

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 375 By: Howard of the Senate
3 and
4 Newton of the House
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6
7 [elections - filing period - date declarations of
8 candidacy - emergency]
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12 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:
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15 "An Act relating to elections; amending 26 O.S. 2021,
16 Sections 1-102, 3-101, and 5-110, which relate to
17 primary, regular, and special elections and filing
18 period; modifying date for primary elections;
19 modifying date for regular or special elections;
20 modifying filing period for declarations of
21 candidacy; and declaring an emergency.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
23 SECTION 1. AMENDATORY 26 O.S. 2021, Section 1-102, is
24 amended to read as follows:

1 Section 1-102. A Primary Election shall be held on the ~~last~~
2 third Tuesday in June of each even-numbered year, at which time each
3 political party recognized by the laws of ~~Oklahoma~~ this state shall
4 nominate its candidates for the offices to be filled at the next
5 succeeding General Election, unless otherwise provided by law. No
6 candidate's name shall be printed upon the General Election ballot
7 unless such candidate shall have been nominated as herein provided,
8 unless otherwise provided by law; provided further that this
9 provision shall not exclude the right of a nonpartisan candidate to
10 have his or her name printed upon the General Election ballots. No
11 county, municipality or school district shall schedule an election
12 on any date during the twenty (20) days immediately preceding the
13 date of any such primary election.

14 SECTION 2. AMENDATORY 26 O.S. 2021, Section 3-101, is
15 amended to read as follows:

16 Section 3-101. A. No election required to be conducted by any
17 county election board shall be scheduled for a day other than
18 Tuesday.

19 B. Except as otherwise provided by law, no regular or special
20 election to fill an elective office shall be held by any county,
21 school district, technology center school district, municipality,
22 fire protection district or other political subdivision authorized
23 to call elections except as follows:

24 1. The second Tuesday of February in any year;

1 2. The first Tuesday of April in any year;

2 3. The date of any regularly scheduled statewide state or
3 federal election in an even-numbered year;

4 4. The second Tuesday of September in an odd-numbered year;

5 5. The second Tuesday of November in an odd-numbered year; and

6 6. The second Tuesday of June of an odd-numbered year for a
7 special election to fill a vacancy.

8 C. Except as otherwise provided by law or by Section 1 of this
9 act, no election for any purpose other than to fill an elective
10 office shall be held by any county, school district, technology
11 center school district, municipality, fire protection district or
12 other political subdivision authorized to call elections except on:

13 1. The second Tuesday of January, February, May, June, July,
14 August, September, October and November and the first Tuesday in
15 March and April in odd-numbered years; provided, a municipality with
16 a population in excess of two hundred fifty thousand (250,000)
17 persons, according to the most recent Federal Decennial Census, may
18 also hold an election on the second Tuesday of December in odd-
19 numbered years; and

20 2. The second Tuesday of January and February, the first
21 Tuesday in March and April, the ~~last~~ third Tuesday in June, the
22 fourth Tuesday in August, and the first Tuesday after the first
23 Monday in November of any even-numbered year.

1 D. In the event that a regular or special election date occurs
2 on an official state holiday, the election shall be scheduled for
3 the next following Tuesday. In the event that any day of a
4 candidate filing period occurs on a Saturday, Sunday or any official
5 state holiday, that day of the filing period shall be scheduled for
6 the next business day.

7 E. Notwithstanding any other provision of law or any provision
8 of a municipal charter, any municipality, school district,
9 technology center district, county, rural fire protection district,
10 or any other entity seeking to hold a regular or special election to
11 be conducted by a county election board on the same date as a
12 regular or special federal or state election, shall file the
13 resolution calling for the election with the county election board
14 secretary no later than seventy-five (75) days prior to the election
15 date. A candidate filing period of three (3) days, if so required
16 by the resolution, shall begin no later than ten (10) days following
17 the deadline to file the resolution with the secretary of the county
18 election board; provided, the filing period for such municipal
19 office may be scheduled on the same dates as the filing period for
20 state or federal office to be filled at such election.

21 F. Any school district, technology center district,
22 municipality, including any municipality governed by charter, rural
23 fire protection district or any other entity seeking to hold a
24 special election for the purpose of filling a vacancy shall schedule

1 a candidate filing period of three (3) days to begin not more than
2 twenty (20) days following the date the resolution calling the
3 election is required to be filed with the secretary of the county
4 election board.

5 SECTION 3. AMENDATORY 26 O.S. 2021, Section 5-110, is
6 amended to read as follows:

7 Section 5-110. Declarations of Candidacy provided herein must
8 be filed with the secretary of the appropriate election board no
9 earlier than 8:00 a.m. on the ~~second~~ first Wednesday of April of any
10 even-numbered year and no later than 5:00 p.m. on the next
11 succeeding Friday. Such Declarations of Candidacy may be
12 transmitted by United States mail, but in no event shall the
13 secretary of any election board accept such Declarations after the
14 time prescribed by law.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval."
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1 ENGROSSED SENATE
2 BILL NO. 375

By: Howard of the Senate
and
Newton of the House

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6 [elections - filing period - date declarations of
7 candidacy - emergency]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 5. AMENDATORY 26 O.S. 2021, Section 1-102, is
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13 Section 1-102. A Primary Election shall be held on the ~~last~~
14 third Tuesday in June of each even-numbered year, at which time each
15 political party recognized by the laws of ~~Oklahoma~~ this state shall
16 nominate its candidates for the offices to be filled at the next
17 succeeding General Election, unless otherwise provided by law. No
18 candidate's name shall be printed upon the General Election ballot
19 unless such candidate shall have been nominated as herein provided,
20 unless otherwise provided by law; provided further that this
21 provision shall not exclude the right of a nonpartisan candidate to
22 have his or her name printed upon the General Election ballots. No
23 county, municipality or school district shall schedule an election
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1 on any date during the twenty (20) days immediately preceding the
2 date of any such primary election.

3 SECTION 6. AMENDATORY 26 O.S. 2021, Section 3-101, is
4 amended to read as follows:

5 Section 3-101. A. No election required to be conducted by any
6 county election board shall be scheduled for a day other than
7 Tuesday.

8 B. Except as otherwise provided by law, no regular or special
9 election to fill an elective office shall be held by any county,
10 school district, technology center school district, municipality,
11 fire protection district or other political subdivision authorized
12 to call elections except as follows:

- 13 1. The second Tuesday of February in any year;
- 14 2. The first Tuesday of April in any year;
- 15 3. The date of any regularly scheduled statewide state or
16 federal election in an even-numbered year;
- 17 4. The second Tuesday of September in an odd-numbered year;
- 18 5. The second Tuesday of November in an odd-numbered year; and
- 19 6. The second Tuesday of June of an odd-numbered year for a
20 special election to fill a vacancy.

21 C. Except as otherwise provided by law or by Section 1 of this
22 act, no election for any purpose other than to fill an elective
23 office shall be held by any county, school district, technology
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1 center school district, municipality, fire protection district or
2 other political subdivision authorized to call elections except on:

3 1. The second Tuesday of January, February, May, June, July,
4 August, September, October and November and the first Tuesday in
5 March and April in odd-numbered years; provided, a municipality with
6 a population in excess of two hundred fifty thousand (250,000)
7 persons, according to the most recent federal decennial census, may
8 also hold an election on the second Tuesday of December in odd-
9 numbered years; and

10 2. The second Tuesday of January and February, the first
11 Tuesday in March and April, the ~~last~~ third Tuesday in June, the
12 fourth Tuesday in August, and the first Tuesday after the first
13 Monday in November of any even-numbered year.

14 D. In the event that a regular or special election date occurs
15 on an official state holiday, the election shall be scheduled for
16 the next following Tuesday. In the event that any day of a
17 candidate filing period occurs on a Saturday, Sunday or any official
18 state holiday, that day of the filing period shall be scheduled for
19 the next business day.

20 E. Notwithstanding any other provision of law or any provision
21 of a municipal charter, any municipality, school district,
22 technology center district, county, rural fire protection district,
23 or any other entity seeking to hold a regular or special election to
24 be conducted by a county election board on the same date as a

1 regular or special federal or state election, shall file the
2 resolution calling for the election with the county election board
3 secretary no later than seventy-five (75) days prior to the election
4 date. A candidate filing period of three (3) days, if so required
5 by the resolution, shall begin no later than ten (10) days following
6 the deadline to file the resolution with the secretary of the county
7 election board; provided, the filing period for such municipal
8 office may be scheduled on the same dates as the filing period for
9 state or federal office to be filled at such election.

10 F. Any school district, technology center district,
11 municipality, including any municipality governed by charter, rural
12 fire protection district or any other entity seeking to hold a
13 special election for the purpose of filling a vacancy shall schedule
14 a candidate filing period of three (3) days to begin not more than
15 twenty (20) days following the date the resolution calling the
16 election is required to be filed with the secretary of the county
17 election board.

18 SECTION 7. AMENDATORY 26 O.S. 2021, Section 5-110, is
19 amended to read as follows:

20 Section 5-110. Declarations of Candidacy provided herein must
21 be filed with the secretary of the appropriate election board no
22 earlier than 8:00 a.m. on the second ~~Wednesday~~ Monday of April of
23 any even-numbered year and no later than 5:00 p.m. on the next
24 succeeding ~~Friday~~ Wednesday. Such Declarations of Candidacy may be

1 transmitted by United States mail, but in no event shall the
2 secretary of any election board accept such Declarations after the
3 time prescribed by law.

4 SECTION 8. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 Passed the Senate the 9th day of March, 2023.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2023.

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Presiding Officer of the House
of Representatives

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