

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1070

By: Pae of the House

and

Sharp of the Senate

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

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
14 entire bill and insert

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

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

21 SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-101, as
22 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
23 Section 12-101), is amended to read as follows:
24

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

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

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

22 D. The proclamation required by Section 12-102 of this title
23 shall serve as the Writ of Election described in this section.
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1 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-103, as
2 amended by Section 2, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
3 Section 12-103), is amended to read as follows:

4 Section 12-103. The proclamation required by Section 12-102 of
5 this title shall prescribe filing and election dates that permit
6 full compliance with the requirements of the federal Military and
7 Overseas Voter Empowerment Act of 2009 and shall contain the
8 following facts:

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

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

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

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

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

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

2 Passed the Senate the 10th day of April, 2019.

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Presiding Officer of the Senate

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6 Passed the House of Representatives the ____ day of _____,

7 2019.

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Presiding Officer of the House
of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 1070

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Sharp of the Senate

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

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

16 SECTION 4. AMENDATORY 26 O.S. 2011, Section 12-101, as
17 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
18 Section 12-101), is amended to read as follows:

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

B. ~~No special election shall be called if the~~ If such a vacancy
occurs in an even-numbered year ~~if the term of the office expires~~

1 ~~the following year. In such case, the candidate elected to the~~
2 ~~office at the regular General Election shall be appointed by the~~
3 ~~Governor to fill the unexpired term,~~ the Regular Primary Election,
4 Runoff Primary Election or General Election for that office shall be
5 deemed to also serve as a Special Election to fill the unexpired
6 term as designated by the Governor. Within thirty (30) days after
7 such vacancy occurs, the Governor shall issue a Writ of Election
8 declaring the same, and the candidate elected at the Regular
9 Election shall be deemed to have also been elected at a Special
10 Election to fill the unexpired term.

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

13 SECTION 5. AMENDATORY 26 O.S. 2011, Section 12-103, as
14 amended by Section 2, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,
15 Section 12-103), is amended to read as follows:

16 Section 12-103. The proclamation required by Section 12-102 of
17 this title shall prescribe filing and election dates that permit
18 full compliance with the requirements of the federal Military and
19 Overseas Voter Empowerment Act of 2009 and shall contain the
20 following facts:

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

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