

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 145

 By: Fields and Holt of the
 Senate

6 and

7 Echols of the House

8
9 An Act relating to elections; amending 26 O.S. 2011,
10 Sections 10-101 and 10-101.1, which relate to
11 presidential elections; modifying procedures and
12 dates for nomination of Presidential Electors by
13 political party; modifying procedure for independent
14 candidate or candidate of unrecognized political
15 party and Presidential Electors pledged thereto;
16 providing for petition or filing fee; repealing 26
17 O.S. 2011, Section 10-101.2, which relates to
18 Presidential Electors pledged to nominee of
19 unrecognized political party; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 26 O.S. 2011, Section 10-101, is
23 amended to read as follows:

24 Section 10-101. A. The nominees for Presidential Electors of
any recognized political party shall be selected at a ~~statewide~~
convention of ~~said~~ the party in a manner to be determined by ~~said~~
the party.

1 B. The nominees for Presidential Electors shall be certified by
2 ~~said the~~ party's ~~chairman~~ chair to the Secretary of the State
3 Election Board no ~~fewer than ninety (90) days nor more than one~~
4 ~~hundred eighty (180) days from the date of the General Election at~~
5 ~~which candidates for Presidential Electors shall appear on the~~
6 ~~ballot~~ later than July 15 of a presidential election year.

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

11 ~~Candidates for Presidential Electors seeking to appear on the ballot~~
12 ~~as uncommitted shall be entitled to have their names placed upon the~~
13 ~~ballot at a General Election by observing the following procedure:~~

14 ~~1. No later than July 15 of a presidential election year,~~
15 ~~petitions seeking ballot access for said uncommitted candidates for~~
16 ~~Presidential Electors, in a form to be prescribed by the Secretary~~
17 ~~of the State Election Board, shall be filed with said Secretary,~~
18 ~~bearing the signatures of registered voters equal to at least three~~
19 ~~percent (3%) of the total votes cast in the last General Election~~
20 ~~for President. Each page of said petitions must contain the name of~~
21 ~~registered voters from a single county.~~

22 ~~2. Within thirty (30) days after receipt of said petitions, the~~
23 ~~State Election Board shall determine the sufficiency of said~~
24 ~~petitions. If said Board determines there are a sufficient number~~

1 ~~of valid signatures of registered voters, the nominees for~~
2 ~~Presidential Electors are entitled to appear on the ballot at the~~
3 ~~next following General Election at which candidates for Presidential~~
4 ~~Electors shall appear on the ballot.~~

5 D. A recognized political party shall certify its nominees for
6 President of the United States and Vice President of the United
7 States to the Secretary of the State Election Board no later than
8 seventy-five (75) days prior to the date of the General Election to
9 ensure the State Election Board and the county election boards have
10 sufficient time to meet the deadline for sending absentee ballots to
11 uniformed services voters pursuant to federal and state law.

12 SECTION 2. AMENDATORY 26 O.S. 2011, Section 10-101.1, is
13 amended to read as follows:

14 Section 10-101.1. A. ~~The names of a slate of candidates for~~
15 ~~the office of Presidential Elector pledged to an Independent~~
16 ~~candidate for President of the United States shall be printed on the~~
17 ~~ballot only by observing the following procedure:~~

18 ~~1. No later than July 15 of a presidential election year,~~
19 ~~petitions signed by a number of registered voters supporting the~~
20 ~~candidacy of said candidate for President of the United States equal~~
21 ~~to at least three percent (3%) of the total votes cast in the last~~
22 ~~General Election for President shall be filed with the Secretary of~~
23 ~~the State Election Board. The form of said petitions shall be~~

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

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

~~3. If the petitions are found to be sufficient, the Independent candidate for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board the names of the nominees for Presidential Elector pledged to him and the name of his Vice Presidential running mate. Each candidate for Presidential Elector so nominated shall subscribe to an oath stating that, if elected, he will cast his ballot for the candidate who nominated him and for said candidate's Vice Presidential running mate. Said oath shall be filed with the Secretary of the State Election Board no later than September 15 shall be observed for Presidential Electors pledged to an independent candidate for President of the United States:~~

1. A person wishing to appear on the General Election ballot as an independent candidate for President of the United States shall file a Statement of Candidacy with the Secretary of the State Election Board no later than July 15 of a presidential election year;

2. a. the Statement of Candidacy shall be in a form to be prescribed by the Secretary of the State Election

1 Board, and shall include the candidate's full legal
2 name, the candidate's address of residence, the
3 candidate's mailing address, the name of the candidate
4 as it should appear on the ballot and any other
5 information required by the Secretary of the State
6 Election Board,

7 b. the candidate shall swear an oath or affirm on the
8 Statement of Candidacy that the candidate meets the
9 qualifications for President of the United States set
10 forth in the Constitution of the United States, and
11 the candidate's signature shall be witnessed by a
12 notary public;

13 3. The Statement of Candidacy shall be accompanied by a
14 certification of the name and address of residence for each
15 candidate for Presidential Elector pledged to the independent
16 candidate for President of the United States. The number of
17 electors so certified shall be equal to the number apportioned to
18 the State of Oklahoma pursuant to the provisions of Section 1 of
19 Article II of the United States Constitution. Each candidate for
20 Presidential Elector so nominated shall subscribe to an oath
21 prescribed by the Secretary of the State Election Board, which shall
22 be in the same manner, substance and form as the oath described in
23 Section 10-102 of this title;
24

- 1 4. a. the Statement of Candidacy shall be accompanied by a
2 petition supporting a candidate's filing,
3 b. the form of the petition shall be prescribed by the
4 Secretary of the State Election Board. Each page of
5 the petition must contain the names of registered
6 voters from a single county,
7 c. the petition shall bear the same number of signatures
8 of registered voters that is required to form a
9 recognized political party as described in Section 1-
10 108 of this title,
11 d. within thirty (30) days after receipt of the petition,
12 the Secretary of the State Election Board shall
13 determine the sufficiency of the petition,
14 e. in lieu of the petition required by this subsection, a
15 filing fee for each Presidential Elector committed to
16 the independent candidate for President of the United
17 States may be submitted in the form of a cashier's
18 check or certified check made payable to the Secretary
19 of the State Election Board. The filing fee for each
20 Presidential Elector shall be in an amount equal to
21 the filing fee described in Section 20-102 of this
22 title. The sum of the filing fees for each
23 Presidential Elector may be paid in a single cashier's
24 check or certified check. The filing fees shall be

1 deposited in the State Election Board Revolving Fund
2 created pursuant to Section 3-107 of this title; and

3 5. If the requirements set forth in this section are found by
4 the Secretary of the State Election Board to be sufficient, then the
5 independent candidate for President of the United States shall be
6 qualified to appear on the General Election ballot. The candidate
7 shall certify to the Secretary of the State Election Board the name
8 of the candidate's Vice Presidential running mate no later than the
9 deadline established in Section 10-101 of this title for the
10 certification by a recognized political party of its nominee for
11 Vice President of the United States.

12 B. A political party not recognized under the laws of the
13 State of Oklahoma may place its nominees for President of the United
14 States, Vice President of the United States and Presidential
15 Electors on the ballot subject to the same requirements,
16 restrictions and deadlines as provided for an independent candidate
17 for President of the United States. Provided, the national chair of
18 the unrecognized political party shall submit the Statement of
19 Candidacy on behalf of the unrecognized political party, and shall
20 provide the Secretary of the State Election Board with a separate
21 certificate of nomination for the unrecognized political party's
22 nominees for President and Vice President of the United States, in a
23 form and manner prescribed by the Secretary of the State Election
24 Board.

1 SECTION 3. REPEALER 26 O.S. 2011, Section 10-101.2, is
2 hereby repealed.

3 SECTION 4. This act shall become effective November 1, 2017.
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5 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
6 04/05/2017 - DO PASS.
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