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February 13, 2019

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.

ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

tion 1-105. A. In the event of the death of a political  
nominee for office prior to the date of the General  
n, or in the event that a deceased person receives a  
al party's nomination for office, a substitute candidate  
mitted to have his or her name placed on the General El  
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.

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

1 COMMITTEE REPORT BY: COMMITTEE ON RULES  
February 13, 2019 - DO PASS  
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