

1 **SENATE FLOOR VERSION**

2 February 14, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 375

By: Howard of the Senate

and

Newton of the House

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7
8 An Act relating to elections; amending 26 O.S. 2021,
9 Sections 1-102, **3-101**, and 5-110, which relate to
10 primary, **regular, and special** elections and filing
11 period; modifying date for primary elections;
12 **modifying date for regular or special elections;**
13 modifying filing period for declarations of
14 candidacy; updating statutory language; and declaring
15 an emergency.

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

17 SECTION 1. AMENDATORY 26 O.S. 2021, Section 1-102, is
18 amended to read as follows:

19 Section 1-102. A Primary Election shall be held on the ~~last~~
20 third Tuesday in June of each even-numbered year, at which time each
21 political party recognized by the laws of ~~Oklahoma~~ this state shall
22 nominate its candidates for the offices to be filled at the next
23 succeeding General Election, unless otherwise provided by law. No
24 candidate's name shall be printed upon the General Election ballot
unless such candidate shall have been nominated as herein provided,
unless otherwise provided by law; provided further that this

1 provision shall not exclude the right of a nonpartisan candidate to
2 have his or her name printed upon the General Election ballots. No
3 county, municipality or school district shall schedule an election
4 on any date during the twenty (20) days immediately preceding the
5 date of any such primary election.

6 **SECTION 2. AMENDATORY 26 O.S. 2021, Section 3-101, is**
7 **amended to read as follows:**

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

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

- 16 1. The second Tuesday of February in any year;
- 17 2. The first Tuesday of April in any year;
- 18 3. The date of any regularly scheduled statewide state or
19 federal election in an even-numbered year;
- 20 4. The second Tuesday of September in an odd-numbered year;
- 21 5. The second Tuesday of November in an odd-numbered year; and
- 22 6. The second Tuesday of June of an odd-numbered year for a
23 special election to fill a vacancy.

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

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

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

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

23 E. Notwithstanding any other provision of law or any provision
24 of a municipal charter, any municipality, school district,

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

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

21 SECTION 3. AMENDATORY 26 O.S. 2021, Section 5-110, is
22 amended to read as follows:

23 Section 5-110. Declarations of Candidacy provided herein must
24 be filed with the secretary of the appropriate election board no

1 earlier than 8:00 a.m. on the second ~~Wednesday~~ Monday of April of
2 any even-numbered year and no later than 5:00 p.m. on the next
3 succeeding ~~Friday~~ Wednesday. Such Declarations of Candidacy may be
4 transmitted by United States mail, but in no event shall the
5 secretary of any election board accept such Declarations after the
6 time prescribed by law.

7 SECTION 4. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
12 February 14, 2023 - DO PASS AS AMENDED
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