

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 279

By: Paxton of the Senate

and

Hilbert of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to vacancies in office; amending 51
13 O.S. 2011, Section 10 and 26 O.S. 2011, Section 12-
14 101, as amended by Section 1, Chapter 3, O.S.L. 2012
15 (26 O.S. Supp. 2018, Section 12-101), which relate to
16 procedures for filling vacancies; modifying procedure
17 for filling vacancy in office of United States
18 Senator; requiring certain appointment; providing for
19 special elections; specifying certain duties of
20 Governor; updating statutory language; prohibiting
21 severability; providing for noncodification; and
22 providing an effective date.

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

24 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

1 of Representatives from Oklahoma in the Congress of the United
2 States of America ~~and members of the Senate of the United States of~~
3 ~~America~~, shall be filled by appointment by the Governor.

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

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

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

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

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

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

21 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-101, as
22 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
23 Section 12-101), is amended to read as follows:
24

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

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

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

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

23 2. If the vacancy occurs in an even-numbered year and the
24 vacant office is not scheduled to be filled for a full term at the

1 regularly scheduled elections held during that year, the special
2 Primary, Runoff Primary and General Elections shall be held
3 concurrently with the regularly scheduled statewide Primary, Runoff
4 Primary and General Elections in the next even-numbered year;

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

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

21 SECTION 3. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:
23
24

1 The provisions of this act shall not be severable. If any
2 provision of this act is found to be unconstitutional and void, the
3 remaining provisions of the act shall also be void.

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

5
6 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/15/2019 - DO PASS,
7 As Amended.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24