oklahoma Constitution.

15 B. All vacancies in county offices except the board of county  
16 commissioners or except for any elective county office of any county  
17 in the State of Oklahoma having a population of more than six  
18 hundred thousand (600,000), according to the latest Federal  
19 Decennial Census shall be filled by appointment by the board of  
20 county commissioners. If such an appointment is made prior to the  
21 prescribed filing period for county officers in accordance with the  
22 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the  
23 county commissioners shall, at the time ~~said~~ the appointment is  
24 made, proclaim a special election to fill the balance of the

1 unexpired term, providing the balance of the term does not expire in  
2 the year following the next succeeding general election. In making  
3 the proclamation, the county commissioners shall establish the dates  
4 for the filing period, primary election, runoff primary election and  
5 general election to be the same as the next succeeding filing  
6 period, primary election, runoff primary election and general  
7 election for county officers. The appointee shall be eligible to  
8 become a candidate at ~~said~~ the special election, providing ~~said~~ the  
9 appointee is otherwise qualified. The office to be filled shall be  
10 printed on the same ballot as other county offices.

11 SECTION 4. This act shall become effective December 1, 2013,  
12 upon approval by the people.

13 SECTION 5. The Ballot Title for the proposed act shall be in  
14 the following form:

15 BALLLOT TITLE  
16 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

18 This measure would change how the Governor fills vacant  
19 positions. Vacant positions would be filled by a special  
20 election called by the Governor. The special election must be  
21 called within thirty (30) days of the vacancy. This measure  
22 would be effective December 1, 2013.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL - YES \_\_\_\_\_

1       AGAINST THE PROPOSAL – NO \_\_\_\_\_

2       SECTION 6. The Secretary of the Senate, immediately after the  
3 passage of this act, shall prepare and file one copy thereof,  
4 including the Ballot Title set forth in SECTION 5 hereof, with the  
5 Secretary of State and one copy with the Attorney General.

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