

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1070

By: Pae

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7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2011,
9 Sections 12-101 and 12-103, as amended by Sections 1
10 and 2, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
11 Sections 12-101 and 12-103), which relate to special
12 elections; requiring issuance of Writ of Election;
13 modifying certain special election exemption;
14 removing certain proclamation requirement;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-101, as
18 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
19 Section 12-101), is amended to read as follows:

20 Section 12-101. A. Except as otherwise provided by law,
21 whenever a vacancy shall occur in the office of a member of the
22 United States Senate or United States House of Representatives from
23 Oklahoma, such vacancy shall be filled at a Special Election to be
24 called by the Governor, who shall issue a Writ of Election within
thirty (30) days after such vacancy occurs.

1 B. ~~No special election shall be called if the~~ If such a vacancy
2 ~~occurs in an even-numbered year if the term of the office expires~~
3 ~~the following year. In such case, the candidate elected to the~~
4 ~~office at the regular General Election shall be appointed by the~~
5 ~~Governor to fill the unexpired term,~~ the Regular Primary Election,
6 Runoff Primary Election or General Election for that office shall be
7 deemed to also serve as a Special Election to fill the unexpired
8 term as designated by the Governor. Within thirty (30) days after
9 such vacancy occurs, the Governor shall issue a Writ of Election
10 declaring the same, and the candidate elected at the Regular
11 Election shall be deemed to have also been elected at a Special
12 Election to fill the unexpired term.

13 C. The proclamation required by Section 12-102 of this title
14 shall serve as the Writ of Election described in this section.

15 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-103, as
16 amended by Section 2, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
17 Section 12-103), is amended to read as follows:

18 Section 12-103. The proclamation required by Section 12-102 of
19 this title shall prescribe filing and election dates that permit
20 full compliance with the requirements of the federal Military and
21 Overseas Voter Empowerment Act of 2009 and shall contain the
22 following facts:
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1 1. A filing period of three (3) days, on a Monday, Tuesday and
2 Wednesday not less than ten (10) days from the date of such
3 proclamation;

4 2. The date of the Special Primary Election, not less than
5 twenty (20) days after the close of the filing period;

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

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

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

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

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