SENATE FLOOR VERSION
February 19, 2014

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1693 By: Fields of the Senate

and

Russ of the House

An Act relating to elections; amending 26 O.S. 2011, Section 1-105, which relates to deceased candidates; modifying procedures in the event of death of a candidate; specifying circumstances under which vacancy declared and special election called; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 1-105, is amended to read as follows:

Section 1-105. A. In the event of the death of a political party's nominee for office prior to the date of the General Election, a substitute candidate will be permitted to have his <u>or her</u> name placed on the General Election ballot as follows:

1. If the nominee was a candidate for county office, the political party's central committee of ~~said~~ <u>the</u> county shall notify the secretary of the county election board of the name of an alternative candidate to be placed on the General Election ballot.

Such notice shall be submitted in writing, within fifteen (15) days after ~~said~~ the death has occurred, but not later than ~~fifty-five (55) days prior to the General Election,~~ five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's county central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office;

2. If the nominee was a candidate who filed a Declaration of Candidacy with the State Election Board, the state central committee of the party affected shall notify the Secretary of the State Election Board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after ~~said~~ the death has occurred, but not later than ~~sixty (60) days prior to the General Election for statewide and federal offices and not later than fifty-five (55) days prior to the General Election for other offices~~ five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's state central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office; and

3. ~~If said death should occur five (5) days or more following the Runoff Primary Election date, a special General Election shall be called by the Governor and shall be conducted according to the laws governing such elections, Section 12-101 et seq. of this title, except that there shall be no filing period or special Primary Election and the candidates in the special General Election shall be the substitute candidate named by the central committee and the nominee of other political parties elected in the Primary or Runoff Primary, and any previously filed independent candidates~~ Provided, if the death of a political party's nominee for an office described in paragraph 1 or 2 of this subsection should occur after the Friday following the date of the Runoff Primary Election, then the election shall proceed with the deceased candidate's name printed on the ballot.

B. In the event of the death of an independent candidate for an office described in paragraph 1 or 2 of subsection A of this section, the following procedure shall apply:

1. If the death occurs on or prior to the Friday following the date of the Runoff Primary Election, the candidate's name shall not be printed on the ballot; and

2. If the death occurs after the Friday following the date of the Runoff Primary Election, the candidate's name shall be printed on the ballot.

C. In the event a deceased candidate is certified by the appropriate Election Board as having won an election, a vacancy in the office shall occur upon the date the candidate would have taken office, and the vacancy shall be filled in the manner prescribed by law.

D. In the event of the death of a candidate who was unopposed for election, a Special Election shall be called by the Governor. ~~Said~~ The Special Election shall be conducted according to the laws governing such elections, Section 12-101 et seq. of this title.

SECTION 2. This act shall become effective January 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON RULES
February 19, 2014 - DO PASS AS AMENDED