

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2848

By: Roberts (Sean)

4  
5  
6 AS INTRODUCED

7 An Act relating to elections; creating the Oklahoma  
8 Municipal Election Reform Act of 2021; amending 26  
9 O.S. 2011, Section 3-101, as last amended by Section  
10 1, Chapter 110, O.S.L. 2018 (26 O.S. Supp. 2020,  
11 Section 3-101), which relates to election dates;  
12 modifying dates for certain elections; providing  
13 exception; amending 26 O.S. 2011, Section 13-103, as  
14 last amended by Section 27, Chapter 491, O.S.L. 2019  
15 (26 O.S. Supp. 2020, Section 13-103), which relates  
16 to conduct of municipal elections; making municipal  
17 elections partisan; providing for noncodification;  
18 and providing an effective date.

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

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

24 This act shall be known and may be cited as the "Oklahoma  
Municipal Election Reform Act of 2021".

SECTION 2. AMENDATORY 26 O.S. 2011, Section 3-101, as  
last amended by Section 1, Chapter 110, O.S.L. 2018 (26 O.S. Supp.  
2020, Section 3-101), is amended to read as follows:

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

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

- 9 1. The second Tuesday of February in any year;
- 10 2. The first Tuesday of April in any year;
- 11 3. The date of any regularly scheduled statewide state or  
12 federal election in an even-numbered year;
- 13 4. The second Tuesday of September in an odd-numbered year; and
- 14 5. The ~~second~~ first Tuesday after the first Monday of November  
15 in an odd-numbered year.

16 C. ~~Except as otherwise provided by law, no election for any~~  
17 ~~purpose other than to fill an elective office shall be held by any~~  
18 ~~county, school district, technology center school district,~~  
19 ~~municipality, fire protection district or other political~~  
20 ~~subdivision authorized to call elections except on:~~

- 21 1. ~~The second Tuesday of January, February, May, June, July,~~  
22 ~~August, September, October and November and the first Tuesday in~~  
23 ~~March and April in odd-numbered years; provided, a municipality with~~  
24 ~~a population in excess of two hundred fifty thousand (250,000)~~

1 ~~persons, according to the most recent federal decennial census, may~~  
2 ~~also hold an election on the second Tuesday of December in odd-~~  
3 ~~numbered years; and~~

4 ~~2. The second Tuesday of January and February, the first~~  
5 ~~Tuesday in March and April, the last Tuesday in June, the fourth~~  
6 ~~Tuesday in August, and the first Tuesday after the first Monday in~~  
7 ~~November of any even-numbered year~~ The provisions of subsection B of  
8 this section shall not apply to a special election called by the  
9 Governor to fill a vacancy in an elective office.

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

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

1 by the resolution, shall begin no later than ten (10) days following  
2 the deadline to file the resolution with the secretary of the county  
3 election board; provided, the filing period for such municipal  
4 office may be scheduled on the same dates as the filing period for  
5 state or federal office to be filled at such election.

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

14 SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-103, as  
15 last amended by Section 27, Chapter 491, O.S.L. 2019 (26 O.S. Supp.  
16 2020, Section 13-103), is amended to read as follows:

17 Section 13-103. A. All municipal elections shall be partisan  
18 and held at the same place and in the same manner prescribed for  
19 conduct of state and county elections unless otherwise provided by  
20 law.

21 B. ~~A municipality may adopt an ordinance requiring its~~  
22 ~~elections to be partisan. If such an ordinance is adopted, a~~  
23 ~~municipality shall notify the county election board that its~~  
24 ~~election is to be partisan in its resolution calling for an~~

1 ~~election. If a municipality fails to notify the county election~~  
2 ~~board that its election will be on a partisan basis in the~~  
3 ~~resolution calling for an election, then the municipal election~~  
4 ~~shall be on a nonpartisan basis. Provided, any municipality which~~  
5 ~~is governed by a charter may provide otherwise by charter or~~  
6 ~~ordinance.~~

7       ~~E.~~ All precincts totally or partially contained within the  
8 limits of a municipality shall be open for all elections held by  
9 such municipality; provided, however, that a municipality may  
10 authorize any precinct which is only partially contained within the  
11 limits of the municipality not to be opened by certifying to the  
12 county election board in its resolution calling for an election that  
13 no persons reside within that portion of the precinct contained  
14 within the limits of the municipality. Polling places shall be open  
15 from 7:00 a.m. until 7:00 p.m. Precinct officials shall be the same  
16 as for state and county elections; provided, however, that  
17 substitutions, if necessary, shall be made by the secretary of the  
18 county election board.

19       ~~D.~~ C. Except as otherwise provided by law, the laws governing  
20 state and county Primary and General Elections shall be applicable  
21 to all municipal elections.

22       ~~E.~~ D. All municipal elections, including elections for  
23 municipalities with home rule charters, shall be held only on dates  
24 identified in Section 3-101 of this title.

SECTION 4. This act shall become effective January 1, 2022.

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