

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4   HOUSE BILL 3099

                              By: Osburn

7                               AS INTRODUCED

8           An Act relating to elections; providing for  
9           procedures in case of death of candidates for certain  
10          offices; prohibiting removal of name from ballot  
11          without certain certification; authorizing  
12          promulgation of rules; providing for codification;  
13          and providing an effective date.

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

15           SECTION 1.       NEW LAW       A new section of law to be codified  
16   in the Oklahoma Statutes as Section 6-121 of Title 26, unless there  
17   is created a duplication in numbering, reads as follows:

18           A.   Except as otherwise provided by law, the procedures  
19   prescribed by this section shall be observed in the event of the  
20   death of a candidate for a municipal office, school board,  
21   technology center board, fire protection district board, or office  
22   of any other local entity authorized to call an election conducted  
23   by a county election board.

1       B. If a candidate who has qualified for the ballot dies before  
2 the ballot printing process has begun for the election, the name of  
3 the deceased candidate shall not be printed on the ballot and shall  
4 be deemed to have withdrawn from the election.

5       C. If the ballot printing process has begun, the candidate's  
6 name shall be printed on the ballot and the election shall be  
7 conducted in the manner provided by law.

8       D. 1. In the event a deceased candidate's name appears on the  
9 ballot and is certified by the county election board as qualifying  
10 to advance to the next election in a multistep election cycle, the  
11 name of the deceased candidate shall not be printed on the ballot  
12 and shall be deemed to have withdrawn from that next election.

13       2. In the event a deceased candidate's name appears on the  
14 ballot and is certified by the appropriate county election board as  
15 being elected to an office, a vacancy in the office shall occur upon  
16 the date the candidate would have taken the oath of office and the  
17 vacancy shall be filled in the manner prescribed by law.

18       3. In the event of the death of a candidate who was unopposed  
19 for election, a vacancy in the office shall occur upon the date the  
20 candidate would have taken office and the vacancy shall be filled in  
21 the manner prescribed by law.

22       E. No candidate shall be removed from the ballot pursuant to  
23 this section unless the candidate's death is certified to the  
24

1 secretary of the appropriate county election board prior to the  
2 beginning of the ballot printing process by:

- 3 1. The candidate's next of kin;
- 4 2. A candidate's relative in the first degree;
- 5 3. The director of the funeral home providing services for the  
6 deceased; or
- 7 4. The entity that called the election.

8 F. The Secretary of the State Election Board is authorized to  
9 promulgate administrative rules and procedures to enforce the  
10 provisions of this section.

11 SECTION 2. This act shall become effective November 1, 2020.

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/18/2020 - DO PASS.  
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