

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 312

By: Holt

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), which relates to election dates; amending 11 O.S. 2011, Section 16-107, which relates to municipal elections; amending 26 O.S. 2011, Section 13A-103, which relates to school board elections; modifying dates upon which elections to fill elective offices may be held by political subdivisions; and providing an effective date.

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

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

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

B. Except as otherwise provided by law, no regular election to fill an elective office shall be held by any county, school district, technology center school district, municipality or other

1 political subdivision authorized to call elections except as
2 follows:

3 1. The first Tuesday of February in any year;

4 2. The first Tuesday of April in any year;

5 3. The date of any regularly scheduled statewide state or
6 federal election in an even-numbered year;

7 4. The second Tuesday of September in an odd-numbered year; and

8 5. The second Tuesday of November in an odd-numbered year.

9 C. Except as otherwise provided by law, no special election for
10 any purpose other than to fill an elective office shall be held by
11 any county, school district, technology center school district,
12 municipality or other ~~entity~~ political subdivision authorized to
13 call elections except on:

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

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

1 ~~C.~~ D. In the event that a regular or special election date
2 occurs on an official state holiday, the election shall be scheduled
3 for the next following Tuesday.

4 ~~D.~~ E. Notwithstanding any other provision of law or any
5 provision 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, if so required by the resolution,
13 shall begin no later than ten (10) days following the deadline to
14 file the resolution with the secretary of the county election board;
15 provided, the filing period for such municipal office may be
16 scheduled on the same dates as the filing period for state or
17 federal office to be filled at such election.

18 SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-107, is
19 amended to read as follows:

20 Section 16-107. A primary election shall be held in cities and
21 towns on the ~~second~~ first Tuesday of February in each odd-numbered
22 year, at which time the several political parties shall nominate
23 candidates for offices which are to be elected at the upcoming
24 general municipal election.

1 SECTION 3. AMENDATORY 26 O.S. 2011, Section 13A-103, is
2 amended to read as follows:

3 Section 13A-103. A. The election of members of the board of
4 education of every school district and technology center school
5 district shall be conducted on the ~~second~~ first Tuesday in February
6 of each year, ~~except in any year when a Presidential Preferential~~
7 ~~Primary is held in February, then the election shall be held on the~~
8 ~~same day as the Presidential Preferential Primary.~~

9 If no candidate receives more than fifty percent (50%) of the
10 votes cast in the election provided for in this subsection, an
11 election between the two candidates with the highest number of votes
12 shall be conducted on the first Tuesday in April of that year.

13 B. Elections on the question of making a levy or levies for
14 schools under Section 9, Section 9B or Section 10 of Article X of
15 the Oklahoma Constitution shall be held on the second Tuesday in
16 February of each year, except in any year when a Presidential
17 Preferential Primary is held in February, then the election shall be
18 held on the same day as the Presidential Preferential Primary.

19 C. The board of education of every school district or
20 technology center school district may call a special election for
21 the purpose of voting on any matter or question authorized by law.

22 SECTION 4. This act shall become effective January 1, 2016.
23

24 55-1-971 CD 2/18/2016 7:04:38 PM