

# An Act

ENROLLED HOUSE  
BILL NO. 1070

By: Pae of the House

and

Sharp of the Senate

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

SUBJECT: Special elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 6th day of May, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_