

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3380

By: Ford (Roger)

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5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Section 12-106, as amended by Section 3, Chapter 3,
9 O.S.L. 2012 (26 O.S. Supp. 2017, Section 12-106),
10 which relates to special elections; adding payment
11 requirement for expenses of certain special
12 elections; providing certain sources of funds;
13 allowing for recovery of expenses; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-106, as
17 amended by Section 3, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2017,
18 Section 12-106), is amended to read as follows:

19 Section 12-106. A. Whenever a vacancy shall occur in the
20 office of a member of the State Senate or the State House of
21 Representatives, the vacancy shall be filled at a ~~Special Election~~
22 special election to be called by the Governor within thirty (30)
23 days after the vacancy occurs; provided, no special election shall
24 be called if the vacancy occurs in an even-numbered year if the term
of the office expires the same year.

1 B. If in an even-numbered year an incumbent State Senator with
2 two (2) or more years remaining in the term for which elected shall
3 file with the Oklahoma Secretary of State before March 1 a
4 resignation in writing which states that the resignation will not
5 become effective immediately, but rather will become effective on
6 some date certain that is after the General Election but before the
7 convening of the next session of the Legislature, the vacancy shall
8 be filled by a special election which shall be held in that even-
9 numbered year on the same dates as the regular Primary Election,
10 Runoff Primary Election and General Election. The filing period for
11 the special election shall be the regular filing period prescribed
12 in Section 5-110 of this title. The person elected in the General
13 Election of the special election shall take office on the date the
14 resignation of the incumbent becomes effective and shall serve the
15 remainder of the unexpired term.

16 C. Whenever the Governor calls a special election pursuant to
17 subsection A of this section, the expenses incurred by the state for
18 conducting the special election shall be paid by the member of the
19 State Senate or the State House of Representatives who has either
20 resigned, been expelled pursuant to Section 30 of Article 5 of the
21 Oklahoma Constitution or removed from office by operation of law
22 resulting in a vacancy. The payment or repayment of expenses due
23 pursuant to this subsection may be paid by the member's personal
24 funds or any available campaign funds or by a combination of both.

1 Any nonpayment of expenses may be recovered by the State Election
2 Board by any civil remedy available by law. Provided, this
3 subsection shall not apply to a special election called as a result
4 of a vacancy caused by the death of a member or a resignation due to
5 the health or disability of a member or an immediate family member.

6 SECTION 2. This act shall become effective November 1, 2018.

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