

An Act

ENROLLED HOUSE
BILL NO. 3511

By: Johns, Pae, and Roberts of
the House

and

Jech of the Senate

An Act relating to elections; amending 26 O.S. 2021, Sections 12-108, 12-109 and 14-118, which relate to special elections; modifying timelines for certain elections; adding special runoff primary for certain elections; adding reference to runoff primary; removing exception; clarifying the application of certain deadlines; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 12-108, is amended to read as follows:

Section 12-108. A. Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than ~~twenty (20)~~ thirty (30) days after the close of the filing period; and

3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Special Primary Election;

4. The date of the Special General Election, not less than twenty (20) days after the date of the Special Runoff Primary Election; and

5. a. In the event a Special Primary Election is not necessary, the Special General Election shall be moved to the date of the Special Primary Election.

b. In the event a Special Primary Election is held, but a Special Runoff Primary Election is not necessary, the Special General Election shall be moved to the date of the Special Runoff Primary Election.

B. The election dates contained in the proclamation shall be limited to the election dates provided in Section 3-101 of this title.

C. Should such a vacancy occur in an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election, if practicable.

SECTION 2. AMENDATORY 26 O.S. 2021, Section 12-109, is amended to read as follows:

Section 12-109. Said elections shall be conducted under the laws applicable to regular Primary, Runoff Primary, and General Elections, ~~except that the candidate receiving the highest number of votes in said Primary Election shall be deemed the nominee of his political party, provided that the dates of the elections do not coincide with the dates for the regular Primary, Runoff Primary and General Elections. If the nominee of a political party is unopposed in the Special Election, he shall be issued a certificate of election after the expiration of the contest period following the Primary or Runoff Primary Election, if no contest is filed, and.~~ Unless otherwise provided by law, the candidate elected to the office shall immediately assume the duties of said office upon the certification of the election by the State Election Board.

SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-118, is amended to read as follows:

Section 14-118. A. 1. When an application for an absentee ballot from a uniformed-service voter or an overseas voter pursuant

to Section 14-142 of this title is received by the secretary of a county election board, it shall be the duty of the secretary to transmit by United States mail, by facsimile device as defined in Section 1862 of Title 21 of the Oklahoma Statutes, or as provided in subsection B of this section the ballots which the elector has requested and is entitled to receive.

2. When an application for an absentee ballot is received at least forty-five (45) days before ~~an~~ a regular election involving state offices or a regular or special election involving federal offices, the absentee ballot shall be transmitted by mail, by electronic mail, or by other means of electronic communication, as provided in this section, or by facsimile device as provided in Section 14-118.1 of this title, not less than forty-five (45) days preceding the election.

3. When an application for an absentee ballot for ~~an~~ a regular election involving state offices or a regular or special election involving federal offices is received less than forty-five (45) days preceding the election, the absentee ballot shall be transmitted by mail, by electronic mail, or by other means of electronic communication, as provided in this section, or by facsimile device as provided in Section 14-118.1 of this title, within forty-eight (48) hours of receipt of the application.

4. When an application for an absentee ballot is received for a special election involving state offices, the absentee ballot shall be transmitted by mail, by electronic mail, or by other means of electronic communication, as provided in this section, or by facsimile device as provided in Section 14-118.1 of this title, as soon as practicable preceding the date of the election.

B. The secretary of the county election board may transmit balloting materials for any state or federal election, or for any other election as designated by the Secretary of the State Election Board as provided in subsection D of this section, by electronic mail or by other means of electronic communication in a form and manner prescribed by the Secretary of the State Election Board, if the voter:

1. Is a Federal Post Card Application registrant and is eligible to receive an absentee ballot as provided by law;

2. Provides an electronic mail address; and

3. Requests that balloting materials be sent by electronic mail.

If the secretary of the county election board transmits a ballot to a voter by electronic mail or by other means of electronic communication as provided in this subsection, the secretary shall amend the voter's federal postcard application for future elections to include the voter's electronic mail address.

C. An electronic mail address provided under this section is confidential and does not constitute public information for purposes of the Oklahoma Open Records Act. The secretary of the county election board shall ensure that an electronic mail address provided under this section is excluded from disclosure.

D. The Secretary of the State Election Board shall determine if balloting materials for any election other than a state or federal election may be produced in a form which would allow them to be transmitted by electronic mail or by other means of electronic communication. If so, the Secretary shall so designate them. If such designation is not made, the balloting materials may be transmitted to the voter as provided in subsection A of this section.

E. All other provisions of this title that would normally apply to a ballot voted under this title apply to a ballot provided pursuant to the provisions of subsection B of this section.

F. The Secretary of the State Election Board may suspend the provisions of subsection B of this section if the Secretary determines that electronic transmission of balloting materials is not in the best interest of the people of this state due to a potential problem with the security of the balloting materials.

SECTION 4. This act shall become effective November 1, 2024.

Passed the House of Representatives the 13th day of May, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____