

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 113

By: Stanislawski

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 12-108, 12-110.1 and 12-113, as amended by Sections 4, 5 and 7, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2014, Sections 12-108, 12-110.1 and 12-113), which relate to special elections; requiring special runoff primary election under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-108, as amended by Section 4, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2014, Section 12-108), is amended to read as follows:

Section 12-108. Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

1       3. The date of the Special Runoff Primary Election, not less  
2 than twenty (20) days after the date of the Special Primary  
3 Election; and

4       4. The date of the Special General Election, not less than  
5 twenty (20) days after the date of the Special Runoff Primary  
6 Election.

7       Should such a vacancy occur in an even-numbered year, when a  
8 special election is required, the proclamation must contain dates  
9 that are the same as are required by law for the regular filing  
10 period, Primary Election, Runoff Primary Election and General  
11 Election, if practicable.

12       SECTION 2.       AMENDATORY       26 O.S. 2011, Section 12-110.1, as  
13 amended by Section 5, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2014,  
14 Section 12-110.1), is amended to read as follows:

15       Section 12-110.1. A. Elections to fill the seat of a member of  
16 the Oklahoma State Senate or the Oklahoma House of Representatives  
17 who is not eligible to complete the term of office to which such  
18 member was elected due to the provisions of Section 17A of Article V  
19 of the Oklahoma Constitution shall be held as provided in this  
20 section.

21       B. Whenever a member's eligibility to serve shall expire in an  
22 even-numbered year, the vacancy shall be filled by a special  
23 election to be called by the Governor which shall be held in that  
24 even-numbered year on the same dates as the regular Primary

1 Election, Runoff Primary Election and General Election. The filing  
2 period for the special election shall be the regular filing period  
3 prescribed in Section 5-110 of this title. The person elected in  
4 the special election shall take office on the later of the date  
5 other members of the Legislature elected at such election take  
6 office or the expiration of the incumbent's eligibility to serve and  
7 shall serve the remainder of the unexpired term.

8 C. Whenever a member's eligibility to serve shall expire in an  
9 odd-numbered year, the position shall be filled by a special  
10 election to be called by the Governor. The Governor shall issue a  
11 proclamation calling such an election no less than sixty (60) days  
12 prior to the expiration of the member's eligibility to serve. The  
13 person elected shall take office upon the expiration of the  
14 incumbent's eligibility to serve.

15 D. The Governor shall issue a proclamation, a copy of which  
16 must be filed with the Secretary of the State Election Board, for  
17 any election to be held pursuant to this section. Such proclamation  
18 shall be issued prior to the date the member's eligibility to serve  
19 expires and must be issued at least ten (10) days prior to the  
20 filing period. For an election held pursuant to subsection C of  
21 this section, the proclamation shall contain the following facts:

22 1. A filing period of three (3) days, on a Monday, Tuesday and  
23 Wednesday, not less than ten (10) days from the date of such  
24 proclamation;

1        2. The date of the Special Primary Election, not less than  
2 twenty (20) days after the close of the filing period; ~~and~~

3        3. The date of the Special Runoff Primary Election, not less  
4 than twenty (20) days after the date of the Special Primary  
5 Election; and

6        4. The date of the Special General Election, not less than  
7 twenty (20) days after the date of the Special Runoff Primary  
8 Election.

9        E. For purposes of this section:

10       1. A full term of service in the Oklahoma House of  
11 Representatives shall be counted as two (2) years of service;

12       2. A full term of service in the Oklahoma State Senate shall be  
13 counted as four (4) years of service;

14       3. A period of service of less than a full term which is not  
15 exempt from the constitutional limitations on length of legislative  
16 service shall be calculated from the date the legislator assumes the  
17 office for such term until the date the legislator vacates such  
18 office; and

19       4. A period of service with respect to a term during which a  
20 member reaches the constitutionally limited length of service shall  
21 be calculated from the date the legislator assumes the office for  
22 such term until the date the legislator completes a total of twelve  
23 (12) years of service not exempt from the constitutional  
24 limitations.

1       SECTION 3.       AMENDATORY       26 O.S. 2011, Section 12-113, as  
2 amended by Section 7, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2014,  
3 Section 12-113), is amended to read as follows:

4       Section 12-113. Such proclamation shall contain the following  
5 facts:

6       1. A filing period of three (3) days, on a Monday, Tuesday and  
7 Wednesday, not less than ten (10) days from the date of such  
8 proclamation;

9       2. The date of the Special Primary Election, not less than  
10 twenty (20) days after the close of the filing period; and

11       3. The date of the Special Runoff Primary Election, not less  
12 than twenty (20) days after the date of the Special Primary  
13 Election; and

14       4. The date of the Special General Election, not less than  
15 twenty (20) days after the date of the Special Runoff Primary  
16 Election.

17       Should such a vacancy occur in an even-numbered year, when a  
18 special election is required, the proclamation must contain dates  
19 that are the same as are required by law for the regular filing  
20 period, Primary Election, Runoff Primary Election and General  
21 Election, if practicable.

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