

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB279 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kyle Hilbert

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 279

By: Paxton of the Senate

and

Hilbert of the House

PROPOSED COMMITTEE SUBSTITUTE

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. 2018, 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; updating statutory language; prohibiting severability; providing for noncodification; 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

1 ~~States of America and members of the Senate of the United States of~~
2 ~~America~~, shall be filled by appointment by the Governor.

3 B. When a vacancy occurs in the office of district judge,
4 associate district judge, or judge of any intermediate appellate
5 court, the Governor shall, in filling such vacancy, utilize the
6 services of the Judicial Nominating Commission in the manner as
7 provided for in the filling of judicial offices under Section 4,
8 Article ~~7B~~ VII-B of the Oklahoma Constitution.

9 C. When a vacancy occurs in the office of a member of the
10 United States Senate from Oklahoma, the Governor shall, within
11 thirty (30) days of occurrence of the vacancy:

12 1. Appoint a person eligible to hold such office, that has been
13 a registered voter of the party of the predecessor in Oklahoma for
14 at least five (5) years preceding the date that the vacancy was
15 created, to serve in such office until a successor is elected; and

16 2. Call a special election to fill such vacancy, as provided in
17 Section 12-101 of Title 26 of the Oklahoma Statutes, unless the
18 vacancy occurs in an even-numbered year and the term of the vacant
19 office expires in January of the following year.

20 D. Any person appointed pursuant to paragraph 1 of subsection
21 C of this section shall be ineligible to run for the office for
22 which the special election was called.

23 ~~B.~~ E. All vacancies in county offices except the board of
24 county commissioners or except for any elective county office of any

1 county in the State of Oklahoma having a population of more than six
2 hundred thousand (600,000), according to the latest Federal
3 Decennial Census shall be filled by appointment by the board of
4 county commissioners. If such an appointment is made prior to the
5 prescribed filing period for county officers in accordance with the
6 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the
7 county commissioners shall, at the time ~~said~~ the appointment is
8 made, proclaim a special election to fill the balance of the
9 unexpired term, providing the balance of the term does not expire in
10 the year following the next succeeding general election. In making
11 the proclamation, the county commissioners shall establish the dates
12 for the filing period, primary election, runoff primary election and
13 general election to be the same as the next succeeding filing
14 period, primary election, runoff primary election and general
15 election for county officers. The appointee shall be eligible to
16 become a candidate at ~~said~~ the special election, providing ~~said~~ the
17 appointee is otherwise qualified. The office to be filled shall be
18 printed on the same ballot as other county offices.

19 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-101, as
20 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
21 Section 12-101), is amended to read as follows:

22 Section 12-101. A. Except as otherwise provided by law,
23 whenever a vacancy shall occur in the office of a member of the
24 ~~United States Senate or~~ United States House of Representatives from

1 Oklahoma, such vacancy shall be filled at a Special Election to be
2 called by the Governor within thirty (30) days after such vacancy
3 occurs.

4 B. No special election shall be called if the vacancy occurs in
5 an even-numbered year if the term of the office expires the
6 following year. In such case, the candidate elected to the office
7 at the regular General Election shall be appointed by the Governor
8 to fill the unexpired term.

9 C. Whenever a vacancy shall occur in the office of a member of
10 the United States Senate from Oklahoma, such vacancy shall be filled
11 as provided in subsection C of Section 10 of Title 51 of the
12 Oklahoma Statutes. The special election called by the Governor
13 shall be subject to the following provisions:

14 1. If the vacancy occurs in an odd-numbered year and the vacant
15 office is not scheduled to be filled for a full term at the
16 regularly scheduled elections to be held the following year, the
17 special Primary, Runoff Primary and General Elections shall be held
18 concurrently with the regularly scheduled statewide regular Primary,
19 Runoff Primary and General Elections in the following year;

20 2. If the vacancy occurs in an even-numbered year and the
21 vacant office is not scheduled to be filled for a full term at the
22 regularly scheduled elections held during that year, the special
23 Primary, Runoff Primary and General Elections shall be held
24

1 concurrently with the regularly scheduled statewide Primary, Runoff
2 Primary and General Elections in the next even-numbered year;

3 3. If the vacancy occurs in an odd-numbered year and the vacant
4 office is scheduled to be filled for a full term at the regularly
5 scheduled elections to be held the following year, no special
6 election shall be called. In such case, the candidate elected to
7 the office at the regularly scheduled statewide elections shall be
8 deemed to also have been elected to fill the vacancy and shall be
9 eligible to assume the office upon the official certification of the
10 election by the State Election Board; and

11 4. If the vacancy occurs in an even-numbered year and the
12 vacant office is scheduled to be filled for a full term at the
13 regularly scheduled elections to be held during that year, no
14 special election shall be called. In such case, the candidate
15 elected to the office at the regularly scheduled statewide elections
16 shall be deemed to also have been elected to fill the vacancy and
17 shall be eligible to assume the office upon the official
18 certification of the election by the State Election Board.

19 SECTION 3. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 The provisions of this act shall not be severable. If any
22 provision of this act is found to be unconstitutional and void, the
23 remaining provisions of the act shall also be void.

SECTION 4. This act shall become effective November 1, 2019.

57-1-8707 LRB 04/10/19