ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 312 By: Holt of the Senate

and

Echols of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013, 13-101 and 13-103 (26 O.S. Supp. 2014, Section 3-101), which relate to elections held by political subdivisions; modifying dates upon which elections to fill elective offices may be held by political subdivisions; deleting obsolete language; clarifying references; and providing an effective date.

AMENDMENT NO. 1. Page 1, lines 6-10, strike the title to read

"[elections held by political subdivisions -

modifying dates - effective date]"

Passed the House of Representatives the 15th day of April, 2015.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

_____
Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 312 By: Holt of the Senate

and

Echols of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013, 13-101 and 13-103 (26 O.S. Supp. 2014, Section 3-101), which relate to elections held by political subdivisions; modifying dates upon which elections to fill elective offices may be held by political subdivisions; deleting obsolete language; clarifying references; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. <u>Except as otherwise provided by law, no regular or special election to fill an elective office shall be held by any county, school district, technology center school district, municipality or other political subdivision authorized to call elections except as follows:</u>

1. The second Tuesday of February in any year;

2. The first Tuesday of April in any year;

3. The date of any regularly scheduled statewide state or federal election in an even-numbered year;

4. The second Tuesday of September in an odd-numbered year; and

5. The second Tuesday of November in an odd-numbered year.

C. Except as otherwise provided by law, no ~~special~~ election for any purpose other than to fill an elective office shall be held by any county, school district, technology center school district, municipality or other ~~entity~~ political subdivision authorized to call elections except on:

1. The second Tuesday of ~~January,~~ February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent federal decennial census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of ~~January and~~ February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

~~C.~~ D. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

~~D.~~ E. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period, if so required by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 13-101.1, is amended to read as follows:

Section 13-101.1. ~~After July 1, 2005, no~~ No county election board shall be required to conduct elections for any municipality on a date other than an election date identified in subsection B of Section 3-101 of this title. Municipalities that hold both primary and general elections, in addition to scheduling elections on dates

identified in ~~subsection B of~~ Section 3-101 of this title, shall provide no fewer than thirty-five (35) days between the primary and general elections~~; except however, primary and general elections may be scheduled on the identified election dates in March and April when there are fewer than thirty-five (35) days between the election dates~~.

SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-103, is amended to read as follows:

Section 13-103. A. All municipal elections shall be held at the same place and in the same manner prescribed for conduct of state and county elections unless otherwise provided by law.

B. A municipality may adopt an ordinance requiring its elections to be partisan. If such an ordinance is adopted, a municipality shall notify the county election board that its election is to be partisan in its resolution calling for an election. If a municipality fails to notify the county election board that its election will be on a partisan basis in the resolution calling for an election, then the municipal election shall be on a nonpartisan basis. Provided, any municipality which is governed by a charter may provide otherwise by charter or ordinance.

C. All precincts totally or partially contained within the limits of a municipality shall be open for all elections held by such municipality; provided, however, that a municipality may

authorize any precinct which is only partially contained within the limits of the municipality not to be opened by certifying to the county election board in its resolution calling for an election that no persons reside within that portion of the precinct contained within the limits of the municipality. Polling places shall be open from 7:00 a.m. until 7:00 p.m. Each precinct election board shall be the same as for state and county elections; provided, however, that substitutions, if necessary, shall be made by the county election board. Except as otherwise provided by law, the laws governing state and county Primary and General Elections shall be applicable to all municipal elections.

D. All municipal elections, including elections for municipalities with home rule charters, shall be held only on dates identified ~~by subsection B of~~ in Section 3-101 of this title.

SECTION 4. This act shall become effective January 1, 2016.

Passed the Senate the 9th day of March, 2015.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

_____
Presiding Officer of the House
of Representatives