

An Act

ENROLLED SENATE
BILL NO. 347

By: Paxton and Jett of the
Senate

and

Martinez of the House

An Act relating to elections; stating purpose of certain prohibition; prohibiting scheduling of regular or special election by certain entities for specified time period; amending 26 O.S. 2011, Section 3-101, as last amended by Section 1, Chapter 110, O.S.L. 2018 (26 O.S. Supp. 2020, Section 3-101), which relates to scheduling of elections; adding permissible date for certain elections; providing an exception to certain scheduling requirements; providing for noncodification; and declaring an emergency.

SUBJECT: Scheduling of elections

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

For the purpose of implementation by the State Election Board and county election boards of new precincts associated with new district boundaries for United States Representative, State Senator, State Representative and County Commission districts following the reapportionment of such districts, no county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections shall be permitted to schedule a regular or special election conducted by a county election board on the second Tuesday of December 2021, the second Tuesday of January 2022 or the first Tuesday of March 2022.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-101, as last amended by Section 1, Chapter 110, O.S.L. 2018 (26 O.S. Supp. 2020, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no regular or special election to fill an elective office shall be held by any county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections except as follows:

1. The second Tuesday of February in any year;
2. The first Tuesday of April in any year;
3. The date of any regularly scheduled statewide state or federal election in an even-numbered year;
4. The second Tuesday of September in an odd-numbered year; ~~and~~
5. The second Tuesday of November in an odd-numbered year; and
6. The second Tuesday of June of an odd-numbered year for a special election to fill a vacancy.

C. Except as otherwise provided by law or by Section 1 of this act, no election for any purpose other than to fill an elective office shall be held by any county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections except on:

1. The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent federal decennial census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

D. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday. In the event that any day of a candidate filing period occurs on a Saturday, Sunday or any official state holiday, that day of the filing period shall be scheduled for the next business day.

E. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period of three (3) days, if so required by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

F. Any school district, technology center district, municipality, including any municipality governed by charter, rural fire protection district or any other entity seeking to hold a special election for the purpose of filling a vacancy shall schedule a candidate filing period of three (3) days to begin not more than twenty (20) days following the date the resolution calling the election is required to be filed with the secretary of the county election board.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 29th day of April, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____