

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1334

By: Dahm

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 1-102 and 1-103, which relate to primary and runoff primary elections; modifying procedure for selection of candidates for nomination of political party for office of United States Senator; specifying duty of members of Legislature; requiring selection by political party under certain circumstances; providing procedures in event of special election; modifying contents of election proclamation; 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 1-102.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

Candidates for the nomination of each political party for the office of United States Senator will be selected as follows:

1. The Secretary of the State Election Board shall, immediately upon expiration of the time for candidate withdrawals set forth in Section 5-115 of Title 26 of the Oklahoma Statutes, certify to the President Pro Tempore of the Senate and the Speaker of the House of

1 Representatives the name of each candidate for the office of United
2 States Senator and the political party designated by each;

3 2. The members of the Legislature of each political party
4 designated by more than one candidate so certified shall meet in
5 joint caucus not later than May 1 following the filing period and
6 shall, by majority vote, select the nominee of that party for such
7 office. Such selection shall be made and certified to the State
8 Election Board no later than the date of sine die adjournment of
9 that legislative session;

10 3. If no members of the Legislature are members of the party
11 designated by more than one candidate so certified, the party shall
12 select from among such candidates the nominee of that party as
13 provided by rules of the party. Such selection shall be made and
14 certified to the State Election Board no later than the fourth
15 Tuesday of August;

16 4. If the members of the Legislature of any political party so
17 designated shall fail to select the nominee before the Legislature
18 adjourns sine die, the party shall select from among such candidates
19 the nominee of that party as provided by rules of the party. Such
20 selection shall be made and certified to the State Election Board no
21 later than the fourth Tuesday of August;

22 5. In the event of a contest of candidacy that is not resolved
23 by the time of the certification required in this paragraph, the
24 Secretary of the State Election Board shall so indicate in the

1 certification required in paragraph 1 of this section and shall
2 certify the name of the successful candidates immediately upon
3 resolution of the contest. In the event such contest is not
4 resolved prior to May 1 following the filing period, the party shall
5 select from among such candidates the nominee of that party as
6 provided by rules of the party. Such selection shall be made and
7 certified to the State Election Board no later than the fourth
8 Tuesday of August; and

9 6. For special elections for the office of United States
10 Senator to fill a vacancy, the Governor shall set a filing period
11 which shall end at least one hundred twenty (120) days before the
12 date of the Special General Election. The members of the
13 Legislature shall select the nominees of each political party as
14 provided in this section not later than one hundred (100) days prior
15 to the date of the Special General Election. If the members of the
16 Legislature shall fail to select such nominees for any reason or if
17 no members of the Legislature are members of the political party,
18 the party shall select the nominee as provided in this section not
19 later than eighty five (85) days prior to the date of the Special
20 General Election. Upon the selection of a nominee by members of the
21 Legislature or by a party, the names of the nominees shall be
22 certified to the State Election Board.

23 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-102, is
24 amended to read as follows:

1 Section 1-102. A. A Primary Election shall be held on the last
2 Tuesday in June of each even-numbered year, at which time each
3 political party recognized by the laws of Oklahoma shall nominate
4 its candidates for the offices to be filled at the next succeeding
5 General Election, unless otherwise provided by law. No candidate's
6 name shall be printed upon the General Election ballot unless such
7 candidate shall have been nominated as herein provided, unless
8 otherwise provided by law; provided ~~further that this:~~

9 1. Candidates for the nomination of each political party for
10 the office of United States Senator shall be selected as provided in
11 Section 1 of this act; and

12 2. This provision shall not exclude the right of a nonpartisan
13 candidate to have his or her name printed upon the General Election
14 ballots.

15 B. No county, municipality or school district shall schedule an
16 election on any date during the twenty (20) days immediately
17 preceding the date of any such primary election.

18 SECTION 3. AMENDATORY 26 O.S. 2011, Section 1-103, is
19 amended to read as follows:

20 Section 1-103. A. If at any Primary Election no candidate for
21 the nomination for office of any political party receives a majority
22 of all votes cast for all candidates of such party for the office,
23 no candidate shall be nominated by such party for the office, but
24 the two candidates receiving the highest number of votes at such

1 election shall be placed on the official ballot as candidates for
2 such nomination at a Runoff Primary Election to be held on the
3 fourth Tuesday of August in the same year; provided, candidates for
4 the nomination of each political party for the office of United
5 States Senator shall be selected as provided in Section 1 of this
6 act.

7 B. No county, municipality or school district shall schedule an
8 election on any date during the twenty (20) days immediately
9 preceding the date of any such Runoff Primary Election.

10 SECTION 4. This act shall become effective January 1, 2017.

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