

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 399

By: Justice of the Senate

and

Banz of the House

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to elections; amending 11 O.S. 2011,
12 Sections 16-102 and 16-114, and 26 O.S. 2011, Section
13 3-101, as last amended by Section 20, Chapter 15,
14 O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101),
15 which relate to municipal elections and election
16 dates; modifying requirements for filing period for
17 municipal offices; providing that county election
18 board not be required to conduct certain municipal
19 elections under certain circumstances; providing for
20 submission of resolution calling election; providing
21 for modification of candidate filing period under
22 certain circumstances; specifying requirements for
23 candidate filing period for certain special
24 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

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

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

22 C. In the event that a municipality governed by charter
23 schedules a regular or special election for a municipal office on
24 the same date as an election involving state or federal offices, the

1 ~~filing period for such municipal office shall be scheduled on a~~
2 ~~Monday, Tuesday and Wednesday not less than fifteen (15) days nor~~
3 ~~more than twenty (20) days following the date of the resolution or~~
4 ~~order~~ provisions of subsection D of Section 3-101 of Title 26 of the
5 Oklahoma Statutes shall apply.

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

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

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

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

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

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

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

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

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

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

1 SECTION 3. AMENDATORY 26 O.S. 2011, Section 3-101, as
2 last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp.
3 2014, Section 3-101), is amended to read as follows:

4 Section 3-101. A. No election required to be conducted by any
5 county election board shall be scheduled for a day other than
6 Tuesday.

7 B. Except as otherwise provided by law, no special election
8 shall be held by any county, school district, technology center
9 school district, municipality or other entity authorized to call
10 elections except on:

11 1. The second Tuesday of January, February, May, June, July,
12 August, September, October and November and the first Tuesday in
13 March and April in odd-numbered years; provided, a municipality with
14 a population in excess of two hundred fifty thousand (250,000)
15 persons, according to the most recent federal decennial census, may
16 also hold an election on the second Tuesday of December in odd-
17 numbered years; and

18 2. The second Tuesday of January and February, the first
19 Tuesday in March and April, the last Tuesday in June, the fourth
20 Tuesday in August, and the first Tuesday after the first Monday in
21 November of any even-numbered year.

22 C. In the event that a regular or special election date occurs
23 on an official state holiday, the election shall be scheduled for
24 the next following Tuesday. In the event that any day of a

1 candidate filing period occurs on a Saturday, Sunday or any official
2 state holiday, that day of the filing period shall be scheduled for
3 the next business day.

4 D. Notwithstanding any other provision of law or any provision
5 of a municipal charter, any municipality, school district,
6 technology center district, county, rural fire protection district,
7 or any other entity seeking to hold a regular or special election to
8 be conducted by a county election board on the same date as a
9 regular or special federal or state election, shall file the
10 resolution calling for the election with the county election board
11 secretary no later than seventy-five (75) days prior to the election
12 date. A candidate filing period of three (3) days, if so required
13 by the resolution, shall begin no later than ten (10) days following
14 the deadline to file the resolution with the secretary of the county
15 election board; provided, the filing period for such municipal
16 office may be scheduled on the same dates as the filing period for
17 state or federal office to be filled at such election.

18 E. Any school district, technology center district,
19 municipality, including any municipality governed by charter, rural
20 fire protection district or any other entity seeking to hold a
21 special election for the purpose of filling a vacancy shall schedule
22 a candidate filing period of three (3) days to begin not more than
23 twenty (20) days following the date the resolution calling the
24

1 election is required to be filed with the secretary of the county
2 election board.

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

4
5 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
6 04/07/2015 - DO PASS, As Amended.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24