

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1010

By: Jenkins

AS INTRODUCED

An Act relating to elections; creating the Presidential Preference Primary Modernization Act of 2025; amending 26 O.S. 2021, Section 20-104, which relates to certification of candidates and delegate voting; directing the Secretary of the State Election Board to calculate certain costs related to the Presidential Preferential Primary ballot; directing the Secretary to issue an invoice for certain costs; requiring invoice to include detailed accounting; requiring payment by political party; establishing penalty; permitting appeal by the state central committee of a political party; establishing timeline; directing the State Election Board to conduct necessary hearings or reviews; providing for noncodification; and providing an effective date.

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

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

This act shall be known and may be cited as the "Presidential Preference Primary Modernization Act of 2025".

SECTION 2. AMENDATORY 26 O.S. 2021, Section 20-104, is amended to read as follows:

1 Section 20-104. A. Upon the completion of the state canvass of
2 the results of the Presidential Preferential Primary, the Secretary
3 of the State Election Board shall certify to the state chairman of
4 each political party which has candidates participating in the
5 primary:

6 1. the names of the party's candidates and the votes each
7 received, by congressional district as well as statewide; and

8 2. the total of the votes cast in the political party, by
9 congressional district as well as statewide.

10 B. Each candidate shall be awarded delegates by congressional
11 districts proportionately, by the ratio of votes they received to
12 the total vote cast in said congressional district; provided
13 however, no delegates shall be awarded to any candidate receiving
14 less than fifteen percent (15%) of the vote, and such votes shall be
15 allocated among the other candidates in proportion to their total
16 vote. If no candidate receives fifteen percent (15%) or more of the
17 vote, then the candidate receiving the highest number of votes in
18 that district shall be awarded all the delegates from that district.

19 C. The candidate receiving the largest number of votes
20 statewide shall be awarded all delegate votes authorized by the
21 National Committee of the political party which are selected as the
22 at-large delegates at the state convention of said party.
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1 D. Votes shall be allocated on a basis of not less than one-
2 half (1/2) delegate vote or the minimum allowed by the national
3 party rules.

4 E. Each political party shall then select, by a method to be
5 determined by the party, as many delegates to the national party
6 convention as are allotted it by the national committee of that
7 party.

8 F. No later than 5:00 p.m. on the tenth day of January, 1988,
9 and each year thereafter in which the President and Vice President
10 of the United States are to be elected, the Attorney General shall
11 submit to the Secretary of the State Election Board notice of the
12 manner in which results of the next following Presidential
13 Preferential Primary are to be certified and to whom said results
14 are to be certified. The State Election Board shall certify results
15 according to the manner prescribed in the notice. The Attorney
16 General shall be required to provide said notice in such a way as to
17 be consistent with the methods required by the recognized political
18 parties relative to selection of delegates to their national
19 conventions.

20 G. Each delegate or alternate delegate to the national
21 convention of his political party shall cast their vote on all
22 ballots for the candidate who received this state's vote. If that
23 candidate is for any reason no longer a candidate, the votes of the
24 Oklahoma delegation shall be cast for any candidate of their choice.

1 H. If the political parties involved in the primary elections
2 will not accept the minimum threshold or other provisions of this
3 section, or have a different method of allocating the votes of all
4 candidates falling below such threshold, either as to the
5 congressional districts or statewide vote, then these matters may be
6 governed by the respective political parties involved.

7 I. In the event that the delegates to a political party to the
8 national convention cast their votes for a candidate other than the
9 candidate who received this state's vote, except in cases where the
10 candidate has become deceased or has been declared disabled under
11 the Twenty-Fifth Amendment to the United States Constitution, the
12 Secretary of the State Election Board shall calculate the total cost
13 incurred by the state for including that candidate on the ballot.
14 The Secretary shall issue an invoice to the state central committee
15 of the political party for the amount calculated. The invoice
16 issued under the provisions of this section shall include a detailed
17 accounting of all costs incurred by the state for including the
18 candidate on the Presidential Preferential Primary ballot, including
19 but not limited to, administrative expenses, ballot printing, and
20 election staffing. The political party shall remit full payment to
21 the State Election Board within ninety (90) days of receiving the
22 invoice. Failure to pay the invoiced amount within the specified
23 timeframe shall result in the ineligibility of that political

1 party's candidates to appear on the ballot in the subsequent
2 Presidential Preferential Primary.

3 J. If the state central committee of a political party disputes
4 the amount of an invoice issued pursuant to Subsection I of this
5 act, it may file a written appeal to the State Election Board within
6 thirty (30) days of receiving the invoice. The appeal shall specify
7 the items and amounts in dispute and provide any supporting
8 documentation or reasoning. Upon receipt of a timely appeal, the
9 State Election Board shall conduct any necessary hearings or reviews
10 and issue a written decision and any invoice modifications within
11 sixty (60) days of receiving the appeal.

12 SECTION 3. This act shall become effective November 1, 2025.

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