

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 399

By: Justice

AS INTRODUCED

An Act relating to elections; amending 11 O.S. 2011, Sections 16-102 and 16-114, and 26 O.S. 2011, Section 13-102, as last amended by Section 1, Chapter 126, O.S.L. 2012 (26 O.S. Supp. 2014, Section 13-102), which relate to municipal elections; modifying requirements for filing period for municipal offices; modifying requirements for resolution or order calling for municipal election; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 16-102, is amended to read as follows:

Section 16-102. A. The provisions of Section 16-101 et seq. of this title shall not apply to any municipality which is governed by charter; provided, that elections for such municipalities which shall be conducted by the county election board shall be scheduled only on an election date identified by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes. However, such a municipality may, by indicating in its resolution calling an election, choose to follow any provision of state law governing elections conducted by a

1 county election board when the municipality's charter or ordinances
2 are silent on the matter addressed by such provision. In such
3 instance, if the municipal election or any substantial portion
4 thereof is not conducted by a county election board, the duties
5 required of the county election board or its secretary shall be
6 performed by the municipal authority designated by the municipal
7 governing body and nothing herein shall be construed to require the
8 county election board to perform any such duties. The residency
9 requirements of Sections 16-109 and 16-110 of this title shall apply
10 to all municipalities except to the extent that such residency
11 requirements are governed by municipal charter.

12 B. The provisions of Sections 16-101 through 16-114 of this
13 title shall not apply to any municipality subject to the provisions
14 of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this
15 title shall apply to such municipalities.

16 C. In the event that a municipality governed by charter
17 schedules a regular or special election for a municipal office ~~on~~
18 ~~the same date as an election involving state or federal offices,~~ the
19 filing period for such municipal office shall be scheduled ~~on a~~
20 ~~Monday, Tuesday and Wednesday~~ for three (3) days and shall begin not
21 less than fifteen (15) days nor more than twenty (20) days following
22 the date of the resolution or order is required to be filed with the
23 secretary of the county election board.
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1 SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-114, is
2 amended to read as follows:

3 Section 16-114. A. When the office of a municipal elected
4 official is to be filled at a special partisan election, the
5 resolution or order of the governing body calling the election shall
6 contain the following facts:

7 1. A filing period of three (3) days, ~~on a Monday, Tuesday and~~
8 ~~Wednesday,~~ which shall begin not less than fifteen (15) days nor
9 more than twenty (20) days from the date ~~of~~ the resolution or order
10 is required to be filed with the county election board;

11 2. The date of the Special Primary Election not less than
12 forty-five (45) days after the close of the filing period; and

13 3. The date of the Special General Election, not less than
14 forty-five (45) days after the date of the Primary Election. A copy
15 of the resolution or order shall be filed with the secretary of the
16 county election board not less than sixty (60) days preceding the
17 date of the special primary election. The election shall be
18 conducted under the laws applicable to general municipal elections.

19 B. When the office of a municipal elected official is to be
20 filled at a special nonpartisan election, the resolution or order of
21 the governing body calling the election shall contain the following
22 facts:
23
24

1 1. A filing period of three (3) days, ~~on a Monday, Tuesday and~~
2 ~~Wednesday~~, not less than fifteen (15) days from the date of the
3 resolution or order;

4 2. The date of the special general election, not less than
5 forty-five (45) days after the close of the filing period; and

6 3. Other facts set forth in Section 13-102 of Title 26 of the
7 Oklahoma Statutes.

8 A copy of the resolution or order shall be filed with the
9 secretary of the county election board not less than sixty (60) days
10 preceding the date of the special general election.

11 C. Special municipal elections may be called only on dates
12 established by subsection B of Section 3-101 of Title 26 of the
13 Oklahoma Statutes.

14 SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-102, as
15 last amended by Section 1, Chapter 126, O.S.L. 2012 (26 O.S. Supp.
16 2014, Section 13-102), is amended to read as follows:

17 Section 13-102. A. Not fewer than fifteen (15) days before the
18 filing period for any regular municipal election, or in the event of
19 a special election, not fewer than sixty (60) days before such
20 election, the governing board of any municipality shall submit a
21 resolution to the secretary of the county election board conducting
22 such election. Such resolution shall contain the following facts:

23 1. The dates of the election or elections;
24

1 2. The offices to be filled or the questions to be voted upon
2 at such election or elections;

3 3. Qualifications for such offices;

4 4. Designation of which offices shall be filled by voting by
5 ward and which offices shall be filled by voting at large;

6 5. Indication of whether the election will be partisan or
7 nonpartisan;

8 6. For ~~charter cities~~ a municipality governed by a charter,
9 where the charter is silent, indication of any portion of state law
10 which will apply;

11 7. A list of precincts partially contained within the limits of
12 the municipality which are eligible to be closed pursuant to the
13 provisions of subsection C of Section 13-103 of this title, and a
14 certification of whether such precincts shall be open or not open
15 for the election; and

16 8. Any other information necessary for conducting ~~said~~ the
17 election or elections.

18 B. In the event that a municipality governed by charter
19 schedules a regular or special election for a municipal office on
20 the same date as ~~an~~ a regular or special election involving state or
21 federal offices, the resolution shall be filed, and the filing
22 period for such municipal office shall be scheduled ~~on a Monday,~~
23 ~~Tuesday and Wednesday not less than fifteen (15) days nor more than~~
24 ~~twenty (20) days following the date of the resolution or order;~~

1 ~~provided, the filing period for such municipal office may be~~
2 ~~scheduled on the same dates as the filing period for state or~~
3 ~~federal office to be filled at such election~~ according to the
4 requirements set forth in subsection D of Section 3-101 of this
5 title.

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

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