

An Act

ENROLLED SENATE
BILL NO. 394

By: Floyd of the Senate

and

Virgin of the House

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

SUBJECT: Election candidate procedure

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

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

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

1. If the nominee was a candidate for county office, the political party's central committee of the county shall notify the secretary of the county election board of the name of an alternative candidate to be placed on the General Election ballot. Such notice shall be submitted in writing, within fifteen (15) days after the

death has occurred, but not later than five o'clock p.m. on the Friday following the date of the Runoff Primary Election, and shall be signed by at least two duly authorized members of the political party's county central committee. If a political party's central committee fails to submit the notice in the manner described, then a nominee for that party shall not appear on the ballot for that office;

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

3. Provided, if the death of a political party's nominee for an office described in paragraph 1 or 2 of this subsection should occur after the Friday following the date of the Runoff Primary Election, then the election shall proceed with the deceased candidate's name printed on the ballot.

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

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

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

C. In the event a deceased candidate is certified by the appropriate Election Board as having won an election, a vacancy in the office shall occur upon the date the candidate would have taken

office, and the vacancy shall be filled in the manner prescribed by law.

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

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____