

E N R O L L E D

SENATE BILL NO. 1

BY: NICHOLS, PHILLIPS,  
HEARNE, CURRY, POSEY,  
NEILL, SPECK, LOGAN,  
WALKER, COUNTS AND  
CORNELS.

AN ACT AMENDING 26 O.S. 1941, SECTIONS 113, 127, 163, AND AMENDING LAWS 1937, PAGE 138, SECTION 7; PROVIDING FOR A RUN-OFF PRIMARY; AND PROVIDING FOR REFERENCE OF SAID ACT TO THE PEOPLE AT A SPECIAL ELECTION ON JULY 11, 1944.

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

SECTION 1. 26 O.S. 1941, Section 113, is hereby amended to read as follows:

"Section 113. The first Tuesday in the month of July of each even numbered year shall be biennial regular primary election day; at which time each political party entitled and intending to make nominations for the next general election shall nominate their candidates for all elective offices and positions enumerated in the preceding section to be filled at such general election, including United States Senators and Congressmen. If at any such regular primary election no candidate for the nomination for office of any political party receives a majority of all the votes cast for all candidates of such party for said office, no candidate shall be nominated by said party for said office, but the two candidates receiving the highest number of votes at said election shall be placed on the official ballot as candidates for such nomination at a second primary election to be called the 'run-off primary election' to be held on the fourth Tuesday in the month of July of the same year; provided further, that if special primary elections are held to fill vacancies in the Legislature, they shall be held on a day fixed by the Governor by proclamation, which proclamation shall be issued fifteen days before the day of such special primary election. In all special primary elections authorized by this Act, the candidate receiving the highest vote cast shall be declared the nominee. Contest in such elections may be had in the manner provided in this Act for contests in run-off primary elections. Primaries and contests therein to select party candidates for city and town offices shall not come within the provisions of this Act. When more than one nominee is to be selected for an office in one nominating district, the offices shall be designated and distinguished by number, such as (naming the office) No. 1 (Naming the office) No. 2, etc. Provided, that for the nomination for Presidential Electors the entire State shall be considered a nominating district. A candidate filing for such an office shall designate in his nominating petition the number

of the office for which he desires to be a candidate and the primary election ballot shall so show. Nominees of each of such numbered offices, except nominees for Presidential Electors, shall be designated on the general election ballot as the nominee of their party for the same number of the office for which he was nominated, and the nominee securing at said election the highest number of votes cast for said numbered office shall be elected to such office. Provided, that nominees for Presidential Electors shall be placed on the ballot in the general election as provided by Sections 512, 513 of this Title, When a tie vote occurs in the nomination or election of any candidate in any primary or general election, the election board which is authorized by law to issue the certificate of nomination or election shall, at a public meeting of the board and in the presence of the candidates involved, if they or any of them desire to be present, select the nominee or electee by lot and in such manner as the board may select."

SECTION 2. 26 O.S. 1941, Section 127, is hereby amended to read as follows:

"Section 127. Official counters shall be chosen for the regular primary elections, the run-off primary elections and the special primary elections referred to in this Act, as in general elections, and shall perform the duties imposed in general elections; they shall make and sign certificates, as provided in Section 368 of this Title, giving the names of the persons voted for, the office for which each sought the nomination, and the number of votes received by each, fully certifying the results of such elections; such certificates shall become a part of the official returns of such elections. The returns shall be made as in general elections to the county election board. It shall be the mandatory duty of the precinct election inspector to deliver the official election returns of his precinct to the Secretary of the county election board by noon of the day following the said election. When the county election board has completed its tabulation of the precinct returns in the regular primary election, it shall immediately prepare and sign a certificate showing the results thereof so itemized as to show the total vote each candidate received not only in said county, but in each precinct thereof, and shall file a signed copy of such returns in the County Clerk's office, and shall also and at the same time certify and transmit by registered mail a signed copy of said returns, in so far as the same relates to candidates for State office, or to offices for which the electors of more than one county are entitled to vote, to the State Election Board,

which returns shall constitute the official returns to the State Election Board and shall be open for inspection to any such candidate, or to any person authorized in writing by such candidate to inspect the same. It shall be the mandatory duty of the members of the county election board to complete said tabulation, filing and mailing within twenty-four (24) hours from the time the last precinct election returns are received by them. Any precinct, county or State official failing to perform the duties enjoined upon him by this Section, or who fails to perform said duties or any of them within the time limits set forth herein for performing the same, shall be guilty of a misdemeanor."

SECTION 3. 26 O.S. 1941, Section 163, is hereby amended to read as follows:

"Section 163. Notification and declaration required by this Chapter to be filed with the Secretary of the State Election Board shall be filed not more than seventy-five days or less than sixty-six days before the day fixed by law for the Primary Election; provided, that in a Special Primary Election called by proclamation of the Governor, notification and declaration shall be filed not less than ten days before the day fixed by such proclamation for such Special Primary Election. Notification and declaration required by this Chapter to be filed with the Secretary of the County Election Board shall be filed not more than forty-nine days nor less than forty-five days before the time fixed by law for the Primary Election. The name of a non-partisan candidate shall not be printed upon the official ballot for the General Election unless a notification and declaration in conformity with the provisions of this Section shall have been filed by such candidate with the proper Election Board within the time prescribed by this Section for the filing and notification and declaration. Any candidate for State office may withdraw as such candidate upon filing, at any time within twenty days after the closing of the filing period, as provided herein, a withdrawal properly verified before a Notary Public. Any candidate for county office may withdraw as such candidate by filing, at any time within ten days after the closing of the filing period as provided herein, a withdrawal properly verified before a Notary Public. Any candidate for State or county office may withdraw after the primary and before the run-off primary by filing a verified withdrawal within five days after the regular primary. In the event any person files as a candidate and does not withdraw as herein provided, his name shall be placed upon the ballot as such

candidate. In the event there are only two candidates for a particular office and one candidate withdraws as provided herein, the remaining candidate shall become the candidate of that particular political party and it shall not be necessary to place his name upon the ballot of such party, and such person shall be issued a Certificate of Nomination and his name placed on the ballot as a party's candidate in the General Election. All applications of persons for political party nominations must be filed with, and received by, the proper Election Board not prior to 8 o'clock a.m., of the first day nor later than 5 o'clock p.m., on the last day of which the filing may be made under the provisions of this Section. Provided, that where there are but two candidates for a nomination and one shall die or become disqualified after the close of the filing period, the proper executive committee of that party may certify the name of another candidate to the Election Board at any time before the ballots are printed; provided the provisions of this Section shall not apply to primary elections in cities and towns."

SECTION 4. Laws 1937, page 138, Section 7, is hereby amended to read as follows:

"Section 7. If at any such regular primary election, no candidate for the nomination for office of any political party for any of the offices covered in this Act receives a majority of all votes cast for all candidates of such party for said office, no candidate shall be nominated by such party for said office, but the two candidates receiving the highest number of votes at said election shall be placed on the official ballot as candidates for such nomination at a second primary election, to be called the 'run-off' primary election, to be held on the fourth Tuesday in the month of July of the same year. When the county election board has completed its tabulation of the precinct returns in the run-off primary election, it shall prepare and file a tabulation of said returns in the County Clerk's office, so itemized as to show the total vote each candidate received not only in said county, but in each precinct thereof, and shall also at the same time, certify and transmit by registered mail a signed copy of said returns in so far as they relate to candidates for State office or for any office for which the electors of more than one county are entitled to vote, to the State Election Board, which returns shall constitute the official returns from said county. It shall be the mandatory duty of the members of the county election board to complete said tabulation, filing and mailing

within twenty-four (24) hours from the time the last precinct election returns were received by them. Thursday noon after said run-off primary, the candidate having received the highest number of votes cast for the nomination for any county office, or for any office for which the electors of not more than one county are entitled to vote in which race a candidate has not filed a petition under the provisions of Section 391 of this Title, shall be declared the nominee for such office, and be given a certificate of nomination by said board for the same, which certificate will entitle him to have his name placed on the official ballot at the ensuing election as the nominee of his party for such office. If such a petition is so filed within the time above provided, it shall be the duty of said board to have a hearing thereon as is provided in Section 391 of this Title. If a contest petition is filed with the State Election Board by noon Saturday following the date of such election, it shall be the duty of the State Election Board to have a hearing thereon, as provided in Section 391 of this Title."

SECTION 5. A special election is hereby ordered to be held throughout the State on the 11th day of July, 1944, for the express purpose of referring this Bill to a vote of the people of the State of Oklahoma, as provided in Sections 2 and 3, Article 5, of the Constitution of the State of Oklahoma, and such referred measure shall not take effect and shall not be in force unless it is approved by a majority of the votes cast thereon at said special election. Said Bill shall be referred as provided by law.

SECTION 6. The ballot title for said measure shall be in the following form:

"Ballot Title

State Question No. \_\_\_\_\_

Legislative Referendum No. \_\_\_\_\_

The gist of the proposition is:

Shall Senate Bill No. 1 of the Nineteenth Oklahoma Legislature, providing for a run-off primary election system for the State of Oklahoma, be approved?

Shall the Bill be approved?

Yes

No "

Passed the Senate the 3rd day of March, 1943.

James E. Berry,

President of the Senate.

Passed the House of Representatives the 30th day of March, 1943.

Harold Freeman

Speaker of the House of Representatives.

Approved the 13th day of April, 1943.

Robt S Kerr

Governor of the State of Oklahoma

CORRECTLY ENROLLED

B SPECK

CHAIRMAN OF COMMITTEE ON ENGROSSED AND ENROLLED BILLS.

Received in Office of Governor

4-1/43 at 12:45 A.M.

R.A. Gus Davis

Chief Clerk.

RECEIVED

4-13-43 at 1:40 P.M.

F.C. Carter, Secretary of State

By B R

MAC Q. WILLIAMSON  
ATTORNEY GENERAL



STATE OF OKLAHOMA  
OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA CITY

August 20, 1943

Honorable Frank C. Carter  
Secretary of State  
B u i l d i n g

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by Section 1, Article 1, Chapter 30, Oklahoma Session Laws 1939, he has examined the proposed Ballot Title of Senate Bill No. 1, of the Nineteenth Legislature of the State of Oklahoma, same being State Question No. 312, Legislative Referendum No. 89, which, together with a copy of said Senate Bill was delivered to him on August 18, 1943, by the Honorable Tom Anglin, President Pro Tempore of the Senate of said Legislature, and from said examination finds that said Ballot Title is not in legal form and in harmony with the law.

Therefore, pursuant to the provisions of the above section, the Attorney General has prepared and is submitting herewith, same to be filed in your office, a Ballot Title for said measure, which, in his opinion, does conform to the law. Said Ballot Title is as follows:

"Ballot Title

State Question No. 312

Legislative Referendum No. 89

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall Senate Bill No. 1 of the Nineteenth Oklahoma Legislature

Providing for a run-off primary election system  
for the State of Oklahoma

Honorable Frank C. Carter

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8-20-43

be approved by the people?

....

. . YES

....

SHALL THE PROPOSED BILL BE APPROVED?

....

. . NO"

....

Yours very truly,

FOR THE ATTORNEY GENERAL

*Fred Hansen*  
Fred Hansen  
Assistant Attorney General

FH:AM

APPROVED IN CONFERENCE

8 MO. 21 DAY, 1943  
*ea*