HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

ENGROSSED SENATE
BILL NO. 309 By: Holt of the Senate

and

Banz of the House

An Act relating to Presidential Electors; amending 26 O.S. 2011, Sections 10-102 and 10-108, which relate to oaths and vacancies of Presidential Electors; providing that refusal or failure to vote for certain persons deemed violation of oath of office; providing for forfeiture of office and filling of vacancy; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 10-102, is amended to read as follows:

Section 10-102. Every party nominee for Presidential Elector shall subscribe to an oath, stating that said nominee, if elected, will cast ~~his~~ a ballot for the persons nominated for the offices of President and Vice President by ~~the national convention of his~~ the nominee's party. ~~Said~~ The oath shall be notarized by a notary public and filed with the Secretary of the State Election Board no

fewer than ninety (90) days prior to the General Election. Failure of any party nominee to take and file ~~said~~ the oath by ~~said~~ such date shall automatically vacate his or her nomination and a substitute nominee shall be selected by the state central committee of the appropriate political party. It shall be the duty of the Secretary of the State Election Board to notify the chairman of the state central committee of the failure of any nominee to file ~~said~~ the oath. Refusal or failure to vote by a Presidential Elector for the persons nominated for the offices of President and Vice President by the nominee's party shall constitute a violation of the oath and shall result in the immediate forfeiture of the Elector's office. In such event, the vote shall not be recorded, a vacancy shall be declared, and the Presidential Electors present shall proceed to fill such vacancy as provided in Section 10-108 of this title.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 10-108, is amended to read as follows:

Section 10-108. In the event any Presidential Elector fails to meet at the Governor's office at the prescribed time or refuses or fails to vote for the persons nominated for the offices of President and Vice President by the political party which nominated the Presidential Elector, it shall be the duty of ~~such~~ the Electors present at the time and place aforesaid to appoint a person to fill such vacancy.

SECTION 3. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/27/2013 - DO PASS.