

1 **SENATE FLOOR VERSION**

2 February 24, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 959

5 By: Paxton

6 [ vacancies in office - vacancy in office of United  
7 States Senator - duties of Governor - special  
8 elections - noncodification - effective date ]

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

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

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

19 B. No special election shall be called if ~~such a~~ the vacancy  
20 occurs ~~in the office of a member of the United States Senate~~ in an  
21 even-numbered year if the term of the office expires the following  
22 year. In such case, the candidate elected to the office at the  
23 regular General Election shall be appointed by the Governor to fill  
24 the unexpired term.

1 C. If ~~such a~~ the vacancy occurs in the office of a member of  
2 the United States House of Representatives in an even-numbered year,  
3 the Regular Primary Election, Runoff Primary Election or General  
4 Election for that office shall be deemed to also serve as a Special  
5 Election to fill the unexpired term as designated by the Governor.  
6 Within thirty (30) days after such vacancy occurs, the Governor  
7 shall issue a Writ of Election declaring the same, and the candidate  
8 elected at the Regular Election shall be deemed to have also been  
9 elected at a Special Election to fill the unexpired term.

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

15 1. A Special Primary, Runoff Primary and General Election shall  
16 be held concurrently with the next available regularly scheduled  
17 statewide Primary, Runoff Primary and General Election, and a  
18 special candidate filing period shall be on the same dates as the  
19 regular candidate filing period for those elections;

20 2. Provided, if a vacancy occurs in an even-numbered year on or  
21 before March 1, then the special election, if necessary, shall be  
22 held that same year in the manner provided in paragraph 1 of this  
23 subsection. However, if the vacancy occurs after March 1 in an  
24 even-numbered year, then the special election shall be held at the

1 next subsequent regularly scheduled statewide regular Primary,  
2 Runoff Primary and General Elections;

3 3. Provided, if the vacant office is already scheduled to be  
4 filled for a full term at the next available regularly scheduled  
5 election, then no special election shall be called. In such case,  
6 the candidate elected to the office at the regularly scheduled  
7 election shall be deemed to also have been elected to fill the  
8 vacancy and shall be eligible to assume the office upon the official  
9 certification of the election by the State Election Board.

10 E. The proclamation required by Section 12-102 of this title  
11 shall serve as the Writ of Election described in this section.

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

14 Section 10. A. All vacancies in state offices, except in  
15 offices of the members of the Legislature, and members of the House  
16 of Representatives from Oklahoma in the Congress of the United  
17 States of America ~~and members of the Senate of the United States of~~  
18 ~~America~~, shall be filled by appointment by the Governor.

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

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

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

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

10       D. Any person appointed pursuant to paragraph 1 of subsection C  
11 of this section shall be ineligible to file as a candidate for the  
12 office when it next appears on the ballot.

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

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

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

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

14 SECTION 4. This act shall become effective November 1, 2021.

15 COMMITTEE REPORT BY: COMMITTEE ON RULES  
16 February 24, 2021 - DO PASS AS AMENDED  
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