

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1070

By: Pae of the House

and

6 Sharp of the Senate

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9 COMMITTEE SUBSTITUTE

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

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

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

22 Section 12-101. A. Except as otherwise provided by law,
23 whenever a vacancy shall occur in the office of a member of the
24 United States Senate or United States House of Representatives from
Oklahoma, such vacancy shall be filled at a Special Election to be

1 called by the Governor, who shall issue a Writ of Election within
2 thirty (30) days after such vacancy occurs.

3 B. No special election shall be called if ~~the~~ such a vacancy
4 occurs in the office of a member of the United States Senate in an
5 even-numbered year if the term of the office expires the following
6 year. In such case, the candidate elected to the office at the
7 regular General Election shall be appointed by the Governor to fill
8 the unexpired term.

9 C. If such a vacancy occurs in the office of a member of the
10 United States House of Representatives in an even-numbered year, the
11 Regular Primary Election, Runoff Primary Election or General
12 Election for that office shall be deemed to also serve as a Special
13 Election to fill the unexpired term as designated by the Governor.
14 Within thirty (30) days after such vacancy occurs, the Governor
15 shall issue a Writ of Election declaring the same, and the candidate
16 elected at the Regular Election shall be deemed to have also been
17 elected at a Special Election to fill the unexpired term.

18 D. The proclamation required by Section 12-102 of this title
19 shall serve as the Writ of Election described in this section.

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

23 Section 12-103. The proclamation required by Section 12-102 of
24 this title shall prescribe filing and election dates that permit

1 full compliance with the requirements of the federal Military and
2 Overseas Voter Empowerment Act of 2009 and shall contain the
3 following facts:

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

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

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

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

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

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

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