

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2338

By: Roberts (Sean)

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7 COMMITTEE SUBSTITUTE

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

Section 321. A. Each county shall be divided by the board of
county commissioners into three (3) compact districts, as equal in

1 population as practicable and numbered respectively one, two, and
2 three. One commissioner shall be elected from each of said
3 districts by the voters of the district, as provided for by law.

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

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

19 3. If the commissioners fail to reapportion the county as
20 required by this subsection, the commissioners shall be subject to
21 the provisions of Sections 91 through 105 of Title 51 of the
22 Oklahoma Statutes and it shall be the duty of the county excise
23 board to perform the reapportionment.

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

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

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

16 B. A supplemental candidate filing period shall be held from
17 8:00 a.m. to 5:00 p.m. on the second Wednesday of April through the
18 following Friday for members of a newly formed recognized political
19 party pursuant to Section 1-108 of this title to file a Declaration
20 of Candidacy.

21 C. Upon a declaration of emergency issued by the Governor, the
22 Secretary of the State Election Board shall have the authority to
23 extend the deadline of the candidate filing period described in
24 subsection A of this section.

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

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

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

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

1 Certificates of Election may be issued to unopposed candidates after
2 5 p.m. on the second day following the close of the supplemental
3 candidate filing period provided in Section 5-110 of this title.

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

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