

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. 2338

By: Roberts (Sean)

7  
8                                   COMMITTEE SUBSTITUTE

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10                   An Act relating to elections; amending 19 O.S. 2011,  
11                   Section 321, as amended by Section 1, Chapter 190,  
12                   O.S.L. 2012 (19 O.S. Supp. 2018, Section 321), which  
13                   relates to districts of county commissioners;  
14                   modifying reapportionment date; amending 26 O.S.  
15                   2011, Section 5-110, which relates to filing period  
16                   for declarations of candidacy; modifying filing  
17                   period dates; providing for supplemental candidate  
18                   filing period; authorizing extension of deadline upon  
19                   declaration of emergency; amending 26 O.S. 2011,  
20                   Section 5-115, which relates to withdrawals from  
21                   primary; modifying date of filing of certain notice;  
22                   amending 26 O.S. 2011, Section 8-103, which relates  
23                   to certificates of election; modifying date of  
24                   issuance of certificate of election; and declaring an  
                  emergency.

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

SECTION 1.           AMENDATORY           19 O.S. 2011, Section 321, as  
amended by Section 1, Chapter 190, O.S.L. 2012 (19 O.S. Supp. 2018,  
Section 321), is amended to read as follows:

1 Section 321. A. Each county shall be divided by the board of  
2 county commissioners into three (3) compact districts, as equal in  
3 population as practicable and numbered respectively one, two, and  
4 three. One commissioner shall be elected from each of said  
5 districts by the voters of the district, as provided for by law.

6 B. 1. Each county shall be reapportioned by the board of  
7 county commissioners on or before ~~October~~ June 1 following the final  
8 official publication of the Federal Decennial Census to the State of  
9 Oklahoma for the purposes of legislative redistricting. The  
10 reapportionment shall be recorded in a resolution adopted by the  
11 commissioners. The resolution shall include an effective date for  
12 the reapportioned county commissioner districts. The effective date  
13 shall be January 1 of the following year.

14 2. Beginning with the reapportionment following the 1990  
15 Federal Decennial Census, all boundaries of county commissioner  
16 districts shall follow clearly visible, definable and observable  
17 physical boundaries which are based upon criteria established and  
18 recognized by the Bureau of the Census of the United States  
19 Department of Commerce for purposes of defining census blocks for  
20 its decennial census.

21 3. If the commissioners fail to reapportion the county as  
22 required by this subsection, the commissioners shall be subject to  
23 the provisions of Sections 91 through 105 of Title 51 of the  
24

1 Oklahoma Statutes and it shall be the duty of the county excise  
2 board to perform the reapportionment.

3 C. There is hereby established a depository for county  
4 commissioner district boundary maps and reapportionment resolutions  
5 within the Office of Geographic Information within the Oklahoma  
6 Conservation Commission.

7 SECTION 2. AMENDATORY 26 O.S. 2011, Section 5-110, is  
8 amended to read as follows:

9 Section 5-110. A. Declarations of Candidacy provided herein  
10 must be filed with the secretary of the appropriate election board  
11 ~~no earlier than from 8:00 a.m. to 5:00 p.m. on the second Wednesday~~  
12 ~~of April of any even-numbered year and no later than 5:00 p.m. on~~  
13 ~~the next succeeding Friday~~ first Monday in December through the  
14 following Wednesday. Such Declarations of Candidacy may be  
15 transmitted by United States mail, but in no event shall the  
16 secretary of any election board accept such Declarations after the  
17 time prescribed by law.

18 B. A supplemental candidate filing period shall be held from  
19 8:00 a.m. to 5:00 p.m. on the second Wednesday of April through the  
20 following Friday for members of a newly formed recognized political  
21 party pursuant to Section 1-108 of this title to file a Declaration  
22 of Candidacy.

23 C. Upon a declaration of emergency issued by the Governor, the  
24 Secretary of the State Election Board shall have the authority to

1 extend the deadline of the candidate filing period described in  
2 subsection A of this section.

3 SECTION 3. AMENDATORY 26 O.S. 2011, Section 5-115, is  
4 amended to read as follows:

5 Section 5-115. Any candidate may withdraw as a candidate only  
6 upon the filing of a written notice of withdrawal as a candidate  
7 with the secretary of the election board which accepted such  
8 candidate's declaration of candidacy. Such notice shall be signed  
9 by the candidate or a lawfully appointed personal representative or  
10 a lawfully appointed special administrator of any deceased  
11 candidate, whose signature shall be notarized by a notary public,  
12 and shall be filed on or before 5:00 p.m. on the second business day  
13 following the close of the supplemental candidate filing period  
14 ~~prescribed by law~~ provided in Section 5-110 of this title.

15 SECTION 4. AMENDATORY 26 O.S. 2011, Section 8-103, is  
16 amended to read as follows:

17 Section 8-103. The county election board shall certify a list  
18 of successful candidates for county offices and shall provide  
19 Certificates of Election to the same following the General Election,  
20 except that Certificates of Election may be issued to unopposed  
21 candidates after 5 p.m. on the second day following the close of the  
22 supplemental candidate filing period provided in Section 5-110 of  
23 this title. The State Election Board shall certify a list of  
24 successful candidates for offices for which the Board accepts

1 filings of Declarations of Candidacy and shall provide Certificates  
2 of Election to the same following the General Election, except that  
3 Certificates of Election may be issued to unopposed candidates after  
4 5 p.m. on the second day following the close of the supplemental  
5 candidate filing period provided in Section 5-110 of this title.

6 SECTION 5. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

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11 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/12/2019 - DO PASS,  
12 As Amended.

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