

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE

5 BILL NO. 312

By: Holt of the Senate

and

Echols of the House

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9 An Act relating to elections; amending 26 O.S. 2011,
10 Sections 3-101, as last amended by Section 20,
11 Chapter 15, O.S.L. 2013, 13-101 and 13-103 (26 O.S.
12 Supp. 2014, Section 3-101), which relate to elections
13 held by political subdivisions; modifying dates upon
14 which elections to fill elective offices may be held
15 by political subdivisions; deleting obsolete
16 language; clarifying references; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, as
20 last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp.
21 2014, Section 3-101), is amended to read as follows:

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

25 B. Except as otherwise provided by law, no regular or special
26 election to fill an elective office shall be held by any county,

1 school district, technology center school district, municipality or
2 other political subdivision authorized to call elections except as
3 follows:

4 1. The second Tuesday of February in any year;

5 2. The first Tuesday of April in any year;

6 3. The date of any regularly scheduled statewide state or
7 federal election in an even-numbered year;

8 4. The second Tuesday of September in an odd-numbered year; and

9 5. The second Tuesday of November in an odd-numbered year.

10 C. Except as otherwise provided by law, no ~~special~~ election for
11 any purpose other than to fill an elective office shall be held by
12 any county, school district, technology center school district,
13 municipality or other ~~entity~~ political subdivision authorized to
14 call elections except on:

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

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

3 ~~C.~~ D. In the event that a regular or special election date
4 occurs on an official state holiday, the election shall be scheduled
5 for the next following Tuesday.

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

20 SECTION 2. AMENDATORY 26 O.S. 2011, Section 13-101.1, is
21 amended to read as follows:

22 Section 13-101.1. ~~After July 1, 2005, no~~ No county election
23 board shall be required to conduct elections for any municipality on
24 a date other than an election date identified in subsection B of

1 Section 3-101 of this title. Municipalities that hold both primary
2 and general elections, in addition to scheduling elections on dates
3 identified in ~~subsection B of~~ Section 3-101 of this title, shall
4 provide no fewer than thirty-five (35) days between the primary and
5 general elections; ~~except however, primary and general elections may~~
6 ~~be scheduled on the identified election dates in March and April~~
7 ~~when there are fewer than thirty five (35) days between the election~~
8 ~~dates.~~

9 SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-103, is
10 amended to read as follows:

11 Section 13-103. A. All municipal elections shall be held at
12 the same place and in the same manner prescribed for conduct of
13 state and county elections unless otherwise provided by law.

14 B. A municipality may adopt an ordinance requiring its
15 elections to be partisan. If such an ordinance is adopted, a
16 municipality shall notify the county election board that its
17 election is to be partisan in its resolution calling for an
18 election. If a municipality fails to notify the county election
19 board that its election will be on a partisan basis in the
20 resolution calling for an election, then the municipal election
21 shall be on a nonpartisan basis. Provided, any municipality which
22 is governed by a charter may provide otherwise by charter or
23 ordinance.

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1 C. All precincts totally or partially contained within the
2 limits of a municipality shall be open for all elections held by
3 such municipality; provided, however, that a municipality may
4 authorize any precinct which is only partially contained within the
5 limits of the municipality not to be opened by certifying to the
6 county election board in its resolution calling for an election that
7 no persons reside within that portion of the precinct contained
8 within the limits of the municipality. Polling places shall be open
9 from 7:00 a.m. until 7:00 p.m. Each precinct election board shall
10 be the same as for state and county elections; provided, however,
11 that substitutions, if necessary, shall be made by the county
12 election board. Except as otherwise provided by law, the laws
13 governing state and county Primary and General Elections shall be
14 applicable to all municipal elections.

15 D. All municipal elections, including elections for
16 municipalities with home rule charters, shall be held only on dates
17 identified ~~by subsection B of~~ in Section 3-101 of this title.

18 SECTION 4. This act shall become effective January 1, 2016.

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20 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
21 03/25/2015 - DO PASS.
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