

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 399 By: Justice of the Senate  
3 and  
4 Banz of the House  
5  
6

7 An Act relating to elections; amending 11 O.S. 2011,  
8 Sections 16-102 and 16-114, and 26 O.S. 2011, Section  
9 3-101, as last amended by Section 20, Chapter 15,  
10 O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101),  
11 which relate to municipal elections and election  
12 dates; modifying requirements for filing period for  
13 municipal offices; providing that county election  
14 board not required to conduct certain municipal  
15 elections under certain circumstances; providing for  
16 submission of resolution calling election; providing  
17 for modification of candidate filing period under  
18 certain circumstances; specifying requirements for  
19 candidate filing period for certain special  
20 elections; and providing an effective date.

21 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
22 and insert

23 "An Act relating to elections; amending 11 O.S. 2011,  
24 Sections 16-102 and 16-114, and 26 O.S. 2011,  
Section 3-101, as last amended by Section 20,  
Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section  
3-101), which relate to municipal elections and  
election dates; modifying requirements for filing  
period for municipal offices; providing that county  
election board not be required to conduct certain  
municipal elections under certain circumstances;  
providing for submission of resolution calling  
election; providing for modification of candidate

1 filing period under certain circumstances;  
2 specifying requirements for candidate filing period  
3 for certain special elections; and providing an  
4 effective date.

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

6 SECTION 1. AMENDATORY 11 O.S. 2011, Section 16-102, is  
7 amended to read as follows:

8 Section 16-102. A. The provisions of Section 16-101 et seq. of  
9 this title shall not apply to any municipality which is governed by  
10 charter; provided, that elections for such municipalities which  
11 shall be conducted by the county election board shall be scheduled  
12 only on an election date identified by subsection B of Section 3-101  
13 of Title 26 of the Oklahoma Statutes. However, such a municipality  
14 may, by indicating in its resolution calling an election, choose to  
15 follow any provision of state law governing elections conducted by a  
16 county election board when the municipality's charter or ordinances  
17 are silent on the matter addressed by such provision. In such  
18 instance, if the municipal election or any substantial portion  
19 thereof is not conducted by a county election board, the duties  
20 required of the county election board or its secretary shall be  
21 performed by the municipal authority designated by the municipal  
22 governing body and nothing herein shall be construed to require the  
23 county election board to perform any such duties. The residency  
24 requirements of Sections 16-109 and 16-110 of this title shall apply

1 to all municipalities except to the extent that such residency  
2 requirements are governed by municipal charter.

3 B. The provisions of Sections 16-101 through 16-114 of this  
4 title shall not apply to any municipality subject to the provisions  
5 of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this  
6 title shall apply to such municipalities.

7 C. In the event that a municipality governed by charter  
8 schedules a regular or special election for a municipal office on  
9 the same date as an election involving state or federal offices, the  
10 ~~filing period for such municipal office shall be scheduled on a~~  
11 ~~Monday, Tuesday and Wednesday not less than fifteen (15) days nor~~  
12 ~~more than twenty (20) days following the date of the resolution or~~  
13 ~~order~~ provisions of subsection D of Section 3-101 of Title 26 of the  
14 Oklahoma Statutes shall apply.

15 D. After January 1, 2016, no county election board shall be  
16 required to conduct a regular or special election for any elective  
17 municipal office in any municipality governed by charter unless the  
18 resolution calling the election shall set a candidate filing period  
19 of three (3) days to begin not more than twenty (20) days from the  
20 date the resolution is required to be submitted to the county  
21 election board. In no case shall a resolution calling a regular or  
22 special election be submitted to the county election board less than  
23 sixty (60) days preceding the election date.

24

1 SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-114, is  
2 amended to read as follows:

3 Section 16-114. A. When the office of a municipal elected  
4 official is to be filled at a special partisan election, the  
5 resolution or order of the governing body calling the election shall  
6 contain the following facts:

7 1. A filing period of three (3) days, ~~on a Monday, Tuesday and~~  
8 ~~Wednesday,~~ which shall begin not less than fifteen (15) more than  
9 twenty (20) days from the date of the resolution or order is  
10 required to be filed with the county election board;

11 2. The date of the ~~Special Primary Election~~ special primary  
12 election, not less than forty-five (45) days after the close of the  
13 filing period; and

14 3. The date of the ~~Special General Election~~ special general  
15 election, not less than forty-five (45) days after the date of the  
16 ~~Primary Election~~ primary election. A copy of the resolution or  
17 order shall be filed with the secretary of the county election board  
18 not less than sixty (60) days preceding the date of the special  
19 primary election. The election shall be conducted under the laws  
20 applicable to general municipal elections.

21 B. When the office of a municipal elected official is to be  
22 filled at a special nonpartisan election, the resolution or order of  
23 the governing body calling the election shall contain the following  
24 facts:

1 1. A filing period of three (3) days, ~~on a Monday, Tuesday and~~  
2 ~~Wednesday, which shall begin not less than fifteen (15) more than~~  
3 ~~twenty (20) days from the date of the resolution or order is~~  
4 required to be filed with the county election board;

5 2. The date of the special general election, not less than  
6 forty-five (45) days after the close of the filing period. A copy  
7 of the resolution or order shall be filed with the secretary of the  
8 county election board not less than sixty (60) days preceding the  
9 date of the special general election.

10 C. Special municipal elections may be called only on dates  
11 established by subsection B of Section 3-101 of Title 26 of the  
12 Oklahoma Statutes.

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

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

19 B. Except as otherwise provided by law, no special election  
20 shall be held by any county, school district, technology center  
21 school district, municipality or other entity authorized to call  
22 elections except on:

23 1. The second Tuesday of January, February, May, June, July,  
24 August, September, October and November and the first Tuesday in

1 March and April in odd-numbered years; provided, a municipality with  
2 a population in excess of two hundred fifty thousand (250,000)  
3 persons, according to the most recent Federal Decennial Census, may  
4 also hold an election on the second Tuesday of December in odd-  
5 numbered years; and

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

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

16 D. Notwithstanding any other provision of law or any provision  
17 of a municipal charter, any municipality, school district,  
18 technology center district, county, rural fire protection district,  
19 or any other entity seeking to hold a regular or special election to  
20 be conducted by a county election board on the same date as a  
21 regular or special federal or state election, shall file the  
22 resolution calling for the election with the county election board  
23 secretary no later than seventy-five (75) days prior to the election  
24 date. A candidate filing period of three (3) days, if so required

1 by the resolution, shall begin no later than ten (10) days following  
2 the deadline to file the resolution with the secretary of the county  
3 election board; provided, the filing period for such municipal  
4 office may be scheduled on the same dates as the filing period for  
5 state or federal office to be filled at such election.

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

14 SECTION 4. This act shall become effective November 1, 2015."

15 Passed the House of Representatives the 14th day of April, 2015.

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18 \_\_\_\_\_  
19 Presiding Officer of the House of  
Representatives

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

21

22

23 \_\_\_\_\_  
Presiding Officer of the Senate

24

1 ENGROSSED SENATE  
2 BILL NO. 399

By: Justice of the Senate

and

Banz of the House

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6 An Act relating to elections; amending 11 O.S. 2011,  
7 Sections 16-102 and 16-114, and 26 O.S. 2011, Section  
8 3-101, as last amended by Section 20, Chapter 15,  
9 O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101),  
10 which relate to municipal elections and election  
11 dates; modifying requirements for filing period for  
12 municipal offices; providing that county election  
13 board not required to conduct certain municipal  
14 elections under certain circumstances; providing for  
15 submission of resolution calling election; providing  
16 for modification of candidate filing period under  
17 certain circumstances; specifying requirements for  
18 candidate filing period for certain special  
19 elections; and providing an effective date.

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

21 SECTION 5. AMENDATORY 11 O.S. 2011, Section 16-102, is  
22 amended to read as follows:

23 Section 16-102. A. The provisions of Section 16-101 et seq. of  
24 this title shall not apply to any municipality which is governed by  
charter; provided, that elections for such municipalities which  
shall be conducted by the county election board shall be scheduled  
only on an election date identified by subsection B of Section 3-101  
of Title 26 of the Oklahoma Statutes. However, such a municipality  
may, by indicating in its resolution calling an election, choose to



1 follow any provision of state law governing elections conducted by a  
2 county election board when the municipality's charter or ordinances  
3 are silent on the matter addressed by such provision. In such  
4 instance, if the municipal election or any substantial portion  
5 thereof is not conducted by a county election board, the duties  
6 required of the county election board or its secretary shall be  
7 performed by the municipal authority designated by the municipal  
8 governing body and nothing herein shall be construed to require the  
9 county election board to perform any such duties. The residency  
10 requirements of Sections 16-109 and 16-110 of this title shall apply  
11 to all municipalities except to the extent that such residency  
12 requirements are governed by municipal charter.

13 B. The provisions of Sections 16-101 through 16-114 of this  
14 title shall not apply to any municipality subject to the provisions  
15 of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this  
16 title shall apply to such municipalities.

17 C. In the event that a municipality governed by charter  
18 schedules a regular or special election for a municipal office on  
19 the same date as an election involving state or federal offices, ~~the~~  
20 ~~filing period for such municipal office shall be scheduled on a~~  
21 ~~Monday, Tuesday and Wednesday not less than fifteen (15) days nor~~  
22 ~~more than twenty (20) days following the date of the resolution or~~  
23 ~~order~~ the provisions of subsection D of Section 3-101 of Title 26 of  
24 the Oklahoma Statutes shall apply.

1        D. After January 1, 2016, no county election board shall be  
2 required to conduct a regular or special election for any elective  
3 municipal office in any municipality governed by charter unless the  
4 resolution calling the election shall set a candidate filing period  
5 of three (3) days to begin not less than fifteen (15) days nor more  
6 than twenty (20) days from the date the resolution is required to be  
7 submitted to the county election board. In no case shall a  
8 resolution calling a regular or special election be submitted to the  
9 county election board less than sixty (60) days preceding the  
10 election date.

11        SECTION 6.        AMENDATORY        11 O.S. 2011, Section 16-114, is  
12 amended to read as follows:

13        Section 16-114. A. When the office of a municipal elected  
14 official is to be filled at a special partisan election, the  
15 resolution or order of the governing body calling the election shall  
16 contain the following facts:

17        1. A filing period of three (3) days, ~~on a Monday, Tuesday and~~  
18 ~~Wednesday,~~ which shall begin not less than fifteen (15) days nor  
19 more than twenty (20) days from the date ~~of~~ the resolution or order  
20 is required to be filed with the county election board;

21        2. The date of the Special Primary Election not less than  
22 forty-five (45) days after the close of the filing period; and

23        3. The date of the Special General Election, not less than  
24 forty-five (45) days after the date of the Primary Election. A copy

1 of the resolution or order shall be filed with the secretary of the  
2 county election board not less than sixty (60) days preceding the  
3 date of the special primary election. The election shall be  
4 conducted under the laws applicable to general municipal elections.

5 B. When the office of a municipal elected official is to be  
6 filled at a special nonpartisan election, the resolution or order of  
7 the governing body calling the election shall contain the following  
8 facts:

9 1. A filing period of three (3) days, ~~on a Monday, Tuesday and~~  
10 ~~Wednesday,~~ which shall begin not less than fifteen (15) days nor  
11 more than twenty (20) days from the date ~~of~~ the resolution or order  
12 is required to be filed with the county election board;

13 2. The date of the special general election, not less than  
14 forty-five (45) days after the close of the filing period. A copy  
15 of the resolution or order shall be filed with the secretary of the  
16 county election board not less than sixty (60) days preceding the  
17 date of the special general election.

18 C. Special municipal elections may be called only on dates  
19 established by subsection B of Section 3-101 of Title 26 of the  
20 Oklahoma Statutes.

21 SECTION 7. AMENDATORY 26 O.S. 2011, Section 3-101, as  
22 last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp.  
23 2014, Section 3-101), is amended to read as follows:

24

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

4 B. Except as otherwise provided by law, no special election  
5 shall be held by any county, school district, technology center  
6 school district, municipality or other entity authorized to call  
7 elections except on:

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

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

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

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

15 E. Any school district, technology center district,  
16 municipality, including any municipality governed by charter, rural  
17 fire protection district or any other entity seeking to hold a  
18 special election for the purpose of filling a vacancy, shall  
19 schedule a candidate filing period of three (3) days to begin not  
20 fewer than fifteen (15) days nor more than twenty (20) days  
21 following the date the resolution calling the election is required  
22 to be filed with the secretary of the county election board.

23 SECTION 8. This act shall become effective November 1, 2015.  
24

1 Passed the Senate the 9th day of March, 2015.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2015.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives