

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1983

By: Hardin (Tommy)

AS INTRODUCED

An Act relating to elections; ordering a legislative referendum pursuant to the Oklahoma Constitution; amending 26 O.S. 2011, Sections 1-102 and 1-104, which relate to primary elections; modifying procedures relating to primary elections for county office; providing ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the next General Election.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-102, is amended to read as follows:

Section 1-102. A. A Primary Election shall be held on the last Tuesday in June of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate

1 its candidates for the offices to be filled at the next succeeding
2 General Election, unless otherwise provided by law. No candidate's
3 name shall be printed upon the General Election ballot unless such
4 candidate shall have been nominated as herein provided, unless
5 otherwise provided by law; provided further that this provision
6 shall not exclude the right of a nonpartisan candidate to have his
7 or her name printed upon the General Election ballots. No county,
8 municipality or school district shall schedule an election on any
9 date during the twenty (20) days immediately preceding the date of
10 any such Primary Election.

11 B. If a political party has two nominees for county office and
12 no other political party has a nominee for the county office, the
13 nominees shall be placed on a single ballot, regardless of party
14 affiliation as a nonpartisan candidate. If no candidate receives
15 more than fifty percent (50%) of the votes cast, the names of the
16 two candidates receiving the highest number of votes shall be placed
17 on the General Election ballot.

18 SECTION 3. AMENDATORY 26 O.S. 2011, Section 1-104, is
19 amended to read as follows:

20 Section 1-104. A. No registered voter shall be permitted to
21 vote in any Primary Election or Runoff Primary Election of any
22 political party except the political party of which his or her
23 registration form shows him or her to be a member, except as
24 otherwise provided by this section; provided, all registered voters

1 shall be permitted to vote in a Primary Election specified in
2 subsection B of Section 1-102 of this title.

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

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

23 3. Failure to so notify the Secretary of the State Election
24 Board shall serve to prohibit registered voters designated as

1 Independents from voting in a Primary Election or Runoff Primary
2 Election of the party.

3 4. A group of persons seeking to form a recognized political
4 party pursuant to the provisions of Section 1-108 of this title
5 shall, upon filing of the petitions seeking recognition of the
6 political party with the Secretary of the State Election Board,
7 notify the Secretary of the State Election Board as to whether or
8 not the party intends to permit registered voters designated as
9 Independents to vote in a Primary Election or Runoff Primary
10 Election of the party. If the party is recognized and the group of
11 persons seeking recognition of the party notifies the Secretary of
12 the State Election Board of such intention, registered voters
13 designated as Independents shall be permitted to vote in any Primary
14 Election or Runoff Primary Election of the party held prior to
15 January 1 of the following even-numbered year.

16 SECTION 4. The Ballot Title for the proposed act shall be in
17 the following form:

18 BALLOT TITLE

19 Legislative Referendum No. _____ State Question No. _____

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure would modify the Primary Election process. If a
22 party has two (2) nominees for county office and no other party
23 has a nominee, it would place all names of candidates on the
24 Primary Election ballot as nonpartisan candidates. If no

1 candidate receives more than fifty percent (50%) of the votes
2 cast, the names of the two (2) candidates receiving the highest
3 number of votes shall be placed on the General Election ballot.
4 It allows all registered voters to vote in the Primary Election.
5 SHALL THE PROPOSAL BE APPROVED?

6 FOR THE PROPOSAL — YES _____

7 AGAINST THE PROPOSAL — NO _____

8 SECTION 5. The Chief Clerk of the House of Representatives,
9 immediately after the passage of this act, shall prepare and file
10 one copy thereof, including the Ballot Title set forth in SECTION 3
11 hereof, with the Secretary of State and one copy with the Attorney
12 General.

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