

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 394

By: Floyd of the Senate

and

Virgin of the House

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

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

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

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

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

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

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

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

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

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

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

20 D. In the event of the death of a candidate who was unopposed
21 for election, a Special Election shall be called by the Governor.
22 The Special Election shall be conducted according to the laws
23 governing such elections, Section 12-101 et seq. of this title.
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SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/09/2019 - DO PASS.