

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3384

By: McEntire

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Sections 12-108, 12-109 and 14-118, which relate to special elections; modifying timelines for certain elections; adding special runoff primary for certain elections; adding reference to runoff primary; removing exception; clarifying the application of certain deadlines; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 12-108, is amended to read as follows:

Section 12-108. A. Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than ~~twenty (20)~~ thirty (30) days after the close of the filing period; and

1 3. The date of the Special Runoff Primary Election, not less
2 than twenty (20) days after the date of the Special Primary
3 Election; and

4 4. The date of the Special General Election, not less than
5 twenty (20) days after the date of the Special Runoff Primary
6 Election.

7 5.

8 a. In the event a Special Primary Election is not
9 necessary, the Special General Election shall be moved
10 to the date of the Special Primary Election.

11 b. In the event a Special Primary Election is held, but a
12 Special Runoff Primary Election is not necessary, then
13 the Special General Election shall be moved to the
14 date of the Special Runoff Primary Election.

15 B. The election dates contained in the proclamation shall be
16 limited to the election dates provided in Section 3-101 of this
17 title.

18 C. Should such a vacancy occur in an even-numbered year, when a
19 special election is required, the proclamation must contain dates
20 that are the same as are required by law for the regular filing
21 period, Primary Election, Runoff Primary Election and General
22 Election, if practicable.

23 SECTION 2. AMENDATORY 26 O.S. 2021, Section 12-109, is
24 amended to read as follows:
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1 Section 12-109. Said elections shall be conducted under the
2 laws applicable to regular Primary, Runoff Primary, and General
3 Elections, ~~except that the candidate receiving the highest number of~~
4 ~~votes in said Primary Election shall be deemed the nominee of his~~
5 ~~political party, provided that the dates of the elections do not~~
6 ~~coincide with the dates for the regular Primary, Runoff Primary and~~
7 ~~General Elections. If the nominee of a political party is unopposed~~
8 ~~in the Special Election, he shall be issued a certificate of~~
9 ~~election after the expiration of the contest period following the~~
10 ~~Primary or Runoff Primary Election, if no contest is filed, and.~~
11 Unless otherwise provided by law, the candidate elected to the
12 office shall immediately assume the duties of said office upon the
13 certification of the election by the State Election Board.

14 SECTION 3. AMENDATORY 26 O.S. 2021, Section 14-118, is
15 amended to read as follows:

16 Section 14-118. A. 1. When an application for an absentee
17 ballot from a uniformed-service voter or an overseas voter pursuant
18 to Section 14-142 of this title is received by the secretary of a
19 county election board, it shall be the duty of the secretary to
20 transmit by United States mail, by facsimile device as defined in
21 Section 1862 of Title 21 of the Oklahoma Statutes, or as provided in
22 subsection B of this section the ballots which the elector has
23 requested and is entitled to receive.
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1 2. When an application for an absentee ballot is received at
2 least forty-five (45) days before ~~an~~ a regular election involving
3 state offices or a regular or special election involving federal
4 offices, the absentee ballot shall be transmitted by mail, by
5 electronic mail, or by other means of electronic communication, as
6 provided in this section, or by facsimile device as provided in
7 Section 14-118.1 of this title, not less than forty-five (45) days
8 preceding the election.

9 3. When an application for an absentee ballot for ~~an~~ a regular
10 election involving state offices or a regular or special election
11 involving federal offices is received less than forty-five (45) days
12 preceding the election, the absentee ballot shall be transmitted by
13 mail, by electronic mail, or by other means of electronic
14 communication, as provided in this section, or by facsimile device
15 as provided in Section 14-118.1 of this title, within forty-eight
16 (48) hours of receipt of the application.

17 4. When an application for an absentee ballot is received for a
18 special election involving state offices, the absentee ballot shall
19 be transmitted by mail, by electronic mail, or by other means of
20 electronic communication, as provided in this section, or by
21 facsimile device as provided in Section 14-118.1 of this title, as
22 soon as practicable preceding the date of the election.
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1 B. The secretary of the county election board may transmit
2 balloting materials for any state or federal election, or for any
3 other election as designated by the Secretary of the State Election
4 Board as provided in subsection D of this section, by electronic
5 mail or by other means of electronic communication in a form and
6 manner prescribed by the Secretary of the State Election Board, if
7 the voter:

- 8 1. Is a Federal Post Card Application registrant and is
9 eligible to receive an absentee ballot as provided by law;
- 10 2. Provides an electronic mail address; and
- 11 3. Requests that balloting materials be sent by electronic
12 mail.

13 If the secretary of the county election board transmits a ballot
14 to a voter by electronic mail or by other means of electronic
15 communication as provided in this subsection, the secretary shall
16 amend the voter's federal postcard application for future elections
17 to include the voter's electronic mail address.

18 C. An electronic mail address provided under this section is
19 confidential and does not constitute public information for purposes
20 of the Oklahoma Open Records Act. The secretary of the county
21 election board shall ensure that an electronic mail address provided
22 under this section is excluded from disclosure.

23 D. The Secretary of the State Election Board shall determine if
24 balloting materials for any election other than a state or federal
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1 election may be produced in a form which would allow them to be
2 transmitted by electronic mail or by other means of electronic
3 communication. If so, the Secretary shall so designate them. If
4 such designation is not made, the balloting materials may be
5 transmitted to the voter as provided in subsection A of this
6 section.

7 E. All other provisions of this title that would normally apply
8 to a ballot voted under this title apply to a ballot provided
9 pursuant to the provisions of subsection B of this section.

10 F. The Secretary of the State Election Board may suspend the
11 provisions of subsection B of this section if the Secretary
12 determines that electronic transmission of balloting materials is
13 not in the best interest of the people of this state due to a
14 potential problem with the security of the balloting materials.

15 SECTION 4. This act shall become effective November 1, 2024.
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