

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 956

By: Kidd

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Sections 1-102 and 1-104, which relate to primary
9 elections; modifying procedures relating to primary
10 elections for county office; and providing an
11 effective date.

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

13 SECTION 1. AMENDATORY 26 O.S. 2011, Section 1-102, is
14 amended to read as follows:

15 Section 1-102. A. A Primary Election shall be held on the last
16 Tuesday in June of each even-numbered year, at which time each
17 political party recognized by the laws of Oklahoma shall nominate
18 its candidates for the offices to be filled at the next succeeding
19 General Election, unless otherwise provided by law. No candidate's
20 name shall be printed upon the General Election ballot unless such
21 candidate shall have been nominated as herein provided, unless
22 otherwise provided by law; provided further that this provision
23 shall not exclude the right of a nonpartisan candidate to have his
24 or her name printed upon the General Election ballots. No county,

1 municipality or school district shall schedule an election on any
2 date during the twenty (20) days immediately preceding the date of
3 any such primary election.

4 B. At each Primary Election during an election cycle for which
5 two or more candidates have filed for county office, the names of
6 all such candidates shall be put before the voters on a single
7 ballot, regardless of party affiliation or status as a nonpartisan
8 candidate. If no candidate receives more than fifty percent (50%)
9 of the votes cast, the names of the two candidates receiving the
10 highest number of votes shall be placed on the General Election
11 ballot.

12 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-104, is
13 amended to read as follows:

14 Section 1-104. A. No registered voter shall be permitted to
15 vote in any Primary Election or Runoff Primary Election of any
16 political party except the political party of which his or her
17 registration form shows him or her to be a member, except as
18 otherwise provided by this section; provided, all registered voters
19 shall be permitted to vote in a Primary Election specified in
20 subsection B of Section 1-102 of this title.

21 B. 1. A recognized political party may permit registered
22 voters designated as Independents pursuant to the provisions of
23 Section 4-112 of this title to vote in a Primary Election or Runoff
24 Primary Election of the party.

1 2. The state chairman of the party shall, between November 1
2 and 30 of every odd-numbered year, notify the Secretary of the State
3 Election Board as to whether or not the party intends to permit
4 registered voters designated as Independents to vote in a Primary
5 Election or Runoff Primary Election of the party. If the state
6 chairman notifies the Secretary of the State Election Board of the
7 party's intention to so permit, registered voters designated as
8 Independents shall be permitted to vote in any Primary Election or
9 Runoff Primary Election of the party held in the following two (2)
10 calendar years. If the state chairman of one party notifies the
11 Secretary of the State Election Board of the party's intent to so
12 permit, the notification period specified in this paragraph shall be
13 extended to December 15 for the state chairman of any other party to
14 so notify or to change prior notification. A registered voter
15 designated as Independent shall not be permitted to vote in a
16 Primary Election or Runoff Primary Election of more than one party.

17 3. Failure to so notify the Secretary of the State Election
18 Board shall serve to prohibit registered voters designated as
19 Independents from voting in a Primary Election or Runoff Primary
20 Election of the party.

21 4. A group of persons seeking to form a recognized political
22 party pursuant to the provisions of Section 1-108 of this title
23 shall, upon filing of the petitions seeking recognition of the
24 political party with the Secretary of the State Election Board,

1 notify the Secretary of the State Election Board as to whether or
2 not the party intends to permit registered voters designated as
3 Independents to vote in a Primary Election or Runoff Primary
4 Election of the party. If the party is recognized and the group of
5 persons seeking recognition of the party notifies the Secretary of
6 the State Election Board of such intention, registered voters
7 designated as Independents shall be permitted to vote in any Primary
8 Election or Runoff Primary Election of the party held prior to
9 January 1 of the following even-numbered year.

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

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