

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 279

By: Paxton of the Senate

and

Hilbert of the House

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10 COMMITTEE SUBSTITUTE

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

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

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

Section 10. A. All vacancies in state offices, except in  
offices of the members of the Legislature, and members of the House  
of Representatives from Oklahoma in the Congress of the United

1 States of America ~~and members of the Senate of the United States of~~  
2 ~~America~~, shall be filled by appointment by the Governor.

3 B. When a vacancy occurs in the office of district judge,  
4 associate district judge, or judge of any intermediate appellate  
5 court, the Governor shall, in filling such vacancy, utilize the  
6 services of the Judicial Nominating Commission in the manner as  
7 provided for in the filling of judicial offices under Section 4,  
8 Article ~~7B~~ VII-B of the Oklahoma Constitution.

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

12 1. Appoint a person eligible to hold such office, that has been  
13 a registered voter of the party of the predecessor in Oklahoma for  
14 at least five (5) years preceding the date that the vacancy was  
15 created, to serve in such office until a successor is elected; and

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

20 D. Any person appointed pursuant to paragraph 1 of subsection  
21 C of this section shall be ineligible to run for the office for  
22 which the special election was called.

23 ~~B.~~ E. All vacancies in county offices except the board of  
24 county commissioners or except for any elective county office of any

1 county in the State of Oklahoma having a population of more than six  
2 hundred thousand (600,000), according to the latest Federal  
3 Decennial Census shall be filled by appointment by the board of  
4 county commissioners. If such an appointment is made prior to the  
5 prescribed filing period for county officers in accordance with the  
6 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the  
7 county commissioners shall, at the time ~~said~~ the appointment is  
8 made, proclaim a special election to fill the balance of the  
9 unexpired term, providing the balance of the term does not expire in  
10 the year following the next succeeding general election. In making  
11 the proclamation, the county commissioners shall establish the dates  
12 for the filing period, primary election, runoff primary election and  
13 general election to be the same as the next succeeding filing  
14 period, primary election, runoff primary election and general  
15 election for county officers. The appointee shall be eligible to  
16 become a candidate at ~~said~~ the special election, providing ~~said~~ the  
17 appointee is otherwise qualified. The office to be filled shall be  
18 printed on the same ballot as other county offices.

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

22 Section 12-101. A. Except as otherwise provided by law,  
23 whenever a vacancy shall occur in the office of a member of the  
24 ~~United States Senate or~~ United States House of Representatives from

1 Oklahoma, such vacancy shall be filled at a Special Election to be  
2 called by the Governor within thirty (30) days after such vacancy  
3 occurs.

4 B. No special election shall be called if the vacancy occurs in  
5 an even-numbered year if the term of the office expires the  
6 following year. In such case, the candidate elected to the office  
7 at the regular General Election shall be appointed by the Governor  
8 to fill the unexpired term.

9 C. Whenever a vacancy shall occur in the office of a member of  
10 the United States Senate from Oklahoma, such vacancy shall be filled  
11 as provided in subsection C of Section 10 of Title 51 of the  
12 Oklahoma Statutes. The special election called by the Governor  
13 shall be subject to the following provisions:

14 1. If the vacancy occurs in an odd-numbered year and the vacant  
15 office is not scheduled to be filled for a full term at the  
16 regularly scheduled elections to be held the following year, the  
17 special Primary, Runoff Primary and General Elections shall be held  
18 concurrently with the regularly scheduled statewide regular Primary,  
19 Runoff Primary and General Elections in the following year;

20 2. If the vacancy occurs in an even-numbered year and the  
21 vacant office is not scheduled to be filled for a full term at the  
22 regularly scheduled elections held during that year, the special  
23 Primary, Runoff Primary and General Elections shall be held  
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1 concurrently with the regularly scheduled statewide Primary, Runoff  
2 Primary and General Elections in the next even-numbered year;

3 3. If the vacancy occurs in an odd-numbered year and the vacant  
4 office is scheduled to be filled for a full term at the regularly  
5 scheduled elections to be held the following year, no special  
6 election shall be called. In such case, the candidate elected to  
7 the office at the regularly scheduled statewide elections shall be  
8 deemed to also have been elected to fill the vacancy and shall be  
9 eligible to assume the office upon the official certification of the  
10 election by the State Election Board; and

11 4. If the vacancy occurs in an even-numbered year and the  
12 vacant office is scheduled to be filled for a full term at the  
13 regularly scheduled elections to be held during that year, no  
14 special election shall be called. In such case, the candidate  
15 elected to the office at the regularly scheduled statewide elections  
16 shall be deemed to also have been elected to fill the vacancy and  
17 shall be eligible to assume the office upon the official  
18 certification of the election by the State Election Board.

19 SECTION 3. NEW LAW A new section of law not to be  
20 codified in the Oklahoma Statutes reads as follows:

21 The provisions of this act shall not be severable. If any  
22 provision of this act is found to be unconstitutional and void, the  
23 remaining provisions of the act shall also be void.

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SECTION 4. This act shall become effective November 1, 2019.

57-1-8797 SD 04/11/19