

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 145

By: Fields

6 AS INTRODUCED

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

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

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

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

25 B. The nominees for Presidential Electors shall be certified by
26 ~~said~~ the party's ~~chairman~~ chair to the Secretary of the State
27 Election Board no ~~fewer than ninety (90) days nor more than one~~

1 ~~hundred eighty (180) days from the date of the General Election at~~
2 ~~which candidates for Presidential Electors shall appear on the~~
3 ~~ballot later than July 15 of a presidential election year.~~

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

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

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

19 ~~2. Within thirty (30) days after receipt of said petitions, the~~
20 ~~State Election Board shall determine the sufficiency of said~~
21 ~~petitions. If said Board determines there are a sufficient number~~
22 ~~of valid signatures of registered voters, the nominees for~~
23 ~~Presidential Electors are entitled to appear on the ballot at the~~

~~next following General Election at which candidates for Presidential Electors shall appear on the ballot.~~

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

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

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

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

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

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

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

21 2. a. the Statement of Candidacy shall be in a form to be
22 prescribed by the Secretary of the State Election
23 Board, and shall include the candidate's full legal
24 name, the candidate's address of residence, the

candidate's mailing address, the name of the candidate
as it should appear on the ballot and any other
information required by the Secretary of the State
Election Board,

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

3. The Statement of Candidacy shall be accompanied by a
certification of the name and address of residence for each
candidate for Presidential Elector pledged to the independent
candidate for President of the United States. Each candidate for
Presidential Elector so nominated shall subscribe to an oath
prescribed by the Secretary of the State Election Board, which shall
be in the same manner, substance and form as the oath described in
Section 10-102 of this title;

4. a. the Statement of Candidacy shall be accompanied by a
petition supporting a candidate's filing,

b. the form of the petition shall be prescribed by the
Secretary of the State Election Board. Each page of
the petition must contain the names of registered
voters from a single county,

1 c. the petition shall bear the same number of signatures
2 of registered voters that is required to form a
3 recognized political party as described in Section 1-
4 108 of this title,

5 d. within thirty (30) days after receipt of the petition,
6 the Secretary of the State Election Board shall
7 determine the sufficiency of the petition.

8 Verification of signatures on the petition shall be
9 made in substantial compliance with the provisions of
10 Section 6 of Title 34 of the Oklahoma Statutes,

11 e. in lieu of the petition required by this subsection, a
12 filing fee for each Presidential Elector committed to
13 the independent candidate for President of the United
14 States may be submitted in the form of a cashier's
15 check or certified check made payable to the Secretary
16 of the State Election Board. The filing fee for each
17 Presidential Elector shall be in an amount equal to
18 the filing fee described in Section 20-102 of this
19 title. The sum of the filing fees for each
20 Presidential Elector may be paid in a single cashier's
21 check or certified check. The filing fees shall be
22 deposited in the State Election Board Revolving Fund
23 created pursuant to Section 3-107 of this title;
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1 5. If the requirements set forth in this section are found by
2 the Secretary of the State Election Board to be sufficient, then the
3 independent candidate for President of the United States shall be
4 qualified to appear on the General Election ballot. The candidate
5 shall certify to the Secretary of the State Election Board the name
6 of the candidate's Vice Presidential running mate no later than the
7 deadline established in Section 10-101 of this title for the
8 certification by a recognized political party of its nominee for
9 Vice President of the United States; and

10 6. No candidate whose name appeared on the ballot at the
11 Presidential Preferential Primary described in Section 20-101 of
12 this title shall be eligible to file a Statement of Candidacy as an
13 independent candidate for President of the United States during the
14 same presidential election year. The Secretary of the State
15 Election Board shall not accept a Statement of Candidacy from any
16 such person.

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

19 SECTION 4. This act shall become effective November 1, 2017.

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