

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1533

By: Banz

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 10-101, 10-101.1, 10-101.2, 10-103, 10-105 and 10-107, which relate to Presidential Electors; providing for two at-large Presidential Electors; providing for congressional district electors; providing residency requirement; providing method of selection; providing for designation on ballots; providing for casting of votes; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 10-101, is amended to read as follows:

Section 10-101. The nominees for Presidential Electors of any recognized political party shall be selected at a statewide convention of said party in a manner to be determined by said party. One nominee for Presidential Elector shall be selected from each congressional district and two nominees for Presidential Elector shall be chosen at large. Presidential Electors selected from congressional districts shall reside in the congressional district from which they are selected. The nominees for Presidential

1 Electors shall be certified by said party's chairman to the
2 Secretary of the State Election Board no fewer than ninety (90) days
3 nor more than one hundred eighty (180) days from the date of the
4 General Election at which candidates for Presidential Electors shall
5 appear on the ballot. Failure of a political party to properly
6 certify the names of its nominees for Presidential Electors within
7 the time specified shall bar such party from placing any candidates
8 for Presidential Electors on the ballot at said election. Candidates
9 for Presidential Electors seeking to appear on the ballot as
10 uncommitted shall be entitled to have their names placed upon the
11 ballot at a General Election by observing the following procedure:

12 1. No later than July 15 of a presidential election year,
13 petitions seeking ballot access for said uncommitted candidates for
14 Presidential Electors, in a form to be prescribed by the Secretary
15 of the State Election Board, shall be filed with said Secretary,
16 bearing the signatures of registered voters equal to at least three
17 percent (3%) of the total votes cast in the last General Election
18 for President. Each page of said petitions must contain the name of
19 registered voters from a single county.

20 2. Within thirty (30) days after receipt of said petitions, the
21 State Election Board shall determine the sufficiency of said
22 petitions. If said Board determines there are a sufficient number
23 of valid signatures of registered voters, the nominees for
24 Presidential Electors are entitled to appear on the ballot at the

1 next following General Election at which candidates for Presidential
2 Electors shall appear on the ballot.

3 3. One nominee for Presidential Elector shall be chosen from
4 each congressional district and two nominees for Presidential
5 Elector shall be chosen at large. The two uncommitted candidates
6 with petitions containing the two largest numbers of valid
7 signatures shall be the at-large nominees. Presidential Electors
8 selected from congressional districts shall reside in the
9 congressional district from which they are selected.

10 SECTION 2. AMENDATORY 26 O.S. 2011, Section 10-101.1, is
11 amended to read as follows:

12 Section 10-101.1 A. The names of a slate of candidates for the
13 office of Presidential Elector pledged to an Independent candidate
14 for President of the United States shall be printed on the ballot
15 only by observing the following procedure:

16 1. No later than July 15 of a presidential election year,
17 petitions signed by a number of registered voters supporting the
18 candidacy of said candidate for President of the United States equal
19 to at least three percent (3%) of the total votes cast in the last
20 General Election for President shall be filed with the Secretary of
21 the State Election Board. The form of said petitions shall be
22 prescribed by the Secretary. Each page of said petitions must
23 contain the names of registered voters from a single county.

1 2. Within thirty (30) days after receipt of said petitions, the
2 State Election Board shall determine the sufficiency of said
3 petitions.

4 3. If the petitions are found to be sufficient, the Independent
5 candidate for President of the United States shall, no later than
6 September 1, certify to the Secretary of the State Election Board
7 the names of the nominees for Presidential Elector pledged to him
8 and the name of his Vice Presidential running mate. Each candidate
9 for Presidential Elector so nominated shall subscribe to an oath
10 stating that, if elected, he will cast his ballot for the candidate
11 who nominated him and for said candidate's Vice Presidential running
12 mate. Said oath shall be filed with the Secretary of the State
13 Election Board no later than September 15.

14 B. One nominee for Presidential Elector shall be chosen from
15 each congressional district and two nominees for Presidential
16 Elector shall be chosen at large. Presidential Electors selected
17 from congressional districts shall reside in the congressional
18 district from which they are selected.

19 SECTION 3. AMENDATORY 26 O.S. 2011, Section 10-101.2, is
20 amended to read as follows:

21 Section 10-101.2 A. The names of a slate of candidates for the
22 office of Presidential Elector pledged to the nominee of a political
23 party not recognized under the laws of the State of Oklahoma for
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1 President of the United States shall be printed on the ballot only
2 by observing the following procedure:

3 1. No later than July 15 of a presidential election year,
4 petitions signed by a number of registered voters supporting the
5 candidacy of said nominee for President of the United States equal
6 to at least three percent (3%) of the total votes cast in the last
7 General Election for President shall be filed with the Secretary of
8 the State Election Board. Notice of intention to circulate
9 petitions shall be filed with the Secretary of the State Election
10 Board before such petitions may be circulated. The form of said
11 petitions shall be prescribed by the Secretary. Each page of said
12 petitions must contain the names of registered voters from a single
13 county.

14 2. Within thirty (30) days after receipt of said petitions, the
15 State Election Board shall determine the sufficiency of said
16 petitions.

17 3. If the petitions are found to be sufficient, the nominee for
18 President of the United States shall, no later than September 1,
19 certify to the Secretary of the State Election Board the names of
20 the nominees for Presidential Elector pledged to him and the name of
21 his Vice Presidential running mate. Each candidate for Presidential
22 Elector so nominated shall subscribe to an oath stating that, if
23 elected, he will cast his ballot for the candidate who nominated him
24 and for said candidate's Vice Presidential running mate. Said oath

1 shall be filed with the Secretary of the State Election Board no
2 later than September 15.

3 B. One nominee for Presidential Elector shall be chosen from
4 each congressional district and two nominees for Presidential
5 Elector shall be chosen at large. Presidential Electors selected
6 from congressional districts shall reside in the congressional
7 district from which they are selected.

8 SECTION 4. AMENDATORY 26 O.S. 2011, Section 10-103, is
9 amended to read as follows:

10 Section 10-103. On the first Tuesday after the first Monday in
11 November in each year next preceding the expiration of the term of
12 office of each President of the United States, the registered voters
13 of this state shall elect a number of electors for President and
14 Vice President equal to the number of United States Senators and
15 United States Representatives which the state is entitled to elect.
16 Said electors shall be elected in the same manner as is provided for
17 state officers.

18 Receipt by the Presidential Electors of a party or uncommitted
19 electors of the highest number of votes statewide shall constitute
20 election of the two at-large Presidential Electors of that party or
21 of the uncommitted electors. Receipt by the Presidential Electors
22 of a party or uncommitted electors of the highest number of votes in
23 a congressional district shall constitute election of the
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1 congressional district Presidential Elector of that party or of the
2 uncommitted electors.

3 SECTION 5. AMENDATORY 26 O.S. 2011, Section 10-105, is
4 amended to read as follows:

5 Section 10-105. At any General Election in which Presidential
6 Electors are to be elected, the State Election Board shall provide
7 ballots on which the names of the Presidential Electors of each
8 political party shall be bracketed adjacent to the names of said
9 party's candidates for President and Vice President. The names of
10 the Independent nominees for Presidential Electors shall be
11 bracketed adjacent to the names of the candidates for President and
12 Vice President for whom they have subscribed an oath to cast their
13 ballots or bracketed adjacent to the word "Uncommitted" in the event
14 said nominees are uncommitted. The ballots shall indicate whether
15 the elector is an at-large Presidential Elector or a congressional
16 district Presidential Elector. Said ballots shall, in all other
17 respects, have the appearance of ballots used for state officers.

18 SECTION 6. AMENDATORY 26 O.S. 2011, Section 10-107, is
19 amended to read as follows:

20 Section 10-107. Persons chosen as Presidential Electors shall
21 meet at 10:00 a.m. in the Governor's office at the time appointed by
22 the laws of the United States and cast their votes in the manner
23 therein provided and perform such duties as may be required by law.
24 The at-large Presidential Electors shall cast their votes for the

1 Presidential and Vice Presidential candidates who received the
2 highest number of votes in the state. Each congressional district
3 Presidential Elector shall cast a vote for the Presidential and Vice
4 Presidential candidates who received the highest number of votes in
5 the congressional district that Presidential Elector represents.
6 Each such Elector shall receive mileage reimbursement at the rate as
7 provided for state employees, said reimbursement to be paid from
8 funds appropriated to the Office of the Governor.

9 SECTION 7. This act shall become effective November 1, 2013.
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