

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2134

By: Hickman of the House

and

4 Marlatt of the Senate
5

6
7 An Act relating to elections; amending 26 O.S. 2011,
8 Section 1-108, which relates to formation of
9 political parties; modifying requirements for
10 formation of a recognized political party; and
11 providing an effective date.

12
13 AUTHORS: Remove as principal House Author Hickman and substitute as
14 principal House Author Echols

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
16 entire bill and insert

17 "An Act relating to elections; amending 26 O.S. 2011,
18 Sections 1-108, 1-109, 10-101, 10-101.1 and 10-101.2,
19 which relate to petitions and procedures for ballot
20 access; modifying number of signatures required for
21 certain petitions; modifying duties of Secretary of
22 State Election Board; modifying duties of State
23 Election Board; providing procedures for political
24 parties and organizations to terminate status;
providing procedures and deadlines for certification
of certain nominees; providing procedures for notice
of intention to circulate certain petitions;
modifying procedure for names of candidates for
office of Presidential Elector to be printed on
ballot; providing procedures in case of refusal or
failure by Presidential Elector to vote for candidate
to whom pledged; and providing an effective date.

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

1 SECTION 1. AMENDATORY 26 O.S. 2011, Section 1-108, is
2 amended to read as follows:

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

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

11 2. After such notice is filed, petitions seeking recognition of
12 a political party, in a form to be prescribed by the Secretary of
13 the State Election Board, shall be filed with such Secretary,
14 bearing the signatures of registered voters equal to at least ~~five~~
15 ~~percent (5%)~~ two and one-half percent (2.5%) of the total votes cast
16 in the last General Election either for Governor or for electors for
17 President and Vice President. Each page of such petitions must
18 contain the names of registered voters from a single county.
19 Petitions may be circulated a maximum of one (1) year after notice
20 is filed, provided that petitions shall be filed with the Secretary
21 no later than March 1 of an even-numbered year. Such petitions
22 shall not be circulated between March 1 and November 15 of any even-
23 numbered year; and

24

1 3. Within thirty (30) days after receipt of such petitions, the
2 Secretary of the State Election Board shall determine the
3 sufficiency of such petitions. If ~~such Board determines there are~~
4 the petitions are found to contain a sufficient number of valid
5 signatures of registered voters, the party becomes recognized under
6 the laws of the State of Oklahoma with all rights and obligations
7 accruing thereto.

8 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-109, is
9 amended to read as follows:

10 Section 1-109. A. Any recognized political party whose nominee
11 for Governor or nominees for electors for President and Vice
12 President fail to receive at least ten percent (10%) of the total
13 votes cast for ~~said~~ the offices in any General Election shall cease
14 to be a recognized political party. ~~Said~~ The party may regain
15 recognition only by following the procedure prescribed for formation
16 of new political parties. The State Election Board shall proclaim
17 the fact of a party's failure to receive a sufficient number of
18 votes and shall order that ~~said~~ the party cease to be recognized.

19 B. Any recognized political party that ceases to be recognized
20 under provisions of this section shall be designated as a political
21 organization. Such political organization designation shall
22 terminate four (4) years from the date that the political party
23 ceases to be recognized or when the political organization regains
24 recognition as a political party, whichever is earlier.

1 C. A recognized political party or political organization may
2 terminate its status in the State of Oklahoma by notifying the
3 Secretary of the State Election Board in writing in a form
4 prescribed by the Secretary.

5 SECTION 3. AMENDATORY 26 O.S. 2011, Section 10-101, is
6 amended to read as follows:

7 Section 10-101. A. 1. The nominees for Presidential Electors
8 of any recognized political party shall be selected at a ~~statewide~~
9 state convention of ~~said the~~ the party in a manner to be determined by
10 ~~said the~~ the party.

11 2. The nominees for Presidential Electors shall be certified by
12 ~~said the~~ the party's ~~chairman~~ state chair to the Secretary of the State
13 Election Board no fewer than ninety (90) days nor more than one
14 hundred eighty (180) days from the date of the General Election at
15 which candidates for Presidential Electors shall appear on the
16 ballot.

17 3. Failure of a political party to properly certify the names
18 of its nominees for Presidential Electors within the time specified
19 shall bar such party from placing any candidates for Presidential
20 Electors on the ballot at ~~said the~~ the election.

21 4. No later than seventy (70) days prior to the date of the
22 General Election, the party shall certify the names of its nominees
23 for President and Vice President to the Secretary of the State
24 Election Board.

1 B. Candidates for Presidential Electors seeking to appear on
2 the ballot as uncommitted shall be entitled to have their names
3 placed upon the ballot at a General Election by observing the
4 following procedure:

5 1. No later than ~~July 15~~ July 1 of a presidential election
6 year, petitions seeking ballot access for ~~said~~ uncommitted
7 candidates for Presidential Electors, in a form to be prescribed by
8 the Secretary of the State Election Board, shall be filed with ~~said~~
9 the Secretary, bearing the signatures of registered voters equal to
10 at least ~~three percent (3%)~~ two and one-half percent (2.5%) of the
11 total votes cast in the last General Election for President. Notice
12 of intention to circulate petitions shall be filed with the
13 Secretary of the State Election Board before such petitions may be
14 circulated. Such notice shall be in writing in a form prescribed by
15 the Secretary. Each page of ~~said~~ the petitions must contain the
16 name of registered voters from a single county.

17 2. Within thirty (30) days after receipt of ~~said~~ the petitions,
18 the Secretary of the State Election Board shall determine the
19 sufficiency of ~~said~~ the petitions. If ~~said Board determines there~~
20 ~~are~~ the petitions are found to contain a sufficient number of valid
21 signatures of registered voters, the nominees for Presidential
22 Electors are entitled to appear on the ballot at the next following
23 General Election at which candidates for Presidential Electors shall
24 appear on the ballot.

1 SECTION 4. AMENDATORY 26 O.S. 2011, Section 10-101.1, is
2 amended to read as follows:

3 Section 10-101.1. The names of a slate of candidates for the
4 office of Presidential Elector pledged to an Independent candidate
5 for President of the United States shall be printed on the ballot
6 only by observing the following procedure:

7 1. No later than ~~July 15~~ July 1 of a presidential election
8 year, petitions signed by a number of registered voters supporting
9 the candidacy of ~~said the~~ the candidate for President of the United
10 States equal to at least ~~three percent (3%)~~ two and one-half percent
11 (2.5%) of the total votes cast in the last General Election for
12 President shall be filed with the Secretary of the State Election
13 Board. Notice of intention to circulate petitions shall be filed
14 with the Secretary of the State Election Board before such petitions
15 may be circulated. Such notice shall be in writing in a form
16 prescribed by the Secretary. The form of ~~said the~~ the petitions shall
17 be prescribed by the Secretary. Each page of ~~said the~~ the petitions
18 must contain the names of registered voters from a single county.

19 2. Within thirty (30) days after receipt of ~~said the~~ the petitions,
20 the Secretary of the State Election Board shall determine the
21 sufficiency of ~~said the~~ the petitions.

22 3. If the petitions are found to be sufficient, the Independent
23 candidate for President of the United States shall, no later than
24 ~~September 1~~ August 15, certify to the Secretary of the State

1 Election Board the names of the nominees for Presidential Elector
2 pledged to ~~him~~ the candidate and the ~~name of his~~ candidate's Vice
3 Presidential running mate. The name of the Vice Presidential
4 running mate shall be certified to the Secretary of the State
5 Election Board no later than seventy (70) days prior to the date of
6 the General Election.

7 4. Each candidate for Presidential Elector so nominated shall
8 subscribe to an oath stating that, if elected, he or she will cast
9 ~~his~~ a ballot for the nominating candidate ~~who nominated him~~ and for
10 ~~said~~ the candidate's Vice Presidential running mate. ~~Said~~ The oath
11 shall be filed with the Secretary of the State Election Board no
12 later than September 15. Refusal or failure to vote by a
13 Presidential Elector for the candidates for President and Vice
14 President to whom the Elector is pledged shall constitute a
15 violation of the oath and shall result in the immediate forfeiture
16 of the Elector's office. In such event, the vote shall not be
17 recorded, a vacancy shall be declared, and the Presidential Electors
18 present shall proceed to fill such vacancy as provided in Section
19 10-108 of this title.

20 SECTION 5. AMENDATORY 26 O.S. 2011, Section 10-101.2, is
21 amended to read as follows:

22 Section 10-101.2. The names of a slate of candidates for the
23 office of Presidential Elector pledged to the nominee of a political
24 party not recognized under the laws of the State of Oklahoma for

1 President of the United States shall be printed on the ballot only
2 by observing the following procedure:

3 1. a. No later than ~~July 15~~ July 1 of a presidential
4 election year, petitions signed by a number of
5 registered voters supporting the candidacy of ~~said~~ the
6 nominee for President of the United States equal to at
7 least ~~three percent (3%)~~ two and one-half percent
8 (2.5%) of the total votes cast in the last General
9 Election for President shall be filed with the
10 Secretary of the State Election Board.

11 b. Notice of intention to circulate petitions shall be
12 filed with the Secretary of the State Election Board
13 before such petitions may be circulated. Such notice
14 shall be in writing in a form prescribed by the
15 Secretary. The form of ~~said~~ the petitions shall be
16 prescribed by the Secretary. Each page of ~~said~~ the
17 petitions must contain the names of registered voters
18 from a single county.

19 2. Within thirty (30) days after receipt of ~~said~~ the petitions,
20 the Secretary of the State Election Board shall determine the
21 sufficiency of ~~said~~ the petitions.

22 3. If the petitions are found to be sufficient, the ~~nominee for~~
23 ~~President of the United States shall, no later than September 1,~~
24 ~~certify to the Secretary of the State Election Board the names of~~

1 ~~the nominees for Presidential Elector pledged to him and the name of~~
2 ~~his Vice Presidential running mate~~ nominees for Presidential
3 Electors shall be certified by the unrecognized party's national
4 chair to the Secretary of the State Election Board no later than
5 August 15. Failure of the unrecognized party to properly certify
6 the names of its nominees for Presidential Electors within the time
7 specified shall bar such party from placing any candidates for
8 Presidential Electors on the ballot at the election.

9 4. No later than seventy (70) days prior to the date of the
10 General Election, the national chair of the unrecognized party shall
11 certify the names of its nominees for President and Vice President
12 to the Secretary of the State Election Board.

13 5. Each candidate for Presidential Elector so nominated shall
14 subscribe to an oath stating that, if elected, he or she will cast
15 his a ballot for the nominating candidate ~~who nominated him~~ and for
16 ~~said~~ the candidate's Vice Presidential running mate. ~~Said~~ The oath
17 shall be filed with the Secretary of the State Election Board no
18 later than September 15. Refusal or failure to vote by a
19 Presidential Elector for the candidates for President and Vice
20 President to whom the Elector is pledged shall constitute a
21 violation of the oath and shall result in the immediate forfeiture
22 of the Elector's office. In such event, the vote shall not be
23 recorded, a vacancy shall be declared, and the Presidential Electors
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