

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 SENATE BILL NO. 309

By: Holt of the Senate

4 and

5 Banz of the House

6  
7 An Act relating to Presidential Electors; amending 26  
8 O.S. 2011, Sections 10-102 and 10-108, which relate  
9 to oaths and vacancies of Presidential Electors;  
10 providing that refusal or failure to vote for certain  
11 persons deemed violation of oath of office; providing  
12 for forfeiture of office and filling of vacancy; 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. 2011, Section 10-102, is  
16 amended to read as follows:

17 Section 10-102. Every party nominee for Presidential Elector  
18 shall subscribe to an oath, stating that said nominee, if elected,  
19 will cast ~~his~~ a ballot for the persons nominated for the offices of  
20 President and Vice President by ~~the national convention of his~~ the  
21 nominee's party. ~~Said~~ The oath shall be notarized by a notary  
22 public and filed with the Secretary of the State Election Board no  
23 fewer than ninety (90) days prior to the General Election. Failure  
24 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

1 of the appropriate political party. It shall be the duty of the  
2 Secretary of the State Election Board to notify the chairman of the  
3 state central committee of the failure of any nominee to file ~~said~~  
4 the oath. Refusal or failure to vote by a Presidential Elector for  
5 the persons nominated for the offices of President and Vice  
6 President by the nominee's party shall constitute a violation of the  
7 oath and shall result in the immediate forfeiture of the Elector's  
8 office. In such event, the vote shall not be recorded, a vacancy  
9 shall be declared, and the Presidential Electors present shall  
10 proceed to fill such vacancy as provided in Section 10-108 of this  
11 title.

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON RULES  
23 February 20, 2013 - DO PASS  
24