An Act

ENROLLED SENATE
BILL NO. 375

By: Howard of the Senate

and

Newton of the House

An Act relating to elections; amending 26 O.S. 2021, Sections 1-102, 3-101, and 5-110, which relate to primary, regular, and special elections and filing period; modifying date for primary elections; modifying date for regular or special elections; modifying filing period for declarations of candidacy; and declaring an emergency.

SUBJECT: Elections

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

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

Section 1-102. A Primary Election shall be held on the ~~last~~ third Tuesday in June of each even-numbered year, at which time each political party recognized by the laws of ~~Oklahoma~~ this state shall nominate its candidates for the offices to be filled at the next succeeding General Election~~,~~ unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless such candidate shall have been nominated as herein provided, unless otherwise provided by law; provided further that this provision shall not exclude the right of a nonpartisan candidate to have his or her name printed upon the General Election ballots. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

SECTION 2. AMENDATORY 26 O.S. 2021, Section 3-101, is amended to read as follows:

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

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

1. The second Tuesday of February in any year;

2. The first Tuesday of April in any year;

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

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

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

6. The second Tuesday of June of an odd-numbered year for a special election to fill a vacancy.

C. Except as otherwise provided by law or by Section 1 of this act, no election for any purpose other than to fill an elective office shall be held by any county, school district, technology center school district, municipality, fire protection district or other political subdivision authorized to call elections except on:

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

2. The second Tuesday of January and February, the first Tuesday in March and April, the ~~last~~ third Tuesday in June, the

fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

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

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

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

SECTION 3. AMENDATORY 26 O.S. 2021, Section 5-110, is amended to read as follows:

Section 5-110. Declarations of Candidacy provided herein must be filed with the secretary of the appropriate election board no earlier than 8:00 a.m. on the ~~second~~ first Wednesday of April of any even-numbered year and no later than 5:00 p.m. on the next succeeding Friday. Such Declarations of Candidacy may be

transmitted by United States mail, but in no event shall the secretary of any election board accept such Declarations after the time prescribed by law.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 23rd day of May, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 23rd

day of May, 20 23, at 2:36 o'clock p. M.

By: Duncan Cherry

Approved by the Governor of the State of Oklahoma this 6th

day of June, 20 23, at 3:38 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 20 23, at 5:16 o'clock P. M.

By: Brian Bingman