

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 959

6 By: Paxton of the Senate

7 and

8 Hilbert of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to vacancies in office; amending 26
11 O.S. 2011, Section 12-101, as last amended by Section
12 1, Chapter 341, O.S.L. 2019 (26 O.S. Supp. 2020,
13 Section 12-101), which relates to vacancies in
14 Congress; modifying procedure for filling vacancy in
15 office of United States Senator; providing for
16 irrevocable resignation on a date certain; amending
17 51 O.S. 2011, Section 10, which relates to vacancies
18 and special elections; specifying certain duties of
19 Governor; requiring certain appointment; providing
20 for special elections; requiring submission of oath
21 to Secretary of State for certain persons; requiring
22 publication of oath on certain website; updating
23 statutory language; prohibiting severability;
24 providing for noncodification; and declaring an
emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-101, as
last amended by Section 1, Chapter 341, O.S.L. 2019 (26 O.S. Supp.
2020, Section 12-101), is amended to read as follows:

1 Section 12-101. A. Except as otherwise provided by law,
2 whenever a vacancy shall occur in the office of a member of the
3 ~~United States Senate or~~ United States House of Representatives from
4 Oklahoma, such vacancy shall be filled at a Special Election to be
5 called by the Governor, who shall issue a Writ of Election within
6 thirty (30) days after such vacancy occurs.

7 ~~B. No special election shall be called if such a vacancy occurs~~
8 ~~in the office of a member of the United States Senate in an even-~~
9 ~~numbered year if the term of the office expires the following year.~~
10 ~~In such case, the candidate elected to the office at the regular~~
11 ~~General Election shall be appointed by the Governor to fill the~~
12 ~~unexpired term.~~

13 ~~C.~~ If ~~such a~~ the vacancy occurs in the office of a member of
14 the United States House of Representatives in an even-numbered year,
15 the Regular Primary Election, Runoff Primary Election or General
16 Election for that office shall be deemed to also serve as a Special
17 Election to fill the unexpired term as designated by the Governor.
18 Within thirty (30) days after such vacancy occurs, the Governor
19 shall issue a Writ of Election declaring the same, and the candidate
20 elected at the Regular Election shall be deemed to have also been
21 elected at a Special Election to fill the unexpired term.

22 ~~D.~~ C. If a vacancy or irrevocable resignation occurs in the
23 office of a member of the United States Senate from Oklahoma, the
24 vacancy shall be filled as provided in subsection C of Section 10 of

1 Title 51 of the Oklahoma Statutes. The special election called by
2 the Governor shall be subject to the following provisions:

3 1. A Special Primary, Runoff Primary and General Election shall
4 be held concurrently with the next available regularly scheduled
5 statewide Primary, Runoff Primary and General Election, and a
6 special candidate filing period shall be on the same dates as the
7 regular candidate filing period for those elections;

8 2. Provided, if a vacancy occurs in an even-numbered year on or
9 before March 1, then the special election, if necessary, shall be
10 held that same year in the manner provided in paragraph 1 of this
11 subsection. However, if the vacancy occurs after March 1 in an
12 even-numbered year, then the special election shall be held at the
13 next subsequent regularly scheduled statewide regular Primary,
14 Runoff Primary and General Elections;

15 3. Provided, if the vacant office is already scheduled to be
16 filled for a full term at the next available regularly scheduled
17 election, then no special election shall be called. In such case,
18 the candidate elected to the office at the regularly scheduled
19 election shall be deemed to also have been elected to fill the
20 vacancy and shall be eligible to assume the office upon the official
21 certification of the election by the State Election Board.

22 4. An irrevocable resignation shall occur when a member of the
23 United States Senate from Oklahoma provides a written letter of
24 resignation to the Secretary of State as provided in Section 12-119

1 of this title that serves notice of the Senate member's resignation
2 on a date certain.

3 D. The proclamation required by Section 12-102 of this title
4 shall serve as the Writ of Election described in this section.

5 SECTION 2. AMENDATORY 51 O.S. 2011, Section 10, is
6 amended to read as follows:

7 Section 10. A. All vacancies in state offices, except in
8 offices of the members of the Legislature, and members of the House
9 of Representatives from Oklahoma in the Congress of the United
10 States of America ~~and members of the Senate of the United States of~~
11 ~~America~~, shall be filled by appointment by the Governor.

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

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

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

1 2. Call a special election, if necessary, to fill such vacancy,
2 as provided in Section 12-101 of Title 26 of the Oklahoma Statutes.

3 D. Prior to an appointment pursuant to paragraph 1 of
4 subsection C of this section, a person who is a prospective
5 appointee shall submit to the Secretary of State an oath affirming
6 that the person will not file as a candidate for the office when it
7 next appears on the ballot. The Secretary of State shall prescribe
8 the oath required by this paragraph, and any oath submitted shall be
9 public record and published on the website of the Office of the
10 Secretary of State.

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

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

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

9 The provisions of this act shall not be severable. If any
10 provision of this act is found to be unconstitutional and void, the
11 remaining provisions of the act shall also be void.

12 SECTION 4. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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