

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 311

By: Holt

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 1-102, 1-104, 1-105, as amended by Section 1, Chapter 69, O.S.L. 2014, 5-110, 6-103, 6-106, 6-109, as amended by Section 1, Chapter 200, O.S.L. 2013, 6-111, 6-116, as amended by Section 2, Chapter 200, O.S.L. 2013 and 8-101 (26 O.S. Supp. 2014, Sections 1-105, 6-109, 6-116), which relate to election procedures; changing date of Primary Election; modifying circumstances under which Primary Election held; providing for placement of names of all qualifying candidates on Primary Election ballot; specifying names to be placed on General Election ballot; allowing any registered voter to vote in Primary Election; deleting references to Runoff Primary Election; modifying procedure for substitute candidate; changing dates of candidate filing period; specifying information to be printed on ballot; providing for certification of candidates; repealing 26 O.S. 2011, Sections 1-103, 5-116, 6-108 and 6-110, which relate to Runoff Primary Elections; and providing an effective date.

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

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

Section 1-102. A Primary Election shall be held on the ~~last~~ fourth Tuesday in ~~June~~ August of each even-numbered year if more

1 than two candidates have filed for and qualified to have their names
2 printed on the ballot for any office, at which time ~~each political~~
3 ~~party recognized by the laws of Oklahoma shall nominate its~~
4 ~~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 provision~~
9 ~~shall not exclude the right of a nonpartisan candidate to have his~~
10 ~~or her name printed upon the General Election ballots~~ the names of
11 all such candidates shall be put before the voters on a single
12 ballot, regardless of party affiliation or status as a nonpartisan
13 candidate. If no candidate receives more than fifty percent (50%)
14 of the votes cast, the names of the two candidates receiving the
15 highest number of votes shall be placed on the General Election
16 ballot. No county, municipality or school district shall schedule
17 an election on any date during the twenty (20) days immediately
18 preceding the date of any such primary election.

19 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-104, is
20 amended to read as follows:

21 Section 1-104. ~~A. No~~ Any registered voter shall be permitted
22 to vote in any Primary Election ~~or Runoff Primary Election of any~~
23 ~~political party except the political party of which his registration~~
24

1 ~~form shows him to be a member, except as otherwise provided by this~~
2 ~~section.~~

3 ~~B. 1. A recognized political party may permit registered~~
4 ~~voters designated as Independents pursuant to the provisions of~~
5 ~~Section 4-112 of this title to vote in a Primary Election or Runoff~~
6 ~~Primary Election of the party.~~

7 ~~2. The state chairman of the party shall, between November 1~~
8 ~~and 30 of every odd-numbered year, notify the Secretary of the State~~
9 ~~Election Board as to whether or not the party intends to permit~~
10 ~~registered voters designated as Independents to vote in a Primary~~
11 ~~Election or Runoff Primary Election of the party. If the state~~
12 ~~chairman notifies the Secretary of the State Election Board of the~~
13 ~~party's intention to so permit, registered voters designated as~~
14 ~~Independents shall be permitted to vote in any Primary Election or~~
15 ~~Runoff Primary Election of the party held in the following two (2)~~
16 ~~calendar years. If the state chairman of one party notifies the~~
17 ~~Secretary of the State Election Board of the party's intent to so~~
18 ~~permit, the notification period specified in this paragraph shall be~~
19 ~~extended to December 15 for the state chairman of any other party to~~
20 ~~so notify or to change prior notification. A registered voter~~
21 ~~designated as Independent shall not be permitted to vote in a~~
22 ~~Primary Election or Runoff Primary Election of more than one party.~~

23 ~~3. Failure to so notify the Secretary of the State Election~~
24 ~~Board shall serve to prohibit registered voters designated as~~

1 ~~Independents from voting in a Primary Election or Runoff Primary~~
2 ~~Election of the party.~~

3 4. ~~A group of persons seeking to form a recognized political~~
4 ~~party pursuant to the provisions of Section 1-108 of this title~~
5 ~~shall, upon filing of the petitions seeking recognition of the~~
6 ~~political party with the Secretary of the State Election Board,~~
7 ~~notify the Secretary of the State Election Board as to whether or~~
8 ~~not the party intends to permit registered voters designated as~~
9 ~~Independents to vote in a Primary Election or Runoff Primary~~
10 ~~Election of the party. If the party is recognized and the group of~~
11 ~~persons seeking recognition of the party notifies the Secretary of~~
12 ~~the State Election Board of such intention, registered voters~~
13 ~~designated as Independents shall be permitted to vote in any Primary~~
14 ~~Election or Runoff Primary Election of the party held prior to~~
15 ~~January 1 of the following even-numbered year.~~

16 SECTION 3. AMENDATORY 26 O.S. 2011, Section 1-105, as
17 amended by Section 1, Chapter 69, O.S.L. 2014 (26 O.S. Supp. 2014,
18 Section 1-105), is amended to read as follows:

19 Section 1-105. A. In the event of the death of a political
20 party's nominee for office prior to the date of the General
21 Election, a substitute candidate will be permitted to have his or
22 her name placed on the General Election ballot as follows:

23 1. ~~If the nominee was a candidate for county office, the~~
24 ~~political party's central committee of the county shall notify the~~

~~secretary of the county election board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after the death has occurred, but not later than five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's county central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office;~~

~~2. If the nominee was a candidate who filed a Declaration of Candidacy with the State Election Board, the state central committee of the party affected shall notify the Secretary of the State Election Board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after the death has occurred, but not later than five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's state central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office; and~~

~~3. Provided, if the death of a political party's nominee for an office described in paragraph 1 or 2 of this subsection should~~

~~occur after the Friday following the date of the Runoff Primary Election, then the election shall proceed with the deceased candidate's name printed on the ballot~~ the candidate receiving the next highest number of votes at the Primary Election shall be designated as a substitute candidate and will be permitted to have his or her name placed on the General Election ballot as provided in this section if the death occurs on or after September 1 immediately preceding the General Election.

~~B. In the event of the death of an independent candidate for an office described in paragraph 1 or 2 of subsection A of this section, the following procedure shall apply:~~

~~1. If the death occurs on or prior to the Friday following the date of the Runoff Primary Election, the candidate's name shall not be printed on the ballot; and~~

~~2. If the death occurs after the Friday following the date of the Runoff Primary Election, the candidate's name shall be printed on the ballot.~~

~~C.~~ In the event a deceased candidate is certified by the appropriate Election Board as having won an election, a vacancy in the office shall occur upon the date the candidate would have taken office, and the vacancy shall be filled in the manner prescribed by law.

~~D.~~ C. In the event of the death of a candidate who was unopposed for election, a Special Election shall be called by the

1 Governor. The Special Election shall be conducted according to the
2 laws governing such elections, Section 12-101 et seq. of this title.

3 SECTION 4. AMENDATORY 26 O.S. 2011, Section 5-110, is
4 amended to read as follows:

5 Section 5-110. Declarations of Candidacy provided herein must
6 be filed with the secretary of the appropriate election board no
7 earlier than 8:00 a.m. on the ~~second Wednesday of April~~ first Monday
8 of June of any even-numbered year and no later than 5:00 p.m. on the
9 next succeeding ~~Friday~~ Wednesday. Such Declarations of Candidacy
10 may be transmitted by United States mail, but in no event shall the
11 secretary of any election board accept such Declarations after the
12 time prescribed by law.

13 SECTION 5. AMENDATORY 26 O.S. 2011, Section 6-103, is
14 amended to read as follows:

15 Section 6-103. The State Election Board shall cause ballots to
16 be printed for statewide Primary, ~~Runoff Primary,~~ and General
17 Elections and special elections at such time as to insure delivery
18 of ~~said~~ ballots to the several county election boards for
19 distribution to the several precinct election boards prior to
20 election day. ~~Said board~~ The Board shall cause ballots to be
21 printed for the following offices: Electors for President and Vice
22 President~~;~~; United States Senators~~;~~; United States Representatives~~;~~;
23 state officers~~;~~; Justices of the Supreme Court~~;~~; Judges of the Court
24 of Criminal Appeals~~;~~; Judges of the Court of Appeals~~;~~; district

1 judges and associate district judges~~+~~, State Senators~~+~~, State
2 Representatives~~+~~, district attorneys~~+~~, county officers, and such
3 other officers as required by law, in the order they appear in the
4 statutes, and shall cause ballots to be printed for state questions.

5 SECTION 6. AMENDATORY 26 O.S. 2011, Section 6-106, is
6 amended to read as follows:

7 Section 6-106. The official ballot for the General Election
8 shall be printed so that the ~~nominees of the various political~~
9 ~~parties and nonpartisan~~ candidates will appear in order as
10 determined according to this section. For partisan offices, if a
11 candidate has indicated a party affiliation on the declaration of
12 candidacy, that affiliation will be shown after the name of the
13 candidate on the Primary and General Election ballots. For each
14 section of the ballot for which there are partisan candidates, the
15 candidates of the recognized parties shall be printed first in lot
16 order followed by candidates of unrecognized parties in lot order
17 followed by independent candidates in lot order. Candidates of
18 recognized and unrecognized parties shall be printed in the lot
19 order of their respective party. Each political party shall have
20 the right to select an emblem to be used in designating its
21 candidates on the ballot; provided, however, that no party shall be
22 allowed to use the coat of arms or seal of Oklahoma or of the United
23 States, or the respective flags thereof. Until changed by
24 resolution of a political party, in state convention, the emblem of

1 the Democratic party shall be a rooster and that of the Republican
2 party an eagle. Change in a party emblem shall be authorized by the
3 Secretary of the State Election Board only after receipt of written
4 notice of the change by the Secretary from the state central
5 committee of a party. At the top of each ballot on which there are
6 partisan candidates shall appear the name of each recognized party
7 with the emblem of the party in lot order as prescribed by the
8 Secretary of the State Election Board. The name of the office
9 entitled to the first place, preceded by the word "for", shall
10 appear in bold type, as "For Governor". Immediately after same
11 shall be the names of the nominees for such office printed with the
12 name of the nominee's party followed by candidates who file as
13 Independents for such office printed with the word "Independent".
14 The list shall be continued, naming the officers in the order in
15 which they are set out by the Constitution and statutes, until all
16 the nominees are given space. The sections of the ballot shall be
17 set off with well-defined lines or by other means as prescribed by
18 the Secretary of the State Election Board.

19 SECTION 7. AMENDATORY 26 O.S. 2011, Section 6-109, as
20 amended by Section 1, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2014,
21 Section 6-109), is amended to read as follows:

22 Section 6-109. On all Primary ~~and Runoff Primary~~ Election
23 ballots, except absentee ballots, the names of the candidates for
24 each office shall be rotated in such a manner that all candidates'

1 names appear in each position on the ballots an equal number of
2 times, to the extent practicable. Provided, however, the names of
3 candidates for judicial, school, city and town offices shall be
4 placed on the ballot according to lot.

5 SECTION 8. AMENDATORY 26 O.S. 2011, Section 6-111, is
6 amended to read as follows:

7 Section 6-111. All ballots for Primary, ~~Runoff Primary~~ and
8 General Elections shall be printed with a stub so perforated that
9 the ballot may be easily detached from the stub. Upon the stub
10 shall be printed the number of the stub and the words, "Primary
11 Election Ballot", ~~"Runoff Primary Election Ballot"~~ or "General
12 Election Ballot", as the case may be; ~~in the event of Primary and
13 Runoff Primary Elections, the name of the political party shall be
14 printed above the words.~~

15 SECTION 9. AMENDATORY 26 O.S. 2011, Section 6-116, as
16 amended by Section 2, Chapter 200, O.S.L. 2013 (26 O.S. Supp. 2014,
17 Section 6-116), is amended to read as follows:

18 Section 6-116. A. As soon as practicable, the State Election
19 Board or each county election board, when ballots are printed by a
20 county election board, shall cause to be printed a sufficient number
21 of absentee ballots, prepared as nearly as practicable in the same
22 manner as provided for other ballots for the Primary, ~~Runoff Primary~~
23 and General Elections, in time for the ballots to be issued during
24 the time prescribed by law.

1 B. The Secretary of the State Election Board may authorize the
2 use of regular ballots as absentee ballots in any county for any
3 election. In the event that regular ballots are authorized for use
4 as absentee ballots at any election, the first order of rotation of
5 candidate names for all partisan offices in Primary Elections shall
6 be determined as outlined in Section 6-107 of this title and the
7 candidate names shall be rotated to the extent practicable on all
8 ballots printed for the election. ~~The first order of rotation of~~
9 ~~candidate names for all partisan offices in the Runoff Primary~~
10 ~~Election shall be determined as outlined in Section 6-108 of this~~
11 ~~title and the candidate names shall be rotated to the extent~~
12 ~~practicable on all ballots printed for the election.~~ Regular
13 ballots used as absentee ballots shall not be required to be
14 designated on their face as absentee ballots.

15 SECTION 10. AMENDATORY 26 O.S. 2011, Section 8-101, is
16 amended to read as follows:

17 Section 8-101. The county election board shall certify ~~a list~~
18 ~~of nominees of each political party~~ the names of the two candidates
19 receiving the highest number of votes for county offices following
20 the Primary ~~and Runoff Primary Elections~~ Election. The State
21 Election Board shall certify ~~a list of nominees of each political~~
22 ~~party~~ the names of the two candidates receiving the highest number
23 of votes for the offices for which the Board accepts filings of
24 Declarations of Candidacy following the Primary ~~and Runoff Primary~~

~~Elections~~ Election. The provisions of this section shall not be
applicable if one candidate receives more than fifty percent (50%)
of the votes cast in the Primary Election.

SECTION 11. REPEALER 26 O.S. 2011, Sections 1-103, 5-
116, 6-108, and 6-110 are hereby repealed.

SECTION 12. This act shall become effective November 1, 2015.

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