

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1037

By: Paxton

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Sections 12-104 and 12-109, which relate to special elections; modifying procedures applicable to Special Election to fill vacancy in Congress or Legislature; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-104, is amended to read as follows:

Section 12-104. ~~Said elections~~ Elections to fill vacancies in Congress conducted pursuant to the provisions of Section 12-101 et seq. of this title shall be conducted under the laws applicable to regular Primary, Runoff Primary and General Elections, except as follows:

1. If two candidates have filed for and qualified to have their names printed on the ballot, a Primary Election shall not be held and the names of such candidates shall be placed on the General Election ballot. The party affiliation of both candidates shall be shown on the ballot;

1        2. If more than two candidates have filed for and qualified to  
2 have their names printed on the ballot, the names of all such  
3 candidates shall be put before the voters on a single ballot at the  
4 Primary Election, regardless of party affiliation or status as a  
5 nonpartisan candidate. The party affiliation of all such candidates  
6 shall be shown on the ballot. Any eligible registered voter shall  
7 be permitted to vote at such Primary Election;

8        3. If no candidate receives more than fifty percent (50%) of  
9 the votes cast at the Primary Election, the names of the two  
10 candidates receiving the highest number of votes at the Primary  
11 Election shall be placed on the General Election ballot. The party  
12 affiliation of all such candidates shall be shown on the ballot. If  
13 a candidate receives more than fifty percent (50%) of the votes cast  
14 at the Primary Election, such candidate shall be certified as the  
15 winner of the election and a General Election shall not be held; and

16        4. Provided, if the dates of the elections coincide with the  
17 dates for the regular Primary, Runoff Primary and General Elections,  
18 the provisions of paragraphs 1 through 3 of this section shall not  
19 apply and the election shall be conducted under the laws applicable  
20 to regular Primary, Runoff Primary and General Elections.

21        SECTION 2.        AMENDATORY        26 O.S. 2011, Section 12-109, is  
22 amended to read as follows:

23        Section 12-109. ~~Said elections~~ Elections to fill vacancies in  
24 the Legislature conducted pursuant to the provisions of Section 12-

1 106 et seq. of this title shall be conducted under the laws  
2 applicable to regular Primary and General Elections, except ~~that the~~  
3 ~~candidate receiving the highest number of votes in said Primary~~  
4 ~~Election shall be deemed the nominee of his political party,~~  
5 ~~provided that~~ as follows:

6 1. If two candidates have filed for and qualified to have their  
7 names printed on the ballot, a Primary Election shall not be held  
8 and the names of such candidates shall be placed on the General  
9 Election ballot. The party affiliation of both candidates shall be  
10 shown on the ballot;

11 2. If more than two candidates have filed for and qualified to  
12 have their names printed on the ballot, the names of all such  
13 candidates shall be put before the voters on a single ballot at the  
14 Primary Election, regardless of party affiliation or status as a  
15 nonpartisan candidate. The party affiliation of all such candidates  
16 shall be shown on the ballot. Any eligible registered voter shall  
17 be permitted to vote at such Primary Election;

18 3. If no candidate receives more than fifty percent (50%) of  
19 the votes cast at the Primary Election, the names of the two  
20 candidates receiving the highest number of votes at the Primary  
21 Election shall be placed on the General Election ballot. The party  
22 affiliation of all such candidates shall be shown on the ballot. If  
23 a candidate receives more than fifty percent (50%) of the votes cast  
24

1 at the Primary Election, such candidate shall be certified as the  
2 winner of the election and a General Election shall not be held;

3 4. Provided, if the dates of the elections ~~do not~~ coincide with  
4 the dates for the regular Primary, Runoff Primary and General  
5 Elections-, the provisions of paragraphs 1 through 3 of this section  
6 shall not apply and the election shall be conducted under the laws  
7 applicable to regular Primary, Runoff Primary and General Elections;  
8 and

9 5. If the nominee of a political party is unopposed in the  
10 Special Election, ~~he~~ such nominee shall be issued a certificate of  
11 election after the expiration of the contest period following the  
12 Primary ~~or Runoff Primary Election~~, if no contest is filed, and  
13 shall immediately assume the duties of ~~said~~ the office; provided,  
14 for a Special Election conducted pursuant to the provisions of  
15 Section 12-119 of this title, such person shall assume the duties of  
16 the office upon the date of resignation of the incumbent.

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

18  
19 56-2-2795 CD 1/17/2018 8:39:52 AM  
20  
21  
22  
23  
24