ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 399 By: Justice of the Senate

and

Banz of the House

An Act relating to elections; amending 11 O.S. 2011, Sections 16-102 and 16-114, and 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), which relate to municipal elections and election dates; modifying requirements for filing period for municipal offices; providing that county election board not required to conduct certain municipal elections under certain circumstances; providing for submission of resolution calling election; providing for modification of candidate filing period under certain circumstances; specifying requirements for candidate filing period for certain special elections; and providing an effective date.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to elections; amending 11 O.S. 2011, Sections 16-102 and 16-114, and 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), which relate to municipal elections and election dates; modifying requirements for filing period for municipal offices; providing that county election board not be required to conduct certain municipal elections under certain circumstances; providing for submission of resolution calling election; providing for modification of candidate

filing period under certain circumstances; specifying requirements for candidate filing period for certain special elections; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 16-102, is amended to read as follows:

Section 16-102. A. The provisions of Section 16-101 et seq. of this title shall not apply to any municipality which is governed by charter; provided, that elections for such municipalities which shall be conducted by the county election board shall be scheduled only on an election date identified by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes. However, such a municipality may, by indicating in its resolution calling an election, choose to follow any provision of state law governing elections conducted by a county election board when the municipality's charter or ordinances are silent on the matter addressed by such provision. In such instance, if the municipal election or any substantial portion thereof is not conducted by a county election board, the duties required of the county election board or its secretary shall be performed by the municipal authority designated by the municipal governing body and nothing herein shall be construed to require the county election board to perform any such duties. The residency requirements of Sections 16-109 and 16-110 of this title shall apply

to all municipalities except to the extent that such residency requirements are governed by municipal charter.

B. The provisions of Sections 16-101 through 16-114 of this title shall not apply to any municipality subject to the provisions of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this title shall apply to such municipalities.

C. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, the ~~filing period for such municipal office shall be scheduled on a Monday, Tuesday and Wednesday not less than fifteen (15) days nor more than twenty (20) days following the date of the resolution or order~~ provisions of subsection D of Section 3-101 of Title 26 of the Oklahoma Statutes shall apply.

D. After January 1, 2016, no county election board shall be required to conduct a regular or special election for any elective municipal office in any municipality governed by charter unless the resolution calling the election shall set a candidate filing period of three (3) days to begin not more than twenty (20) days from the date the resolution is required to be submitted to the county election board. In no case shall a resolution calling a regular or special election be submitted to the county election board less than sixty (60) days preceding the election date.

SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-114, is amended to read as follows:

Section 16-114. A. When the office of a municipal elected official is to be filled at a special partisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days~~, on a Monday, Tuesday and Wednesday,~~ which shall begin not ~~less than fifteen (15)~~ more than twenty (20) days from the date ~~of~~ the resolution or order is required to be filed with the county election board;

2. The date of the ~~Special Primary Election~~ special primary election, not less than forty-five (45) days after the close of the filing period; and

3. The date of the ~~Special General Election~~ special general election, not less than forty-five (45) days after the date of the ~~Primary Election~~ primary election. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special primary election. The election shall be conducted under the laws applicable to general municipal elections.

B. When the office of a municipal elected official is to be filled at a special nonpartisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days~~, on a Monday, Tuesday and Wednesday,~~ which shall begin not ~~less than fifteen (15)~~ more than twenty (20) days from the date ~~of~~ the resolution or order is required to be filed with the county election board;

2. The date of the special general election, not less than forty-five (45) days after the close of the filing period. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special general election.

C. Special municipal elections may be called only on dates established by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes.

SECTION 3. 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. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity 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. 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. <u>In the event that any day of a candidate filing period occurs on a Saturday, Sunday or any official state holiday, that day of the filing period shall be scheduled for the next business day.</u>

D. 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 <u>of three (3) days</u>, 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.

E. Any school district, technology center district, municipality, including any municipality governed by charter, rural fire protection district or any other entity seeking to hold a special election for the purpose of filling a vacancy shall schedule a candidate filing period of three (3) days to begin not more than twenty (20) days following the date the resolution calling the election is required to be filed with the secretary of the county election board.

SECTION 4. This act shall become effective November 1, 2015."

Passed the House of Representatives the 14th day of April, 2015.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 399 By: Justice of the Senate

and

Banz of the House

An Act relating to elections; amending 11 O.S. 2011, Sections 16-102 and 16-114, and 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), which relate to municipal elections and election dates; modifying requirements for filing period for municipal offices; providing that county election board not required to conduct certain municipal elections under certain circumstances; providing for submission of resolution calling election; providing for modification of candidate filing period under certain circumstances; specifying requirements for candidate filing period for certain special elections; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 16-102, is amended to read as follows:

Section 16-102. A. The provisions of Section 16-101 et seq. of this title shall not apply to any municipality which is governed by charter; provided, that elections for such municipalities which shall be conducted by the county election board shall be scheduled only on an election date identified by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes. However, such a municipality may, by indicating in its resolution calling an election, choose to

follow any provision of state law governing elections conducted by a county election board when the municipality's charter or ordinances are silent on the matter addressed by such provision. In such instance, if the municipal election or any substantial portion thereof is not conducted by a county election board, the duties required of the county election board or its secretary shall be performed by the municipal authority designated by the municipal governing body and nothing herein shall be construed to require the county election board to perform any such duties. The residency requirements of Sections 16-109 and 16-110 of this title shall apply to all municipalities except to the extent that such residency requirements are governed by municipal charter.

B. The provisions of Sections 16-101 through 16-114 of this title shall not apply to any municipality subject to the provisions of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this title shall apply to such municipalities.

C. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, ~~the filing period for such municipal office shall be scheduled on a Monday, Tuesday and Wednesday not less than fifteen (15) days nor more than twenty (20) days following the date of the resolution or order~~ <u>the provisions of subsection D of Section 3-101 of Title 26 of the Oklahoma Statutes shall apply</u>.

D. After January 1, 2016, no county election board shall be required to conduct a regular or special election for any elective municipal office in any municipality governed by charter unless the resolution calling the election shall set a candidate filing period of three (3) days to begin not less than fifteen (15) days nor more than twenty (20) days from the date the resolution is required to be submitted to the county election board. In no case shall a resolution calling a regular or special election be submitted to the county election board less than sixty (60) days preceding the election date.

SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-114, is amended to read as follows:

Section 16-114. A. When the office of a municipal elected official is to be filled at a special partisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, ~~on a Monday, Tuesday and Wednesday,~~ which shall begin not less than fifteen (15) days nor more than twenty (20) days from the date ~~of~~ the resolution or order is required to be filed with the county election board;

2. The date of the Special Primary Election not less than forty-five (45) days after the close of the filing period; and

3. The date of the Special General Election, not less than forty-five (45) days after the date of the Primary Election. A copy

of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special primary election. The election shall be conducted under the laws applicable to general municipal elections.

B. When the office of a municipal elected official is to be filled at a special nonpartisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, ~~on a Monday, Tuesday and Wednesday,~~ which shall begin not less than fifteen (15) days nor more than twenty (20) days from the date ~~of~~ the resolution or order is required to be filed with the county election board;

2. The date of the special general election, not less than forty-five (45) days after the close of the filing period. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special general election.

C. Special municipal elections may be called only on dates established by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes.

SECTION 3. 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. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity 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. 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. <u>In the event that any day of a candidate filing period occurs on a Saturday, Sunday or any official state holiday, that day of the filing period shall be scheduled for the next business day.</u>

D. 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 of three (3) days, 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.

E. Any school district, technology center district, municipality, including any municipality governed by charter, rural fire protection district or any other entity seeking to hold a special election for the purpose of filling a vacancy, shall schedule a candidate filing period of three (3) days to begin not fewer than fifteen (15) days nor more than twenty (20) days following the date the resolution calling the election is required to be filed with the secretary of the county election board.

SECTION 4. This act shall become effective November 1, 2015.

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

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Presiding Officer of the Senate

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

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Presiding Officer of the House
of Representatives