

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1070

By: Pae of the House

and

Sharp of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

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

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

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

23 Section 12-101. A. Except as otherwise provided by law,
24 whenever a vacancy shall occur in the office of a member of the
 United States Senate or United States House of Representatives from

1 Oklahoma, such vacancy shall be filled at a Special Election to be
2 called by the Governor, who shall issue a Writ of Election within
3 thirty (30) days after such vacancy occurs.

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

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

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

21 Section 12-103. The proclamation required by Section 12-102 of
22 this title shall prescribe filing and election dates that permit
23 full compliance with the requirements of the federal Military and
24

1 Overseas Voter Empowerment Act of 2009 and shall contain the
2 following facts:

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

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

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

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

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

19 SECTION 3. This act shall become effective November 1, 2019.
20

21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/12/2019 - DO PASS,
22 As Amended and Coauthored.
23
24