

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2134, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Marlatt

Marlatt-CD-FS-Req#3616  
4/7/2014 11:34 AM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

HOUSE BILL NO. 2134

By: Hickman of the House

5 and

6 Marlatt of the Senate

7  
8  
9 FLOOR SUBSTITUTE

10 [ elections - formation of new political parties -  
11 petitions and procedures for ballot access for new  
12 political parties and Presidential Electors -  
13 effective date ]

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

15 SECTION 1. AMENDATORY 26 O.S. 2011, Section 1-108, is  
16 amended to read as follows:

17 Section 1-108. A group of persons may form a recognized  
18 political party at any time except during the period between March 1  
19 and November 15 of any even-numbered year if the following procedure  
20 is observed:

21 1. Notice of intent to form a recognized political party must  
22 be filed in writing with the Secretary of the State Election Board  
23 at any time except during the period between March 1 and November 15  
24 of any even-numbered year;

1        2. After such notice is filed, petitions seeking recognition of  
2 a political party, in a form to be prescribed by the Secretary of  
3 the State Election Board, shall be filed with such Secretary,  
4 bearing the signatures of registered voters equal to at least ~~five~~  
5 ~~percent (5%)~~ two and one-half percent (2.5%) of the total votes cast  
6 in the last General Election either for Governor or for electors for  
7 President and Vice President. Each page of such petitions must  
8 contain the names of registered voters from a single county.

9 Petitions may be circulated a maximum of one (1) year after notice  
10 is filed, provided that petitions shall be filed with the Secretary  
11 no later than March 1 of an even-numbered year. Such petitions  
12 shall not be circulated between March 1 and November 15 of any even-  
13 numbered year; and

14        3. Within thirty (30) days after receipt of such petitions, the  
15 Secretary of the State Election Board shall determine the  
16 sufficiency of such petitions. If ~~such Board determines there are~~  
17 the petitions are found to contain a sufficient number of valid  
18 signatures of registered voters, the party becomes recognized under  
19 the laws of the State of Oklahoma with all rights and obligations  
20 accruing thereto.

21        SECTION 2.        AMENDATORY        26 O.S. 2011, Section 1-109, is  
22 amended to read as follows:

23        Section 1-109. A. Any recognized political party whose nominee  
24 for Governor or nominees for electors for President and Vice

1 President fail to receive at least ten percent (10%) of the total  
2 votes cast for ~~said~~ the offices in any General Election shall cease  
3 to be a recognized political party. ~~Said~~ The party may regain  
4 recognition only by following the procedure prescribed for formation  
5 of new political parties. The State Election Board shall proclaim  
6 the fact of a party's failure to receive a sufficient number of  
7 votes and shall order that ~~said~~ the party cease to be recognized.

8 B. Any recognized political party that ceases to be recognized  
9 under provisions of this section shall be designated as a political  
10 organization. Such political organization designation shall  
11 terminate four (4) years from the date that the political party  
12 ceases to be recognized or when the political organization regains  
13 recognition as a political party, whichever is earlier.

14 C. A recognized political party or political organization may  
15 terminate its status in the State of Oklahoma by notifying the  
16 Secretary of the State Election Board in writing in a form  
17 prescribed by the Secretary.

18 SECTION 3. AMENDATORY 26 O.S. 2011, Section 10-101, is  
19 amended to read as follows:

20 Section 10-101. A. 1. The nominees for Presidential Electors  
21 of any recognized political party shall be selected at a ~~statewide~~  
22 state convention of ~~said~~ the party in a manner to be determined by  
23 ~~said~~ the party.

1        2. The nominees for Presidential Electors shall be certified by  
2 ~~said~~ the party's chairman state chair to the Secretary of the State  
3 Election Board no fewer than ninety (90) days nor more than one  
4 hundred eighty (180) days from the date of the General Election at  
5 which candidates for Presidential Electors shall appear on the  
6 ballot.

7        3. Failure of a political party to properly certify the names  
8 of its nominees for Presidential Electors within the time specified  
9 shall bar such party from placing any candidates for Presidential  
10 Electors on the ballot at ~~said~~ the election.

11        4. No later than seventy (70) days prior to the date of the  
12 General Election, the party shall certify the names of its nominees  
13 for President and Vice President to the Secretary of the State  
14 Election Board.

15        B. Candidates for Presidential Electors seeking to appear on  
16 the ballot as uncommitted shall be entitled to have their names  
17 placed upon the ballot at a General Election by observing the  
18 following procedure:

19        1. No later than ~~July 15~~ July 1 of a presidential election  
20 year, petitions seeking ballot access for ~~said~~ uncommitted  
21 candidates for Presidential Electors, in a form to be prescribed by  
22 the Secretary of the State Election Board, shall be filed with ~~said~~  
23 the Secretary, bearing the signatures of registered voters equal to  
24 at least ~~three percent (3%)~~ two and one-half percent (2.5%) of the

1 total votes cast in the last General Election for President. Notice  
2 of intention to circulate petitions shall be filed with the  
3 Secretary of the State Election Board before such petitions may be  
4 circulated. Such notice shall be in writing in a form prescribed by  
5 the Secretary. Each page of ~~said~~ the petitions must contain the  
6 name of registered voters from a single county.

7 2. Within thirty (30) days after receipt of ~~said~~ the petitions,  
8 the Secretary of the State Election Board shall determine the  
9 sufficiency of ~~said~~ the petitions. If ~~said Board determines there~~  
10 ~~are~~ the petitions are found to contain a sufficient number of valid  
11 signatures of registered voters, the nominees for Presidential  
12 Electors are entitled to appear on the ballot at the next following  
13 General Election at which candidates for Presidential Electors shall  
14 appear on the ballot.

15 SECTION 4. AMENDATORY 26 O.S. 2011, Section 10-101.1, is  
16 amended to read as follows:

17 Section 10-101.1. The names of a slate of candidates for the  
18 office of Presidential Elector pledged to an Independent candidate  
19 for President of the United States shall be printed on the ballot  
20 only by observing the following procedure:

21 1. No later than ~~July 15~~ July 1 of a presidential election  
22 year, petitions signed by a number of registered voters supporting  
23 the candidacy of ~~said~~ the candidate for President of the United  
24 States equal to at least ~~three percent (3%)~~ two and one-half percent

1 (2.5%) of the total votes cast in the last General Election for  
2 President shall be filed with the Secretary of the State Election  
3 Board. Notice of intention to circulate petitions shall be filed  
4 with the Secretary of the State Election Board before such petitions  
5 may be circulated. Such notice shall be in writing in a form  
6 prescribed by the Secretary. The form of ~~said the~~ petitions shall  
7 be prescribed by the Secretary. Each page of ~~said the~~ petitions  
8 must contain the names of registered voters from a single county.

9 2. Within thirty (30) days after receipt of ~~said the~~ petitions,  
10 the Secretary of the State Election Board shall determine the  
11 sufficiency of ~~said the~~ petitions.

12 3. If the petitions are found to be sufficient, the Independent  
13 candidate for President of the United States shall, no later than  
14 ~~September 1~~ August 15, certify to the Secretary of the State  
15 Election Board the names of the nominees for Presidential Elector  
16 pledged to ~~him~~ the candidate and the ~~name of his~~ candidate's Vice  
17 Presidential running mate. The name of the Vice Presidential  
18 running mate shall be certified to the Secretary of the State  
19 Election Board no later than seventy (70) days prior to the date of  
20 the General Election.

21 4. Each candidate for Presidential Elector so nominated shall  
22 subscribe to an oath stating that, if elected, he or she will cast  
23 ~~his~~ a ballot for the nominating candidate ~~who nominated him~~ and for  
24 ~~said the~~ candidate's Vice Presidential running mate. ~~Said~~ The oath

1 shall be filed with the Secretary of the State Election Board no  
2 later than September 15. Refusal or failure to vote by a  
3 Presidential Elector for the candidates for President and Vice  
4 President to whom the Elector is pledged shall constitute a  
5 violation of the oath and shall result in the immediate forfeiture  
6 of the Elector's office. In such event, the vote shall not be  
7 recorded, a vacancy shall be declared, and the Presidential Electors  
8 present shall proceed to fill such vacancy as provided in Section  
9 10-108 of this title.

10 SECTION 5. AMENDATORY 26 O.S. 2011, Section 10-101.2, is  
11 amended to read as follows:

12 Section 10-101.2. The names of a slate of candidates for the  
13 office of Presidential Elector pledged to the nominee of a political  
14 party not recognized under the laws of the State of Oklahoma for  
15 President of the United States shall be printed on the ballot only  
16 by observing the following procedure:

- 17 1. a. No later than ~~July 15~~ July 1 of a presidential  
18 election year, petitions signed by a number of  
19 registered voters supporting the candidacy of ~~said~~ the  
20 nominee for President of the United States equal to at  
21 least ~~three percent (3%)~~ two and one-half percent  
22 (2.5%) of the total votes cast in the last General  
23 Election for President shall be filed with the  
24 Secretary of the State Election Board.



1           **b.** Notice of intention to circulate petitions shall be  
2           filed with the Secretary of the State Election Board  
3           before such petitions may be circulated. Such notice  
4           shall be in writing in a form prescribed by the  
5           Secretary. The form of ~~said the~~ petitions shall be  
6           prescribed by the Secretary. Each page of ~~said the~~  
7           petitions must contain the names of registered voters  
8           from a single county.

9           2. Within thirty (30) days after receipt of ~~said the~~ petitions,  
10          the Secretary of the State Election Board shall determine the  
11          sufficiency of ~~said the~~ petitions.

12          3. If the petitions are found to be sufficient, the ~~nominee for~~  
13          ~~President of the United States shall, no later than September 1,~~  
14          ~~certify to the Secretary of the State Election Board the names of~~  
15          ~~the nominees for Presidential Elector pledged to him and the name of~~  
16          ~~his Vice Presidential running mate~~ nominees for Presidential  
17          Electors shall be certified by the unrecognized party's national  
18          chair to the Secretary of the State Election Board no later than  
19          August 15. Failure of the unrecognized party to properly certify  
20          the names of its nominees for Presidential Electors within the time  
21          specified shall bar such party from placing any candidates for  
22          Presidential Electors on the ballot at the election.

23          4. No later than seventy (70) days prior to the date of the  
24          General Election, the national chair of the unrecognized party shall

1 certify the names of its nominees for President and Vice President  
2 to the Secretary of the State Election Board.

3     5. Each candidate for Presidential Elector so nominated shall  
4 subscribe to an oath stating that, if elected, he or she will cast  
5 ~~his~~ a ballot for the nominating candidate ~~who nominated him~~ and for  
6 ~~said~~ the candidate's Vice Presidential running mate. ~~Said~~ The oath  
7 shall be filed with the Secretary of the State Election Board no  
8 later than September 15. Refusal or failure to vote by a  
9 Presidential Elector for the candidates for President and Vice  
10 President to whom the Elector is pledged shall constitute a  
11 violation of the oath and shall result in the immediate forfeiture  
12 of the Elector's office. In such event, the vote shall not be  
13 recorded, a vacancy shall be declared, and the Presidential Electors  
14 present shall proceed to fill such vacancy as provided in Section  
15 10-108 of this title.

16         SECTION 6. This act shall become effective November 1, 2014.

18         54-2-3616           CD           4/7/2014 11:34:42 AM