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February 28, 2018

By: Fields

An Act relating to elections; amending 26 O.S. 2011, Sections 1-101 and 3-101, as last amended by Section 11, Chapter 210, O.S.L. 2016 (26 O.S. Supp. 2017, Section 3-101), which relate to election dates; specifying dates upon which General Elections required to be held; modifying dates when regular and special elections may be held; and providing an effective date.

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

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

Section 1-101. General Elections shall be held on the following
dates:

1. On the first Tuesday succeeding the first Monday of November, ~~1976~~ 2020, and every four (4) years thereafter, ~~a General Election shall be held,~~ at which time electors for President and Vice President shall be elected-;

2. On said date the first Tuesday succeeding the first Monday
of November, 2018, and every two (2) years thereafter, at which time
United States Senators and United States Representatives, whose

1 terms expire before the next succeeding General Election, and state,
2 district and county officers, whose terms expire before the next
3 succeeding General Election, shall be elected; and

4 3. On the first Tuesday succeeding the first Monday of
5 November, 2019, and every two (2) years thereafter, at which time
6 such offices shall be filled and such matters shall be referred to
7 the people for their approval or rejection as may be set for such
8 election as provided by law; provided, if neither an election for
9 statewide office nor an election on a measure to be submitted to the
10 voters of this state for their approval or rejection is scheduled on
11 such date, a statewide election shall not be held on such date.

12 ~~No county, municipality or school district shall schedule an~~
13 ~~election on any date during the twenty (20) days immediately~~
14 ~~preceding the date of any such General Election.~~

15 SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-101, as
16 last amended by Section 11, Chapter 210, O.S.L. 2016 (26 O.S. Supp.
17 2017, Section 3-101), is amended to read as follows:

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

21 B. Except as otherwise provided by law, no regular or special
22 election to fill an elective office shall be held by any county,
23 school district, technology center school district, municipality or
24

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

- 3 1. The second 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~~ first Tuesday after the first Monday of November
9 in an odd-numbered year.

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

- 15 1. The second Tuesday of January, February, May, June, July,
16 August, September, and October ~~and~~, the first Tuesday after the
17 first Monday of November and the first Tuesday in March and April in
18 odd-numbered years; provided, a municipality with a population in
19 excess of two hundred fifty thousand (250,000) persons, according to
20 the most recent federal decennial census, may also hold an election
21 on the second Tuesday of December in odd-numbered years; and
- 22 2. The second Tuesday of January and February, the first
23 Tuesday in March and April, the last Tuesday in June, the fourth
24

1 Tuesday in August, and the first Tuesday after the first Monday in
2 November of any even-numbered year.

3 D. In the event that a regular or special election date occurs
4 on an official state holiday, the election shall be scheduled for
5 the next following Tuesday. In the event that any day of a
6 candidate filing period occurs on a Saturday, Sunday or any official
7 state holiday, that day of the filing period shall be scheduled for
8 the next business day.

9 E. Notwithstanding any other provision of law or any provision
10 of a municipal charter, any municipality, school district,
11 technology center district, county, rural fire protection district,
12 or any other entity seeking to hold a regular or special election to
13 be conducted by a county election board on the same date as a
14 regular or special federal or state election, shall file the
15 resolution calling for the election with the county election board
16 secretary no later than seventy-five (75) days prior to the election
17 date. A candidate filing period of three (3) days, if so required
18 by the resolution, shall begin no later than ten (10) days following
19 the deadline to file the resolution with the secretary of the county
20 election board; provided, the filing period for such municipal
21 office may be scheduled on the same dates as the filing period for
22 state or federal office to be filled at such election.

23 F. Any school district, technology center district,
24 municipality, including any municipality governed by charter, rural

1 fire protection district or any other entity seeking to hold a
2 special election for the purpose of filling a vacancy shall schedule
3 a candidate filing period of three (3) days to begin not more than
4 twenty (20) days following the date the resolution calling the
5 election is required to be filed with the secretary of the county
6 election board.

7 SECTION 3. This act shall become effective January 1, 2019.

8 COMMITTEE REPORT BY: COMMITTEE ON RULES
9 February 28, 2018 - DO PASS
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