

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1918

By: Fugate

4
5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2021,
8 Section 1-102, 1-103, 1-104 and 3-101, which relates
9 to primary elections and election dates; changing
10 election dates for certain political parties;
11 requiring payment for elections by certain political
12 parties; prohibiting certain election dates for
13 certain political parties; and providing an effective
14 date.

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

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

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

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

7 B. A political party that has chosen to close its primary and
8 does not open its primary to all registered voters shall hold its
9 Primary Election on the last Saturday in June of each even-numbered
10 year.

11 SECTION 2. AMENDATORY 26 O.S. 2021, Section 1-103, is
12 amended to read as follows:

13 Section 1-103. A. ~~If~~ Except as provided by subsection B of
14 this section, if at any Primary Election no candidate for the
15 nomination for office of any political party receives a majority of
16 all votes cast for all candidates of such party for the office, no
17 candidate shall be nominated by such party for the office, but the
18 two candidates receiving the highest number of votes at such
19 election shall be placed on the official ballot as candidates for
20 such nomination at a Runoff Primary Election to be held on the
21 fourth Tuesday of August in the same year. No county, municipality
22 or school district shall schedule an election on any date during the
23 twenty (20) days immediately preceding the date of any such Runoff
24 Primary Election.

1 B. A political party that has chosen to close its primary and
2 does not open its primary to all registered voters shall hold its
3 Runoff Primary Election on the last Saturday in August of the same
4 year.

5 SECTION 3. AMENDATORY 26 O.S. 2021, Section 1-104, is
6 amended to read as follows:

7 Section 1-104. A. No registered voter shall be permitted to
8 vote in any Primary Election or Runoff Primary Election of any
9 political party except the political party of which his or her
10 registration form shows him to be a member, except as otherwise
11 provided by this section.

12 B. 1. A recognized political party may permit registered
13 voters designated as Independents pursuant to the provisions of
14 Section 4-112 of this title to vote in a Primary Election or Runoff
15 Primary Election of the party. Any political party that has chosen
16 to close its primary and does not open its primary to all registered
17 voters shall reimburse the State Election Board and county election
18 boards for the costs associated with any election.

19 2. The state ~~chairman~~ chairperson of the party shall, between
20 November 1 and 30 of every odd-numbered year, notify the Secretary
21 of the State Election Board as to whether or not the party intends
22 to permit registered voters designated as Independents to vote in a
23 Primary Election or Runoff Primary Election of the party. If the
24 state ~~chairman~~ chairperson notifies the Secretary of the State

1 Election Board of the party's intention to so permit, registered
2 voters designated as Independents shall be permitted to vote in any
3 Primary Election or Runoff Primary Election of the party held in the
4 following two (2) calendar years. If the state ~~chairman~~ chairperson
5 of one party notifies the Secretary of the State Election Board of
6 the party's intent to so permit, the notification period specified
7 in this paragraph shall be extended to December 15 for the state
8 ~~chairman~~ chairperson of any other party to so notify or to change
9 prior notification. A registered voter designated as Independent
10 shall not be permitted to vote in a Primary Election or Runoff
11 Primary Election of more than one party.

12 3. Failure to so notify the Secretary of the State Election
13 Board shall ~~serve to prohibit~~ allow all registered voters ~~designated~~
14 ~~as Independents from voting~~ to vote in a Primary Election or Runoff
15 Primary Election of the party.

16 4. A group of persons seeking to form a recognized political
17 party pursuant to the provisions of Section 1-108 of this title
18 shall, upon filing of the petitions seeking recognition of the
19 political party with the Secretary of the State Election Board,
20 notify the Secretary of the State Election Board as to whether or
21 not the party intends to permit registered voters designated as
22 Independents to vote in a Primary Election or Runoff Primary
23 Election of the party. If the party is recognized and the group of
24 persons seeking recognition of the party notifies the Secretary of

1 the State Election Board of such intention, registered voters
2 designated as Independents shall be permitted to vote in any Primary
3 Election or Runoff Primary Election of the party held prior to
4 January 1 of the following even-numbered year.

5 SECTION 4. AMENDATORY 26 O.S. 2021, Section 3-101, is
6 amended to read as follows:

7 Section 3-101. A. ~~No~~ Except as provided in subsection G of
8 this section, no election required to be conducted by any county
9 election board shall be scheduled for a day other than Tuesday.

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

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

23 C. Except as otherwise provided by law or by Section 1 of this
24 act, no election for any purpose other than to fill an elective

1 office shall be held by any county, school district, technology
2 center school district, municipality, fire protection district or
3 other political subdivision authorized to call elections except on:

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

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

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

21 E. Notwithstanding any other provision of law or any provision
22 of a municipal charter, any municipality, school district,
23 technology center district, county, rural fire protection district,
24 or any other entity seeking to hold a regular or special election to

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

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

19 G. A political party that has chosen to close its primary and
20 does not open its primary to all registered voters shall not hold
21 elections on any of the dates provided for in this section.

22 SECTION 5. This act shall become effective November 1, 2023.

23

24 59-1-6763 LRB 01/17/23