

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 2685

                                  By: Hays

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to elections; amending 26 O.S. 2021,  
10                   Section 3-101, which relates to election dates;  
11                   modifying dates for certain elections; providing  
12                   exception; and providing an effective date.

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

15                   SECTION 1.           AMENDATORY           26 O.S. 2021, Section 3-101 is  
16   amended to read as follows:

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

20                   B. Except as otherwise provided by law, no regular or special  
21   election ~~to fill an elective office~~ for any purpose shall be held by  
22   any county, school district, technology center school district,  
23   municipality, fire protection district or other political  
24   subdivision authorized to call elections except as follows:

- 1 1. The second Tuesday of February in any year;
- 2 2. The first Tuesday of April in any year;
- 3 3. The date of any regularly scheduled statewide state or  
4 federal election ~~in an even-numbered year~~ as provided in Sections 1-  
5 101, 1-102, 1-103, and 20-101 of this title;
- 6 4. The second Tuesday of ~~September~~ August in an odd-numbered  
7 year;
- 8 5. The ~~second~~ first Tuesday after the first Monday of November  
9 in an odd-numbered year; and
- 10 6. The second Tuesday of June of an odd-numbered year for a  
11 special election to fill a vacancy.

12 C. ~~Except as otherwise provided by law or by Section 1 of this~~  
13 ~~act, no election for any purpose other than to fill an elective~~  
14 ~~office shall be held by any county, school district, technology~~  
15 ~~center school district, municipality, fire protection district or~~  
16 ~~other political subdivision authorized to call elections except on A~~  
17 ~~special election called by the Governor pursuant to law shall only~~  
18 ~~be set on the following dates:~~

- 19 1. The second Tuesday of January, February, May, June, July,  
20 August, September, and October ~~and November~~ and the first Tuesday in  
21 March and April, and the first Tuesday after the first Monday in  
22 November in odd-numbered years; ~~provided, a municipality with a~~  
23 ~~population in excess of two hundred fifty thousand (250,000)~~  
24 ~~persons, according to the most recent federal decennial census, may~~

1 ~~also hold an election on the second Tuesday of December in odd-~~  
2 ~~numbered years; and~~

3 2. The second Tuesday of January and February, the first  
4 Tuesday in ~~March and April, the last Tuesday in June, the fourth~~  
5 ~~Tuesday in August, and the first Tuesday after the first Monday in~~  
6 ~~November of any even-numbered year~~ and the date of any regularly  
7 scheduled state or federal election as provided in Sections 1-101,  
8 1-102, 1-103, and 20-101 of this title.

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

15 E. Notwithstanding any other provision of law or any provision  
16 of a municipal charter, any municipality, school district,  
17 technology center district, county, rural fire protection district,  
18 or any other entity seeking to hold a regular or special election to  
19 be conducted by a county election board on the same date as a  
20 regular or special federal or state election, shall file the  
21 resolution calling for the election with the county election board  
22 secretary no later than seventy-five (75) days prior to the election  
23 date. A candidate filing period of three (3) days, if so required  
24 by the resolution, shall begin no later than ten (10) days following

1 the deadline to file the resolution with the secretary of the county  
2 election board; provided, the filing period for such municipal  
3 office may be scheduled on the same dates as the filing period for  
4 state or federal office to be filled at such election.

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

13 SECTION 2. This act shall become effective November 1, 2023.

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15 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated  
16 03/01/2023 - DO PASS, As Amended.  
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