

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 742

By: Sykes of the Senate

and

Johnson of the House

6  
7  
8 **[ vacancies in state offices - legislative referendum**  
9 **- Let the People Choose Act - noncodification -**  
10 **effective date - ballot title - filing ]**

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

23 SECTION 3. AMENDATORY 51 O.S. 2011, Section 10, is  
24 amended to read as follows:

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

13       B. All vacancies in county offices except the board of county  
14 commissioners or except for any elective county office of any county  
15 in the State of Oklahoma having a population of more than six  
16 hundred thousand (600,000), according to the latest Federal  
17 Decennial Census shall be filled by appointment by the board of  
18 county commissioners. If such an appointment is made prior to the  
19 prescribed filing period for county officers in accordance with the  
20 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the  
21 county commissioners shall, at the time ~~said~~ the appointment is  
22 made, proclaim a special election to fill the balance of the  
23 unexpired term, providing the balance of the term does not expire in  
24 the year following the next succeeding general election. In making

1 the proclamation, the county commissioners shall establish the dates  
2 for the filing period, primary election, runoff primary election and  
3 general election to be the same as the next succeeding filing  
4 period, primary election, runoff primary election and general  
5 election for county officers. The appointee shall be eligible to  
6 become a candidate at ~~said~~ the special election, providing ~~said~~ the  
7 appointee is otherwise qualified. The office to be filled shall be  
8 printed on the same ballot as other county offices.

9 SECTION 4. This act shall become effective December 1, 2014,  
10 upon approval by the people.

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

13 BALLOT TITLE

14 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure would change how the Governor fills vacant  
17 positions. Vacant positions would be filled by a special  
18 election called by the Governor. The special election must be  
19 called within thirty (30) days of the vacancy. This measure  
20 would be effective December 1, 2014.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES \_\_\_\_\_

23 AGAINST THE PROPOSAL - NO \_\_\_\_\_

24

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

5 COMMITTEE REPORT BY: COMMITTEE ON RULES  
6 February 20, 2013 - DO PASS AS AMENDED  
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