

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 318

By: Holt

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 1-108, 1-109, 10-101, 10-101.1 and 10-101.2, which relate to petitions and procedures for ballot access; modifying number of signatures required for certain petitions; modifying duties of Secretary of State Election Board; modifying duties of State Election Board; providing procedures for political parties and organizations to terminate status; providing procedures and deadlines for certification of certain nominees; providing procedures for notice of intention to circulate certain petitions; modifying procedure for names of candidates for office of Presidential Elector to be printed on ballot; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 1-108, is amended to read as follows:

Section 1-108. A group of persons may form a recognized political party at any time except during the period between March 1 and November 15 of any even-numbered year if the following procedure is observed:

1. Notice of intent to form a recognized political party must be filed in writing with the Secretary of the State Election Board

1 at any time except during the period between March 1 and November 15
2 of any even-numbered year;

3 2. After such notice is filed, petitions seeking recognition of
4 a political party, in a form to be prescribed by the Secretary of
5 the State Election Board, shall be filed with such Secretary,
6 bearing the signatures of registered voters equal to at least ~~five~~
7 ~~percent (5%)~~ two percent (2%) of the total votes cast in the last
8 General Election either for Governor or for electors for President
9 and Vice President. Each page of such petitions must contain the
10 names of registered voters from a single county. Petitions may be
11 circulated a maximum of one (1) year after notice is filed, provided
12 that petitions shall be filed with the Secretary no later than March
13 1 of an even-numbered year. Such petitions shall not be circulated
14 between March 1 and November 15 of any even-numbered year; and

15 3. Within thirty (30) days after receipt of such petitions, the
16 Secretary of the State Election Board shall determine the
17 sufficiency of such petitions. If ~~such Board determines there are~~
18 the petitions are found to contain a sufficient number of valid
19 signatures of registered voters, the party becomes recognized under
20 the laws of the State of Oklahoma with all rights and obligations
21 accruing thereto.

22 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-109, is
23 amended to read as follows:
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1 Section 1-109. A. Any recognized political party whose nominee
2 for Governor or nominees for electors for President and Vice
3 President fail to receive at least ten percent (10%) of the total
4 votes cast for ~~said~~ the offices in any General Election shall cease
5 to be a recognized political party. ~~Said~~ The party may regain
6 recognition only by following the procedure prescribed for formation
7 of new political parties. The State Election Board shall proclaim
8 the fact of a party's failure to receive a sufficient number of
9 votes and shall order that ~~said~~ the party cease to be recognized.

10 B. Any recognized political party that ceases to be recognized
11 under provisions of this section shall be designated as a political
12 organization. Such political organization designation shall
13 terminate four (4) years from the date that the political party
14 ceases to be recognized or when the political organization regains
15 recognition as a political party, whichever is earlier.

16 C. A recognized political party or political organization may
17 terminate its status in the State of Oklahoma by notifying the
18 Secretary of the State Election Board in writing in a form
19 prescribed by the Secretary.

20 SECTION 3. AMENDATORY 26 O.S. 2011, Section 10-101, is
21 amended to read as follows:

22 Section 10-101. A. 1. The nominees for Presidential Electors
23 of any recognized political party shall be selected at a ~~statewide~~

1 said convention of ~~said~~ the party in a manner to be determined by
2 ~~said~~ the party.

3 2. The nominees for Presidential Electors shall be certified by
4 ~~said~~ the party's ~~chairman~~ state chair to the Secretary of the State
5 Election Board no fewer than ninety (90) days nor more than one
6 hundred eighty (180) days from the date of the General Election at
7 which candidates for Presidential Electors shall appear on the
8 ballot.

9 3. Failure of a political party to properly certify the names
10 of its nominees for Presidential Electors within the time specified
11 shall bar such party from placing any candidates for Presidential
12 Electors on the ballot at ~~said~~ the election.

13 4. No later than seventy (70) days prior to the date of the
14 General Election, the party shall certify the names of its nominees
15 for President and Vice President to the Secretary of the State
16 Election Board.

17 B. Candidates for Presidential Electors seeking to appear on
18 the ballot as uncommitted shall be entitled to have their names
19 placed upon the ballot at a General Election by observing the
20 following procedure:

21 1. No later than ~~July 15~~ July 1 of a presidential election
22 year, petitions seeking ballot access for ~~said~~ uncommitted
23 candidates for Presidential Electors, in a form to be prescribed by
24 the Secretary of the State Election Board, shall be filed with ~~said~~

1 the Secretary, bearing the signatures of registered voters equal to
2 at least ~~three percent (3%)~~ two percent (2%) of the total votes cast
3 in the last General Election for President. Notice of intention to
4 circulate petitions shall be filed with the Secretary of the State
5 Election Board before such petitions may be circulated. Such notice
6 shall be in writing in a form prescribed by the Secretary. Each
7 page of ~~said~~ the petitions must contain the name of registered
8 voters from a single county.

9 2. Within thirty (30) days after receipt of ~~said~~ the petitions,
10 the Secretary of the State Election Board shall determine the
11 sufficiency of ~~said~~ the petitions. If ~~said Board determines there~~
12 ~~are~~ the petitions are found to contain a sufficient number of valid
13 signatures of registered voters, the nominees for Presidential
14 Electors are entitled to appear on the ballot at the next following
15 General Election at which candidates for Presidential Electors shall
16 appear on the ballot.

17 SECTION 4. AMENDATORY 26 O.S. 2011, Section 10-101.1, is
18 amended to read as follows:

19 Section 10-101.1. The names of a slate of candidates for the
20 office of Presidential Elector pledged to an Independent candidate
21 for President of the United States shall be printed on the ballot
22 only by observing the following procedure:

23 1. No later than ~~July 15~~ July 1 of a presidential election
24 year, petitions signed by a number of registered voters supporting

1 the candidacy of ~~said~~ the candidate for President of the United
2 States equal to at least ~~three percent (3%)~~ two percent (2%) of the
3 total votes cast in the last General Election for President shall be
4 filed with the Secretary of the State Election Board. Notice of
5 intention to circulate petitions shall be filed with the Secretary
6 of the State Election Board before such petitions may be circulated.
7 Such notice shall be in writing in a form prescribed by the
8 Secretary. The form of ~~said~~ the petitions shall be prescribed by
9 the Secretary. Each page of ~~said~~ the petitions must contain the
10 names of registered voters from a single county.

11 2. Within thirty (30) days after receipt of ~~said~~ the petitions,
12 the Secretary of the State Election Board shall determine the
13 sufficiency of ~~said~~ the petitions.

14 3. If the petitions are found to be sufficient, the Independent
15 candidate for President of the United States shall, no later than
16 ~~September 1~~ August 15, certify to the Secretary of the State
17 Election Board the names of the nominees for Presidential Elector
18 pledged to ~~him~~ the candidate and the ~~name of his~~ candidate's Vice
19 Presidential running mate. The name of the Vice Presidential
20 running mate shall be certified to the Secretary of the State
21 Election Board no later than seventy (70) days prior to the date of
22 the General Election.

23 4. Each candidate for Presidential Elector so nominated shall
24 subscribe to an oath stating that, if elected, he or she will cast

1 his a ballot for the nominating candidate ~~who nominated him~~ and for
2 ~~said the~~ candidate's Vice Presidential running mate. ~~Said~~ The oath
3 shall be filed with the Secretary of the State Election Board no
4 later than September 15.

5 SECTION 5. AMENDATORY 26 O.S. 2011, Section 10-101.2, is
6 amended to read as follows:

7 Section 10-101.2. The names of a slate of candidates for the
8 office of Presidential Elector pledged to the nominee of a political
9 party not recognized under the laws of the State of Oklahoma for
10 President of the United States shall be printed on the ballot only
11 by observing the following procedure:

12 1. a. No later than ~~July 15~~ July 1 of a presidential
13 election year, petitions signed by a number of
14 registered voters supporting the candidacy of ~~said the~~
15 nominee for President of the United States equal to at
16 least ~~three percent (3%)~~ two percent (2%) of the total
17 votes cast in the last General Election for President
18 shall be filed with the Secretary of the State
19 Election Board.

20 b. Notice of intention to circulate petitions shall be
21 filed with the Secretary of the State Election Board
22 before such petitions may be circulated. Such notice
23 shall be in writing in a form prescribed by the
24 Secretary. The form of ~~said the~~ petitions shall be

1 prescribed by the Secretary. Each page of ~~said~~ the
2 petitions must contain the names of registered voters
3 from a single county.

4 2. Within thirty (30) days after receipt of ~~said~~ the petitions,
5 the Secretary of the State Election Board shall determine the
6 sufficiency of ~~said~~ the petitions.

7 3. If the petitions are found to be sufficient, the ~~nominee for~~
8 ~~President of the United States shall, no later than September 1,~~
9 ~~certify to the Secretary of the State Election Board the names of~~
10 ~~the nominees for Presidential Elector pledged to him and the name of~~
11 ~~his Vice Presidential running mate~~ nominees for Presidential
12 Electors shall be certified by the unrecognized party's national
13 chair to the Secretary of the State Election Board no later than
14 August 15. Failure of the unrecognized party to properly certify
15 the names of its nominees for Presidential Electors within the time
16 specified shall bar such party from placing any candidates for
17 Presidential Electors on the ballot at the election.

18 4. No later than seventy (70) days prior to the date of the
19 General Election, the national chair of the unrecognized party shall
20 certify the names of its nominees for President and Vice President
21 to the Secretary of the State Election Board.

22 5. Each candidate for Presidential Elector so nominated shall
23 subscribe to an oath stating that, if elected, he or she will cast
24 his a ballot for the nominating candidate ~~who nominated him~~ and for

1 ~~said~~ the candidate's Vice Presidential running mate. ~~Said~~ The oath
2 shall be filed with the Secretary of the State Election Board no
3 later than September 15.

4 SECTION 6. This act shall become effective November 1, 2015.

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