

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 279, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Paxton

Paxton-CD-FS-Req#1995
3/11/2019 12:32 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 279

By: Paxton

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

B. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate

1 court, the Governor shall, in filling such vacancy, utilize the
2 services of the Judicial Nominating Commission in the manner as
3 provided for in the filling of judicial offices under Section 4,
4 Article ~~7B~~ VIIB of the Oklahoma Constitution.

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

8 1. Appoint a person eligible to hold such office, to serve in
9 such office until a successor is elected; and

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

14 ~~B.~~ D. All vacancies in county offices except the board of
15 county commissioners or except for any elective county office of any
16 county in the State of Oklahoma having a population of more than six
17 hundred thousand (600,000), according to the latest Federal
18 Decennial Census shall be filled by appointment by the board of
19 county commissioners. If such an appointment is made prior to the
20 prescribed filing period for county officers in accordance with the
21 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the
22 county commissioners shall, at the time ~~said~~ the appointment is
23 made, proclaim a special election to fill the balance of the
24 unexpired term, providing the balance of the term does not expire in

1 the year following the next succeeding general election. In making
2 the proclamation, the county commissioners shall establish the dates
3 for the filing period, primary election, runoff primary election and
4 general election to be the same as the next succeeding filing
5 period, primary election, runoff primary election and general
6 election for county officers. The appointee shall be eligible to
7 become a candidate at ~~said~~ the special election, providing ~~said~~ the
8 appointee is otherwise qualified. The office to be filled shall be
9 printed on the same ballot as other county offices.

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

13 Section 12-101. A. Except as otherwise provided by law,
14 whenever a vacancy shall occur in the office of a member of the
15 ~~United States Senate or United States House of Representatives from~~
16 Oklahoma, such vacancy shall be filled at a Special Election to be
17 called by the Governor within thirty (30) days after such vacancy
18 occurs.

19 B. No special election shall be called if the vacancy occurs in
20 an even-numbered year if the term of the office expires the
21 following year. In such case, the candidate elected to the office
22 at the regular General Election shall be appointed by the Governor
23 to fill the unexpired term.
24

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

6 1. If the vacancy occurs in an odd-numbered year and the vacant
7 office is not scheduled to be filled for a full term at the
8 regularly scheduled elections to be held the following year, the
9 special Primary, Runoff Primary and General Elections shall be held
10 concurrently with the regularly scheduled statewide regular Primary,
11 Runoff Primary and General Elections in the following year;

12 2. If the vacancy occurs in an even-numbered year and the
13 vacant office is not scheduled to be filled for a full term at the
14 regularly scheduled elections held during that year, the special
15 Primary, Runoff Primary and General Elections shall be held
16 concurrently with the regularly scheduled statewide Primary, Runoff
17 Primary and General Elections in the next even-numbered year;

18 3. If the vacancy occurs in an odd-numbered year and the vacant
19 office is scheduled to be filled for a full term at the regularly
20 scheduled elections to be held the following year, no special
21 election shall be called. In such case, the candidate elected the
22 office at the regularly scheduled statewide elections shall be
23 deemed to also have been elected to fill the vacancy and shall be
24

1 eligible to assume the office upon the official certification of the
2 election by the State Election Board; and

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

11 SECTION 3. This act shall become effective November 1, 2019.

12
13 57-1-1995 CD 3/11/2019 12:32:36 PM
14
15
16
17
18
19
20
21
22
23
24