

1 ENGROSSED SENATE  
2 BILL NO. 279

By: Paxton of the Senate

3 and

4 Hilbert of the House

5  
6 An Act relating to vacancies in office; amending 51  
7 O.S. 2011, Section 10 and 26 O.S. 2011, Section 12-  
8 101, as amended by Section 1, Chapter 3, O.S.L. 2012  
9 (26 O.S. Supp. 2018, Section 12-101), which relate to  
10 procedures for filling vacancies; modifying procedure  
11 for filling vacancy in office of United States  
12 Senator; requiring certain appointment; providing for  
13 special elections; specifying certain duties of  
14 Governor; updating statutory language; and providing  
15 an effective date.

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

17 SECTION 1. AMENDATORY 51 O.S. 2011, Section 10, is  
18 amended to read as follows:

19 Section 10. A. All vacancies in state offices, except in  
20 offices of the members of the Legislature, and members of the House  
21 of Representatives from Oklahoma in the Congress of the United  
22 States of America ~~and members of the Senate of the United States of~~  
23 ~~America~~, shall be filled by appointment by the Governor.

24 B. When a vacancy occurs in the office of district judge,  
associate district judge, or judge of any intermediate appellate  
court, the Governor shall, in filling such vacancy, utilize the  
services of the Judicial Nominating Commission in the manner as

1 provided for in the filling of judicial offices under Section 4,  
2 Article ~~7B~~ VIIIB of the Oklahoma Constitution.

3 C. When a vacancy occurs in the office of a member of the  
4 United States Senate from Oklahoma, the Governor shall, within  
5 thirty (30) days of occurrence of the vacancy:

6 1. Appoint a person eligible to hold such office, to serve in  
7 such office until a successor is elected; and

8 2. Call a special election to fill such vacancy, as provided in  
9 Section 12-101 of Title 26 of the Oklahoma Statutes, unless the  
10 vacancy occurs in an even-numbered year and the term of the vacant  
11 office expires in January of the following year.

12 ~~B.~~ D. All vacancies in county offices except the board of  
13 county commissioners or except for any elective county office of any  
14 county in the State of Oklahoma having a population of more than six  
15 hundred thousand (600,000), according to the latest Federal  
16 Decennial Census shall be filled by appointment by the board of  
17 county commissioners. If such an appointment is made prior to the  
18 prescribed filing period for county officers in accordance with the  
19 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the  
20 county commissioners shall, at the time ~~said~~ the appointment is  
21 made, proclaim a special election to fill the balance of the  
22 unexpired term, providing the balance of the term does not expire in  
23 the year following the next succeeding general election. In making  
24 the proclamation, the county commissioners shall establish the dates

1 for the filing period, primary election, runoff primary election and  
2 general election to be the same as the next succeeding filing  
3 period, primary election, runoff primary election and general  
4 election for county officers. The appointee shall be eligible to  
5 become a candidate at ~~said~~ the special election, providing ~~said~~ the  
6 appointee is otherwise qualified. The office to be filled shall be  
7 printed on the same ballot as other county offices.

8 SECTION 2. AMENDATORY 26 O.S. 2011, Section 12-101, as  
9 amended by Section 1, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,  
10 Section 12-101), is amended to read as follows:

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

17 B. No special election shall be called if the vacancy occurs in  
18 an even-numbered year if the term of the office expires the  
19 following year. In such case, the candidate elected to the office  
20 at the regular General Election shall be appointed by the Governor  
21 to fill the unexpired term.

22 C. Whenever a vacancy shall occur in the office of a member of  
23 the United States Senate from Oklahoma, such vacancy shall be filled  
24 as provided in subsection C of Section 10 of Title 51 of the

1 Oklahoma Statutes. The special election called by the Governor  
2 shall be subject to the following provisions:

3 1. If the vacancy occurs in an odd-numbered year and the vacant  
4 office is not scheduled to be filled for a full term at the  
5 regularly scheduled elections to be held the following year, the  
6 special Primary, Runoff Primary and General Elections shall be held  
7 concurrently with the regularly scheduled statewide regular Primary,  
8 Runoff Primary and General Elections in the following year;

9 2. If the vacancy occurs in an even-numbered year and the  
10 vacant office is not scheduled to be filled for a full term at the  
11 regularly scheduled elections held during that year, the special  
12 Primary, Runoff Primary and General Elections shall be held  
13 concurrently with the regularly scheduled statewide Primary, Runoff  
14 Primary and General Elections in the next even-numbered year;

15 3. If the vacancy occurs in an odd-numbered year and the vacant  
16 office is scheduled to be filled for a full term at the regularly  
17 scheduled elections to be held the following year, no special  
18 election shall be called. In such case, the candidate elected to  
19 the office at the regularly scheduled statewide elections shall be  
20 deemed to also have been elected to fill the vacancy and shall be  
21 eligible to assume the office upon the official certification of the  
22 election by the State Election Board; and

23 4. If the vacancy occurs in an even-numbered year and the  
24 vacant office is scheduled to be filled for a full term at the

1 regularly scheduled elections to be held during that year, no  
2 special election shall be called. In such case, the candidate  
3 elected to the office at the regularly scheduled statewide elections  
4 shall be deemed to also have been elected to fill the vacancy and  
5 shall be eligible to assume the office upon the official  
6 certification of the election by the State Election Board.

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

8 Passed the Senate the 12th day of March, 2019.

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10 \_\_\_\_\_  
11 Presiding Officer of the Senate

12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2019.

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16 Presiding Officer of the House  
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