

1 ENGROSSED SENATE
2 BILL NO. 394

By: Floyd of the Senate

3 and

4 Virgin of the House

5
6 An Act relating to elections; amending 26 O.S. 2011,
7 Section 1-105, as amended by Section 1, Chapter 69,
8 O.S.L. 2014 (26 O.S. Supp. 2018, Section 1-105),
9 which relates to substitute candidates; modifying
circumstances under which substitute candidate's name
may appear on ballot; and providing an effective
date.

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

13 SECTION 1. AMENDATORY 26 O.S. 2011, Section 1-105, as
14 amended by Section 1, Chapter 69, O.S.L. 2014 (26 O.S. Supp. 2018,
15 Section 1-105), is amended to read as follows:

16 Section 1-105. A. In the event of the death of a political
17 party's nominee for office prior to the date of the General
18 Election, or in the event that a deceased person receives a
19 political party's nomination for office, a substitute candidate will
20 be permitted to have his or her name placed on the General Election
21 ballot as follows:

22 1. If the nominee was a candidate for county office, the
23 political party's central committee of the county shall notify the
24 secretary of the county election board of the name of an alternative

1 candidate to be placed on the General Election ballot. Such notice
2 shall be submitted in writing, within fifteen (15) days after the
3 death has occurred, but not later than five o'clock p.m. on the
4 Friday following the date of the Runoff Primary Election, and shall
5 be signed by at least two duly authorized members of the political
6 party's county central committee. If a political party's central
7 committee fails to submit the notice in the manner described, then a
8 nominee for that party shall not appear on the ballot for that
9 office;

10 2. If the nominee was a candidate who filed a Declaration of
11 Candidacy with the State Election Board, the state central committee
12 of the party affected shall notify the Secretary of the State
13 Election Board of the name of an alternative candidate to be placed
14 on the General Election ballot. Such notice shall be submitted in
15 writing, within fifteen (15) days after the death has occurred, but
16 not later than five o'clock p.m. on the Friday following the date of
17 the Runoff Primary Election, and shall be signed by at least two
18 duly authorized members of the political party's state central
19 committee. If a political party's central committee fails to submit
20 the notice in the manner described, then a nominee for that party
21 shall not appear on the ballot for that office; and

22 3. Provided, if the death of a political party's nominee for
23 an office described in paragraph 1 or 2 of this subsection should
24 occur after the Friday following the date of the Runoff Primary

1 Election, then the election shall proceed with the deceased
2 candidate's name printed on the ballot.

3 B. In the event of the death of an independent candidate for an
4 office described in paragraph 1 or 2 of subsection A of this
5 section, the following procedure shall apply:

6 1. If the death occurs on or prior to the Friday following the
7 date of the Runoff Primary Election, the candidate's name shall not
8 be printed on the ballot; and

9 2. If the death occurs after the Friday following the date of
10 the Runoff Primary Election, the candidate's name shall be printed
11 on the ballot.

12 C. In the event a deceased candidate is certified by the
13 appropriate Election Board as having won an election, a vacancy in
14 the office shall occur upon the date the candidate would have taken
15 office, and the vacancy shall be filled in the manner prescribed by
16 law.

17 D. In the event of the death of a candidate who was unopposed
18 for election, a Special Election shall be called by the Governor.
19 The Special Election shall be conducted according to the laws
20 governing such elections, Section 12-101 et seq. of this title.

21 SECTION 2. This act shall become effective November 1, 2019.

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1 Passed the Senate the 19th day of February, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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9 Presiding Officer of the House
10 of Representatives