

1 STATE OF OKLAHOMA

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

3 SENATE BILL 347

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to elections; stating purpose of
8 certain prohibition; prohibiting scheduling of
9 regular or special election by certain entities for
10 specified time period; amending 26 O.S. 2011, Section
11 3-101, as last amended by Section 1, Chapter 110,
12 O.S.L. 2018 (26 O.S. Supp. 2020, Section 3-101),
13 which relates to scheduling of elections; providing
14 an exception to certain scheduling requirements;
15 providing for noncodification; and declaring an
16 emergency.

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

18 SECTION 1. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

20 For the purpose of implementation by the State Election Board
21 and county election boards of new precincts associated with new
22 district boundaries for United States Representative, State Senator,
23 State Representative and County Commission districts following the
24 reapportionment of such districts, no county, school district,
25 technology center school district, municipality, fire protection
26 district or other political subdivision authorized to call elections
27 shall be permitted to schedule a regular or special election

1 conducted by a county election board on the second Tuesday of
2 December 2021 or the second Tuesday of January 2022.

3 SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-101, as
4 last amended by Section 1, Chapter 110, O.S.L. 2018 (26 O.S. Supp.
5 2020, Section 3-101), is amended to read as follows:

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

9 B. Except as otherwise provided by law, no regular or special
10 election to fill an elective office shall be held by any county,
11 school district, technology center school district, municipality,
12 fire protection district or other political subdivision authorized
13 to call elections except as follows:

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

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

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

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

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

20 C. Except as otherwise provided by law or by Section 1 of this
21 act, no election for any purpose other than to fill an elective
22 office shall be held by any county, school district, technology
23 center school district, municipality, fire protection district or
24 other political subdivision authorized to call elections except on:

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

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

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

18 E. Notwithstanding any other provision of law or any provision
19 of a municipal charter, any municipality, school district,
20 technology center district, county, rural fire protection district,
21 or any other entity seeking to hold a regular or special election to
22 be conducted by a county election board on the same date as a
23 regular or special federal or state election, shall file the
24 resolution calling for the election with the county election board

1 secretary no later than seventy-five (75) days prior to the election
2 date. A candidate filing period of three (3) days, if so required
3 by the resolution, shall begin no later than ten (10) days following
4 the deadline to file the resolution with the secretary of the county
5 election board; provided, the filing period for such municipal
6 office may be scheduled on the same dates as the filing period for
7 state or federal office to be filled at such election.

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

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.
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