

1 ENGROSSED SENATE
2 BILL NO. 1172

By: Dahm of the Senate

3 and

4 Jordan of the House

5
6 An Act relating to cities and towns; amending 11 O.S.
7 2011, Sections 15-103, 16-306 and 16-307, which
8 relate to municipal powers and elections; modifying
9 certain time period for submission of initiative
10 petitions; modifying penalties for signing certain
11 false affidavit relating to qualification for
12 municipal office and illegal voting; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 11 O.S. 2011, Section 15-103, is
16 amended to read as follows:

17 Section 15-103. A. The form of the petition for either
18 initiative or referendum in a municipality shall be substantially as
19 provided in Sections 1 and 2 of Title 34 of the Oklahoma Statutes.
20 A true copy of each measure proposed by initiative and referendum
21 shall be filed with the clerk of the municipality before it is
22 circulated and signed by the registered voters.

23 B. Every petition for either the initiative or referendum shall
24 be signed by a number of the registered voters residing in the
municipality equal to at least twenty-five percent (25%) of the
total number of votes cast at the preceding general election or

1 biennial town meeting if the municipality is subject to the Oklahoma
2 Town Meeting Act. The signatures to each petition shall be verified
3 in the manner provided by law.

4 C. Signed copies of an initiative petition shall be submitted
5 to the clerk within ninety (90) days after the initial filing of the
6 measure with the clerk. Signed copies of a petition invoking a
7 referendum upon any ordinance or resolution shall be submitted to
8 the clerk within ~~thirty (30)~~ sixty (60) days after the passage of
9 the ordinance or resolution. Amendments to municipal charters may
10 be proposed by an initiative petition, and signed copies of such
11 petition shall be submitted to the clerk not less than sixty (60)
12 days before the election at which the amendments are to be voted
13 upon.

14 SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-306, is
15 amended to read as follows:

16 Section 16-306. A. Except as otherwise provided in this act,
17 Section 16-301 et seq. of this title, the mayor shall be the
18 presiding officer of town meetings, shall decide questions of order
19 and shall make public declaration of votes taken. Robert's Rules of
20 Order shall govern all town meetings, except when such rules are
21 inconsistent with Oklahoma law. The presiding officer may establish
22 other rules of conduct and decorum for the meetings consistent with
23 the Oklahoma Town Meeting Act, Section 16-301 et seq. of this title.
24 When the office of mayor is vacant or if the mayor is unable to

1 attend the town meeting, one of the members of the governing body
2 shall be elected by the remaining members of the governing body to
3 preside over the town meeting.

4 B. The municipal clerk shall keep the minutes of the meeting.
5 The minutes shall separately record the number of votes for and
6 against each candidate and each question and shall record the total
7 number of votes cast for each position. Paper ballots shall be
8 preserved in the municipal clerk's office for a period of six (6)
9 months following the town meeting at which said ballots were cast.

10 C. Officials elected at town meetings shall be nominated and
11 elected at large by the registered voters present from nominations
12 taken from the floor. Prior to accepting any nominations the
13 presiding officer shall state the number of governing body offices
14 to be elected for four-year terms and the number of governing body
15 offices to be elected to fill unexpired terms, if any. There shall
16 be separate nominations and balloting for each designated term. The
17 nominee who receives a plurality of the votes cast for the office of
18 the designated term shall be elected for that designated term. If
19 more than one office is to be filled for a designated term, the
20 voters shall vote for the designated number of offices to be filled
21 and, the nominees receiving the largest pluralities shall be elected
22 to those offices. All votes shall be taken by secret ballot;
23 provided that if there is only one candidate for an office, he or
24 she may be elected by acclamation upon proper motion. In case of a

1 tie vote, the municipal clerk shall immediately select the electee
2 or electees by lot as follows: The clerk shall write or print the
3 names of the tied nominees on similar pieces of paper and place the
4 papers in a container in view of the persons attending the town
5 meeting. The clerk shall designate a person, who shall not be one
6 of the nominees, to draw one name for each office to be filled and
7 the nominee or nominees whose names are so drawn shall be deemed
8 elected. All other papers in the container shall then be exposed
9 for examination. Only a registered voter who has been a registered
10 voter at an address within the municipality for at least six (6)
11 months prior to the date of the town meeting at which the elections
12 are held shall be qualified for nomination for office. To be
13 eligible for election, any person who is nominated for office must
14 swear under oath that he or she has been a registered voter at an
15 address within the municipality for the last six (6) months. Only
16 qualified registered voters who are present at the town meeting at
17 which the elections are held shall be eligible for nomination for
18 municipal office, provided that a qualified registered voter who is
19 not present may be nominated if he or she has agreed in writing to
20 accept the office if elected and has sworn an affidavit that he or
21 she has been a registered voter at an address within the
22 municipality for the last six (6) months. Any person who falsely
23 swears or signs a false affidavit that the person is qualified for
24

1 municipal office shall be ~~guilty of a felony~~ punished by a fine of
2 not more than One Thousand Dollars (\$1,000.00).

3 SECTION 3. AMENDATORY 11 O.S. 2011, Section 16-307, is
4 amended to read as follows:

5 Section 16-307. A. The presiding officer at a town meeting
6 shall follow reasonable and necessary procedures to ensure that
7 persons who are not registered voters of the town do not vote.
8 Registered voters shall be seated in a clearly marked area separate
9 from persons not registered to vote.

10 B. To be eligible to vote at a town meeting, a person must be
11 registered with the county election board at an address located
12 within the municipality. Before being seated in the section
13 reserved for registered voters, each voter shall sign his or her
14 name in a town meeting pollbook, said signature to constitute a
15 sworn affidavit on the part of the voter that he or she is eligible
16 to vote at the election. The pollbook shall be prepared by the
17 municipal clerk. For such purpose, the municipal clerk or designee
18 of the municipal clerk shall be authorized to administer the oath or
19 affirmation contained in the affidavit. The town meeting pollbook
20 shall be on file in the office of the municipal clerk and shall be
21 open to public inspection during reasonable office hours; provided,
22 however, that such town meeting pollbooks may be ~~destroyed~~ digitized
23 or electronically copied and stored by the municipal clerk at the
24 end of six (6) months from the date of the election wherein such

1 town meeting pollbook was used. Any person knowingly voting
2 illegally or found guilty of casting more than one vote for any
3 office or on any question considered at the meeting shall be
4 punished by a fine of not more than One Thousand Dollars (\$1,000.00)
5 ~~or by imprisonment in the county jail for not to exceed thirty (30)~~
6 ~~days or both such fine and imprisonment.~~

7 SECTION 4. This act shall become effective November 1, 2016.

8 Passed the Senate the 29th day of February, 2016.

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11 _____
Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2016.

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16 _____
Presiding Officer of the House
17 of Representatives