

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1693

By: Fields

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Sections 1-105 and 11-116, which relate to deceased
9 candidates; modifying procedures in the event of
10 death of a candidate; specifying circumstances under
11 which vacancy declared and special election called;
and providing an effective date.

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

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

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

19 1. If the nominee was a candidate for county office, the
20 political party's central committee of said county shall notify the
21 secretary of the county election board of the name of an alternative
22 candidate to be placed on the General Election ballot. Such notice
23 shall be submitted in writing, within fifteen (15) days after said
24 death has occurred, but not later than ~~fifty-five (55) days prior to~~

1 ~~the General Election, five o'clock p.m. on the Friday following the~~
2 ~~date of the Runoff Primary Election,~~ and shall be signed by at least
3 two duly authorized members of the political party's county central
4 committee. If a political party's central committee fails to submit
5 the notice in the manner described, then a nominee for that party
6 shall not appear on the ballot for that office;

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

22 3. ~~If said death should occur five (5) days or more following~~
23 ~~the Runoff Primary Election date, a special General Election shall~~
24 ~~be called by the Governor and shall be conducted according to the~~

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

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

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

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

21 C. In the event a deceased candidate is certified by the
22 appropriate Election Board as having won an election, a vacancy in
23 the office shall occur upon the date the candidate would have taken
24

1 office and the vacancy shall be filled in the manner prescribed by
2 law.

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

7 SECTION 2. AMENDATORY 26 O.S. 2011, Section 11-116, is
8 amended to read as follows:

9 Section 11-116. A. If a judicial candidate whose name should
10 be on the Primary Election ballot dies before ballot printing has
11 begun for the election, the name of the deceased candidate shall not
12 be printed on the ballot. If ballot printing has begun, votes for
13 the deceased candidate shall not be ~~counted~~ certified by the State
14 Election Board. If the death of a candidate leaves only two (2)
15 surviving candidates, their names ~~shall not appear on the Primary~~
16 ~~Election ballot, votes shall not be counted in the race and the two~~
17 ~~(2) names~~ shall appear on the ballot for the General Election.

18 B. If a judicial candidate whose name should be on the General
19 Election ballot dies ~~before ballot printing has begun, the name of~~
20 ~~neither candidate shall be printed on the ballot and the Governor~~
21 ~~shall call a special election to fill the office. In the call for~~
22 ~~the election, the Governor shall prescribe a filing period, to be~~
23 ~~held as nearly as practicable as the regular filing period, followed~~
24 ~~in no less than forty-five (45) days by a Special Primary Election~~

1 ~~which shall be followed in no less than forty five (45) days by a~~
2 ~~Special General Election. The primary and general elections shall~~
3 ~~be held in the same manner as regular primary and general elections.~~
4 ~~If the death of a candidate occurs after ballot printing for the~~
5 ~~regular General Election has begun, votes shall not be counted in~~
6 ~~the race and the Governor shall call a special election as specified~~
7 ~~in this subsection on or before the Friday following the date of the~~
8 ~~state Runoff Primary Election, the name of the candidate shall not~~
9 ~~be printed on the ballot. If a judicial candidate whose name should~~
10 ~~be on the General Election ballot dies after the Friday following~~
11 ~~the date of the state Runoff Primary Election, the name of the~~
12 ~~deceased candidate shall remain on the ballot. In the event that~~
13 ~~election results are certified which show that the deceased~~
14 ~~candidate has been elected, a vacancy shall be declared and shall be~~
15 ~~filled as provided by law. In the event that election results are~~
16 ~~certified which show that a candidate other than the deceased~~
17 ~~candidate has been elected, no vacancy shall be declared and the~~
18 ~~winning candidate shall assume the office as provided by law.~~

19 SECTION 3. This act shall become effective January 1, 2015.

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