

ENGROSSED HOUSE  
BILL NO. 2095

By: Worthen and Proctor of the  
House

and

Lamb of the Senate

An Act relating to elections; amending 26 O.S. 2001, Sections 3-101, as last amended by Section 1, Chapter 224, O.S.L. 2005, 13A-103, as last amended by Section 1, Chapter 108, O.S.L. 2004, 20-101, as amended by Section 1, Chapter 174, O.S.L. 2003 and 20-102, as amended by Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2006, Sections 3-101, 13A-103, 20-101 and 20-102), which relate to when certain elections are held and to the Presidential Preference Primary; modifying dates of certain elections; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 3-101, as last amended by Section 1, Chapter 224, O.S.L. 2005 (26 O.S. Supp. 2006, 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 special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call

elections except on the second Tuesday of ~~January~~, February, May, ~~June~~, July, August, September, ~~October~~, and November ~~and December~~ and the first Tuesday in March and April in odd-numbered years and the second Tuesday of ~~January~~, February, and May, and ~~December~~, the first Tuesday in March and April, the last Tuesday in July, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year; except in any year when a Presidential Preferential Primary Election is held in ~~February~~ January, the date for the special elections shall be the same date as the Presidential Preferential Primary Election.

C. If an election date would fall on September 11, the election shall be held the last Tuesday in September.

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.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 13A-103, as last amended by Section 1, Chapter 108, O.S.L. 2004 (26 O.S. Supp. 2006, Section 13A-103), is amended to read as follows:

Section 13A-103. A. The election of members of the board of education of every school district and technology center school district shall be conducted on the second Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in ~~February~~ January, then the election shall be held on the same day as the Presidential Preferential Primary.

If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the first Tuesday in April of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in ~~February~~ January, then the election shall be held on the same day as the Presidential Preferential Primary.

C. The board of education of every school district or technology center school district may call a special election for the purpose of voting on any matter or question authorized by law.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 20-101, as amended by Section 1, Chapter 174, O.S.L. 2003 (26 O.S. Supp. 2006, Section 20-101), is amended to read as follows:

Section 20-101. A. A Presidential Preferential Primary for recognized political parties shall be held on the ~~first~~ last Tuesday in ~~February~~ January in each of the years in which the President and Vice President of the United States are to be elected.

B. If one or more states having a mutual boundary with this state establish a single date for a regional primary, the State

Election Board is authorized to change the date of the Oklahoma primary to the date established for the regional primary.

C. No county, municipality, school district or other entity authorized by law to call elections shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Primary Election. However, this subsection shall not apply to home rule municipalities.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 20-102, as amended by Section 24, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2006, Section 20-102), is amended to read as follows:

Section 20-102. A. Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board. Such candidates shall be members of political parties recognized under the laws of the State of Oklahoma and shall have filed a statement of candidacy with the Federal Election Commission and shall have raised and expended not less than Five Thousand Dollars (\$5,000.00) for said office. The candidates shall be required to swear an oath or affirm that they meet the aforementioned qualifications, and their signatures shall be witnessed by a notary public. Such filing beginning at 8:00 a.m. on the first Monday in December and ending at 5:00 p.m. on the next succeeding Wednesday, or at a time prescribed by the State Election Board for a Presidential Preferential Primary to be held on a date other than the ~~first~~ last Tuesday in ~~February~~ January. A statement

of candidacy must be accompanied by a petition supporting a candidate's filing signed by one percent (1%) of the registered voters in each congressional district eligible to vote for a candidate or one thousand (1,000) registered voters in each congressional district eligible to vote for a candidate, whichever is less, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). Such check shall be forfeited unless a candidate receives more than fifteen percent (15%) of the votes cast. The State Election Board shall cause the names of all candidates who have filed within the proper time to be printed on the official ballots. The ballots shall be prepared as provided for by law. Voters shall be restricted to one vote for the candidate of his or her choice of the political party in which the voter is registered.

B. Each page of a petition supporting a candidate's filing shall identify the county and the congressional district, and shall contain the names of registered voters in only one congressional district and in only one county.

C. Each page of a petition supporting a candidate's filing shall be verified. Verification shall be made in substantial compliance with the provisions of Section 6 of Title 34 of the Oklahoma Statutes.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and 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 House of Representatives the 7th day of March, 2007.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2007.

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Presiding Officer of the Senate