

1 **SENATE FLOOR VERSION**

2 February 25, 2015

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 312

6 By: Holt of the Senate

7 [ elections - elections held by political  
8 subdivisions - dates - effective date ]  
9

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

11 SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, as  
12 last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp.  
13 2014, Section 3-101), is amended to read as follows:

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

17 B. Except as otherwise provided by law, no regular or special  
18 election to fill an elective office shall be held by any county,  
19 school district, technology center school district, municipality or  
20 other political subdivision authorized to call elections except as  
21 follows:

22 1. The second Tuesday of February in any year;

23 2. The first Tuesday of April in any year;  
24

1        3. The date of any regularly scheduled statewide state or  
2 federal election in an even-numbered year;

3        4. The second Tuesday of September in an odd-numbered year; and

4        5. The second Tuesday of November in an odd-numbered year.

5        C. Except as otherwise provided by law, no ~~special~~ election for  
6 any purpose other than to fill an elective office shall be held by  
7 any county, school district, technology center school district,  
8 municipality or other ~~entity~~ political subdivision authorized to  
9 call elections except on:

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

17        2. The second Tuesday of ~~January and~~ February, the first  
18 Tuesday in March and April, the last Tuesday in June, the fourth  
19 Tuesday in August, and the first Tuesday after the first Monday in  
20 November of any even-numbered year.

21        ~~C.~~ D. In the event that a regular or special election date  
22 occurs on an official state holiday, the election shall be scheduled  
23 for the next following Tuesday.

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

15        SECTION 2.        AMENDATORY        26 O.S. 2011, Section 13-101.1, is  
16 amended to read as follows:

17        Section 13-101.1. ~~After July 1, 2005, no~~ No county election  
18 board shall be required to conduct elections for any municipality on  
19 a date other than an election date identified in subsection B of  
20 Section 3-101 of this title. Municipalities that hold both primary  
21 and general elections, in addition to scheduling elections on dates  
22 identified in ~~subsection B of~~ Section 3-101 of this title, shall  
23 provide no fewer than thirty-five (35) days between the primary and  
24 general elections; ~~except however, primary and general elections may~~

1 ~~be scheduled on the identified election dates in March and April~~  
2 ~~when there are fewer than thirty-five (35) days between the election~~  
3 ~~dates.~~

4 SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-103, is  
5 amended to read as follows:

6 Section 13-103. A. All municipal elections shall be held at  
7 the same place and in the same manner prescribed for conduct of  
8 state and county elections unless otherwise provided by law.

9 B. A municipality may adopt an ordinance requiring its  
10 elections to be partisan. If such an ordinance is adopted, a  
11 municipality shall notify the county election board that its  
12 election is to be partisan in its resolution calling for an  
13 election. If a municipality fails to notify the county election  
14 board that its election will be on a partisan basis in the  
15 resolution calling for an election, then the municipal election  
16 shall be on a nonpartisan basis. Provided, any municipality which  
17 is governed by a charter may provide otherwise by charter or  
18 ordinance.

19 C. All precincts totally or partially contained within the  
20 limits of a municipality shall be open for all elections held by  
21 such municipality; provided, however, that a municipality may  
22 authorize any precinct which is only partially contained within the  
23 limits of the municipality not to be opened by certifying to the  
24 county election board in its resolution calling for an election that

1 no persons reside within that portion of the precinct contained  
2 within the limits of the municipality. Polling places shall be open  
3 from 7:00 a.m. until 7:00 p.m. Each precinct election board shall  
4 be the same as for state and county elections; provided, however,  
5 that substitutions, if necessary, shall be made by the county  
6 election board. Except as otherwise provided by law, the laws  
7 governing state and county Primary and General Elections shall be  
8 applicable to all municipal elections.

9 D. All municipal elections, including elections for  
10 municipalities with home rule charters, shall be held only on dates  
11 identified by ~~subsection B of~~ in Section 3-101 of this title.

12 SECTION 4. This act shall become effective January 1, 2016.

13 COMMITTEE REPORT BY: COMMITTEE ON RULES  
14 February 25, 2015 - DO PASS AS AMENDED  
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