

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1563

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; providing
8 process for recall of municipal officials; stating
9 exception; authorizing municipalities to promulgate
10 ordinance necessary for recall process; stating
11 procedures for drafting petition; requiring
12 percentage of voters to sign recall petition;
13 requiring petitions to be filed with municipal clerk;
14 stating time period for circulation of petition;
15 prohibiting certain official from appearing on recall
16 ballot; providing for election of successor;
17 providing for codification; and providing an
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 8-107.1 of Title 11, unless
22 there is created a duplication in numbering, reads as follows:

23 In addition to any method for recall in effect prior to the
24 effective date of this act, every elected officer of any type of
municipality of this state is subject to recall from office at any
time by the qualified electors entitled to vote for a successor to
the incumbent. The recall of an elected officer of a municipality
shall be governed by the recall of officers procedure set forth in

1 this act. In addition to the requirements of this act,
2 municipalities may supplement by ordinance provisions necessary to
3 implement the recall petition process.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 8-107.2 of Title 11, unless
6 there is created a duplication in numbering, reads as follows:

7 Qualified electors may initiate the recall of an elected
8 official by signing a petition which demands the election of a
9 successor to the officer named in the petition. The petition shall
10 contain a general statement, consisting of two hundred words or
11 less, stating the ground or grounds on which the recall is sought.
12 The statement is for the information of the electors who shall be
13 the sole and exclusive judges of the legality, reasonableness, and
14 sufficiency of the ground or grounds assigned for the recall. The
15 ground or grounds shall not be open to review.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 8-107.3 of Title 11, unless
18 there is created a duplication in numbering, reads as follows:

19 A petition to recall any elected officer shall be signed by
20 qualified electors equal in number to fifteen percent (15%) of the
21 entire votes cast at the last preceding general election for all
22 candidates for the office which the incumbent sought to be recalled
23 occupies.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 8-107.4 of Title 11, unless
3 there is created a duplication in numbering, reads as follows:

4 For recall elections of elected municipal officials, the
5 petition shall be filed with the municipal clerk in which the recall
6 of the elected official is sought, who shall certify the sufficiency
7 of the petition and call and conduct the election.

8 SECTION 5. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 8-107.5 of Title 11, unless
10 there is created a duplication in numbering, reads as follows:

11 The petition shall be circulated for ninety (90) days. No
12 petition shall be circulated until it has been approved as meeting
13 the requirements of Section 4 of this act. The municipal clerk
14 shall approve or disapprove a petition as to form by the close of
15 the second business day following submission of the proposed
16 petition.

17 SECTION 6. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 8-107.6 of Title 11, unless
19 there is created a duplication in numbering, reads as follows:

20 The name of the municipal official who was sought to be recalled
21 shall not be eligible as a candidate in the election to fill any
22 vacancy resulting from the recall election.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 8-107.7 of Title 11, unless
3 there is created a duplication in numbering, reads as follows:

4 The election of a successor shall be held at the same time as
5 the recall election. The names of those persons filing as
6 candidates to succeed the person sought to be recalled shall appear
7 on the ballot; but, no vote cast shall be counted for any candidate
8 for the office unless the voter also voted for or against the recall
9 of the person sought to be recalled. The name of the person against
10 whom the petition is filed shall not appear on the ballot as a
11 candidate for office.

12 SECTION 8. This act shall become effective November 1, 2016.

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