

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1008

By: Brown

AS INTRODUCED

An Act relating to elections; providing for the recall of elected officers; providing for petition to initiate recall; providing for contents of petition; requiring certain amount of signatures; providing for filing and certification of petition; providing for circulation of petition; requiring successor meet certain filing requirements; providing for election of successor; prohibiting certain recall petitions; providing exemptions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 23-101 of Title 26, unless there is created a duplication in numbering, reads as follows:

Every elected officer of this state or any political subdivision thereof is subject to recall from office at any time by the qualified electors entitled to vote for a successor to the incumbent. The recall of an elected officer of this state or any political subdivision thereof shall be governed by the recall of officers procedure set forth in this act.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 23-102 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

4 Qualified electors may initiate the recall of an elected
5 official by signing a petition which demands the election of a
6 successor to the officer named in the petition. The petition shall
7 contain a general statement, consisting of two hundred words or
8 less, stating the ground or grounds on which the recall is sought.
9 The statement is for the information of the electors who shall be
10 the sole and exclusive judges of the legality, reasonableness, and
11 sufficiency of the ground or grounds assigned for the recall. The
12 ground or grounds shall not be open to review.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 23-103 of Title 26, unless there
15 is created a duplication in numbering, reads as follows:

16 A petition to recall any elected officer shall be signed by
17 qualified electors equal in number to fifteen percent (15%) of the
18 entire votes cast at the last preceding general election for all
19 candidates for the office which the incumbent sought to be recalled
20 occupies.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 23-104 of Title 26, unless there
23 is created a duplication in numbering, reads as follows:

1 A. For state recall elections, the petition shall be filed with
2 the Secretary of the State Election Board who shall certify the
3 sufficiency of the petition to the Governor who shall set the date
4 for the election.

5 B. For recall elections for any elected county official, the
6 petition shall be filed with the secretary of the county election
7 board in the county in which the recall of the elected official is
8 sought, who shall certify the sufficiency of the petition and call
9 and conduct the election.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 23-105 of Title 26, unless there
12 is created a duplication in numbering, reads as follows:

13 The petition shall be circulated for ninety (90) days. No
14 petition shall be circulated until it has been approved as meeting
15 the requirements of Section 2 of this act. The official with whom
16 the petitions are to be filed pursuant to Section 4 of this act
17 shall approve or disapprove a petition as to form by the close of
18 the second business day following submission of the proposed
19 petition.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 23-106 of Title 26, unless there
22 is created a duplication in numbering, reads as follows:

23 A candidate to succeed the officer sought to be recalled shall
24 meet the filing requirements of Sections 5-101 through 5-131 of

1 Title 26 of the Oklahoma Statutes. The officer who was sought to be
2 recalled shall not be eligible as a candidate in the election to
3 fill any vacancy resulting from the recall election.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 23-107 of Title 26, unless there
6 is created a duplication in numbering, reads as follows:

7 The election of a successor shall be held at the same time as
8 the recall election. The names of those persons filing as
9 candidates to succeed the person sought to be recalled shall appear
10 on the ballot; provided, no vote cast shall be counted for any
11 candidate for the office unless the voter also voted for or against
12 the recall of the person sought to be recalled. The name of the
13 person against whom the petition is filed shall not appear on the
14 ballot as a candidate for office.

15 SECTION 8. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 23-108 of Title 26, unless there
17 is created a duplication in numbering, reads as follows:

18 A. No recall petition shall be circulated or filed against any
19 elected officer until the officer has actually held office for at
20 least twelve (12) months following the last election.

21 B. After one recall petition and election, no further petition
22 may be filed against the same officer during the term for which the
23 officer was elected.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 23-109 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

4 This act shall not apply to the recall of an elected municipal
5 officer or school board member.

6 SECTION 10. This act shall become effective November 1, 2013.

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