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February 28, 2018

By: Paxton

An Act relating to vacancies in office; amending 51 O.S. 2011, Section 10 and 26 O.S. 2011, Section 12-101, as amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2017, Section 12-101), which relate to procedures for filling vacancies; modifying procedure for filling vacancy in office of United States Senator; requiring certain appointment; providing for special elections; specifying certain duties of Governor; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2011, Section 10, is amended to read as follows:

Section 10. A. All vacancies in state offices, except in offices of the members of the Legislature, and members of the House of Representatives from Oklahoma in the Congress of the United States of America ~~and members of the Senate of the United States of America~~, shall be filled by appointment by the Governor. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, the Governor shall, in filling such vacancy, utilize the services of the Judicial

1 Nominating Commission in the manner as provided for in the filling
2 of judicial offices under Section 4, Article 7B of the Oklahoma
3 Constitution. When a vacancy occurs in the office of a member of
4 the United States Senate from Oklahoma, the Governor shall call a
5 special election to fill such vacancy, which shall be held
6 concurrently with the next regularly scheduled statewide Primary,
7 Runoff Primary and General Elections, and shall appoint a person to
8 serve in such office until a successor is elected. If such vacancy
9 occurs on a date within thirty (30) days of the filing period for
10 such election cycle and prior to the date of the general election,
11 the special election to fill the vacancy shall be held concurrently
12 with the next succeeding regularly scheduled statewide Primary,
13 Runoff Primary and General Elections.

14 B. All vacancies in county offices except the board of county
15 commissioners or except for any elective county office of any county
16 in the State of Oklahoma having a population of more than six
17 hundred thousand (600,000), according to the latest Federal
18 Decennial Census shall be filled by appointment by the board of
19 county commissioners. If such an appointment is made prior to the
20 prescribed filing period for county officers in accordance with the
21 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the
22 county commissioners shall, at the time said appointment is made,
23 proclaim a special election to fill the balance of the unexpired
24 term, providing the balance of the term does not expire in the year

1 following the next succeeding general election. In making the
2 proclamation, the county commissioners shall establish the dates for
3 the filing period, primary election, runoff primary election and
4 general election to be the same as the next succeeding filing
5 period, primary election, runoff primary election and general
6 election for county officers. The appointee shall be eligible to
7 become a candidate at said special election, providing said
8 appointee is otherwise qualified. The office to be filled shall be
9 printed on the same ballot as other county offices.

10 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-101, as
11 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2017,
12 Section 12-101), is amended to read as follows:

13 Section 12-101. A. Except as otherwise provided by law,
14 whenever a vacancy shall occur in the office of a member of the
15 ~~United States Senate or United States House of Representatives from~~
16 Oklahoma, such vacancy shall be filled at a Special Election to be
17 called by the Governor within thirty (30) days after such vacancy
18 occurs.

19 B. No special election shall be called if the vacancy occurs in
20 an even-numbered year if the term of the office expires the
21 following year. In such case, the candidate elected to the office
22 at the regular General Election shall be appointed by the Governor
23 to fill the unexpired term.
24

1 C. Except as otherwise provided by law, whenever a vacancy
2 shall occur in the office of a member of the United States Senate
3 from Oklahoma, such vacancy shall be filled at a Special Election to
4 be called by the Governor which shall be held concurrently with the
5 next regularly scheduled statewide Primary, Runoff Primary and
6 General Elections. If such vacancy occurs on a date within thirty
7 (30) days of the filing period for such election cycle and prior to
8 the date of the General Election, the special election to fill the
9 vacancy shall be held concurrently with the next succeeding
10 regularly scheduled statewide Primary, Runoff Primary and General
11 Elections.

12 SECTION 3. This act shall become effective November 1, 2018.

13 COMMITTEE REPORT BY: COMMITTEE ON RULES
14 February 28, 2018 - DO PASS
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