

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 1563

By: Echols of the House

and

Dahm of the Senate

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5  
6  
7 [ elections - presidential electors - modifying  
8 amount of signatures needed for certain petitions -  
9 providing for filing fee in lieu of signatures -  
10 effective date ]

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14 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
and entire bill and insert

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"An Act relating to elections; amending 26 O.S. 2011, Sections 10-101 and 10-101.1, which relate to Presidential Electors; modifying procedures for nomination of Presidential Electors; requiring recognized political party to certify nominees within certain time period; deleting procedure for candidates for Presidential Electors seeking to appear on ballot as uncommitted; modifying procedures relating to Presidential Electors pledged to independent candidate; requiring Statement of Candidacy, oath, certain certification and petition; allowing certain payment in lieu of petition; setting forth duties of Secretary of State Election Board and certain candidates; providing procedures for unrecognized political party to place certain names on ballot; repealing 26 O.S. 2011, Section 10-101.2, which relates to Presidential Electors pledged to

1 nominee of unrecognized political party; and  
2 providing an effective date.

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

5 SECTION 1. AMENDATORY 26 O.S. 2011, Section 10-101, is  
6 amended to read as follows:

7 Section 10-101. A. The nominees for Presidential Electors of  
8 any recognized political party shall be selected at a ~~statewide~~  
9 convention of ~~said~~ the party in a manner to be determined by ~~said~~  
10 the party.

11 B. The nominees for Presidential Electors shall be certified by  
12 ~~said~~ the party's ~~chairman~~ chair to the Secretary of the State  
13 Election Board no ~~fewer than ninety (90) days nor more than one~~  
14 ~~hundred eighty (180) days from the date of the General Election at~~  
15 ~~which candidates for Presidential Electors shall appear on the~~  
16 ~~ballot~~ later than July 15 of a presidential election year.

17 C. Failure of a political party to properly certify the names  
18 of its nominees for Presidential Electors within the time specified  
19 shall bar such party from placing any candidates for Presidential  
20 Electors on the ballot at ~~said election~~ the General Election.  
21 ~~Candidates for Presidential Electors seeking to appear on the ballot~~  
22 ~~as uncommitted shall be entitled to have their names placed upon the~~  
23 ~~ballot at a General Election by observing the following procedure:~~

1       ~~1. No later than July 15 of a presidential election year,~~  
2 ~~petitions seeking ballot access for said uncommitted candidates for~~  
3 ~~Presidential Electors, in a form to be prescribed by the Secretary~~  
4 ~~of the State Election Board, shall be filed with said Secretary,~~  
5 ~~bearing the signatures of registered voters equal to at least three~~  
6 ~~percent (3%) of the total votes cast in the last General Election~~  
7 ~~for President. Each page of said petitions must contain the name of~~  
8 ~~registered voters from a single county.~~

9       ~~2. Within thirty (30) days after receipt of said petitions, the~~  
10 ~~State Election Board shall determine the sufficiency of said~~  
11 ~~petitions. If said Board determines there are a sufficient number~~  
12 ~~of valid signatures of registered voters, the nominees for~~  
13 ~~Presidential Electors are entitled to appear on the ballot at the~~  
14 ~~next following General Election at which candidates for Presidential~~  
15 ~~Electors shall appear on the ballot.~~

16       D. A recognized political party shall certify its nominees for  
17 President of the United States and Vice President of the United  
18 States to the Secretary of the State Election Board no later than  
19 seventy-five (75) days prior to the date of the General Election to  
20 ensure the State Election Board and the county election boards have  
21 sufficient time to meet the deadline for sending absentee ballots to  
22 uniformed services voters pursuant to federal and state law.

23       SECTION 2.       AMENDATORY       26 O.S. 2011, Section 10-101.1, is  
24 amended to read as follows:

1 Section 10-101.1. A. ~~The names of a slate of candidates for~~  
2 ~~the office of Presidential Elector pledged to an Independent~~  
3 ~~candidate for President of the United States shall be printed on the~~  
4 ~~ballot only by observing the following procedure:~~

5 1. ~~No later than July 15 of a presidential election year,~~  
6 ~~petitions signed by a number of registered voters supporting the~~  
7 ~~candidacy of said candidate for President of the United States equal~~  
8 ~~to at least three percent (3%) of the total votes cast in the last~~  
9 ~~General Election for President shall be filed with the Secretary of~~  
10 ~~the State Election Board. The form of said petitions shall be~~  
11 ~~prescribed by the Secretary. Each page of said petitions must~~  
12 ~~contain the names of registered voters from a single county.~~

13 2. ~~Within thirty (30) days after receipt of said petitions, the~~  
14 ~~State Election Board shall determine the sufficiency of said~~  
15 ~~petitions.~~

16 3. ~~If the petitions are found to be sufficient, the Independent~~  
17 ~~candidate for President of the United States shall, no later than~~  
18 ~~September 1, certify to the Secretary of the State Election Board~~  
19 ~~the names of the nominees for Presidential Elector pledged to him~~  
20 ~~and the name of his Vice Presidential running mate. Each candidate~~  
21 ~~for Presidential Elector so nominated shall subscribe to an oath~~  
22 ~~stating that, if elected, he will cast his ballot for the candidate~~  
23 ~~who nominated him and for said candidate's Vice Presidential running~~  
24 ~~mate. Said oath shall be filed with the Secretary of the State~~

1 ~~Election Board no later than September 15~~ shall be observed for  
2 Presidential Electors pledged to an independent candidate for  
3 President of the United States:

4 1. A person wishing to appear on the General Election ballot as  
5 an independent candidate for President of the United States shall  
6 file a Statement of Candidacy with the Secretary of the State  
7 Election Board no later than July 15 of a presidential election  
8 year;

9 2. a. the Statement of Candidacy shall be in a form to be  
10 prescribed by the Secretary of the State Election  
11 Board, and shall include the candidate's full legal  
12 name, the candidate's address of residence, the  
13 candidate's mailing address, the name of the candidate  
14 as it should appear on the ballot and any other  
15 information required by the Secretary of the State  
16 Election Board,

17 b. the candidate shall swear an oath or affirm on the  
18 Statement of Candidacy that the candidate meets the  
19 qualifications for President of the United States set  
20 forth in the Constitution of the United States, and  
21 the candidate's signature shall be witnessed by a  
22 notary public;

23 3. The Statement of Candidacy shall be accompanied by a  
24 certification of the name and address of residence for each

1 candidate for Presidential Elector pledged to the independent  
2 candidate for President of the United States. The number of  
3 electors so certified shall be equal to the number apportioned to  
4 the State of Oklahoma pursuant to the provisions of Section 1 of  
5 Article II of the United States Constitution. Each candidate for  
6 Presidential Elector so nominated shall subscribe to an oath  
7 prescribed by the Secretary of the State Election Board, which shall  
8 be in the same manner, substance and form as the oath described in  
9 Section 10-102 of this title;

10 4. a. the Statement of Candidacy shall be accompanied by a  
11 petition supporting a candidate's filing,

12 b. the form of the petition shall be prescribed by the  
13 Secretary of the State Election Board. Each page of  
14 the petition must contain the names of registered  
15 voters from a single county,

16 c. the petition shall bear the same number of signatures  
17 of registered voters that is required to form a  
18 recognized political party as described in Section 1-  
19 108 of this title,

20 d. within thirty (30) days after receipt of the petition,  
21 the Secretary of the State Election Board shall  
22 determine the sufficiency of the petition,

23 e. in lieu of the petition required by this subsection, a  
24 filing fee for each Presidential Elector committed to

1 the independent candidate for President of the United  
2 States may be submitted in the form of a cashier's  
3 check or certified check made payable to the Secretary  
4 of the State Election Board. The filing fee for each  
5 Presidential Elector shall be in an amount equal to  
6 the filing fee described in Section 20-102 of this  
7 title. The sum of the filing fees for each  
8 Presidential Elector may be paid in a single cashier's  
9 check or certified check. The filing fees shall be  
10 deposited in the State Election Board Revolving Fund  
11 created pursuant to Section 3-107 of this title; and

12 5. If the requirements set forth in this section are found by  
13 the Secretary of the State Election Board to be sufficient, then the  
14 independent candidate for President of the United States shall be  
15 qualified to appear on the General Election ballot. The candidate  
16 shall certify to the Secretary of the State Election Board the name  
17 of the candidate's Vice Presidential running mate no later than the  
18 deadline established in Section 10-101 of this title for the  
19 certification by a recognized political party of its nominee for  
20 Vice President of the United States.

21 B. A political party not recognized under the laws of the  
22 State of Oklahoma may place its nominees for President of the United  
23 States, Vice President of the United States and Presidential  
24 Electors on the ballot subject to the same requirements,

1 restrictions and deadlines as provided for an independent candidate  
2 for President of the United States. Provided, the national chair of  
3 the unrecognized political party shall submit the Statement of  
4 Candidacy on behalf of the unrecognized political party, and shall  
5 provide the Secretary of the State Election Board with a separate  
6 certificate of nomination for the unrecognized political party's  
7 nominees for President and Vice President of the United States, in a  
8 form and manner prescribed by the Secretary of the State Election  
9 Board.

10 SECTION 3. REPEALER 26 O.S. 2011, Section 10-101.2, is  
11 hereby repealed.

12 SECTION 4. This act shall become effective November 1, 2017."

13 Passed the Senate the 27th day of April, 2017.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2017.

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Presiding Officer of the House  
of Representatives

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2 BILL NO. 1563

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6 [ elections - presidential electors - modifying  
7 amount of signatures needed for certain petitions -  
8 providing for filing fee in lieu of signatures -  
9 effective date ]  
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 5. AMENDATORY 26 O.S. 2011, Section 10-101, is  
14 amended to read as follows:

15 Section 10-101. The nominees for Presidential Electors of any  
16 recognized political party shall be selected at a statewide  
17 convention of said party in a manner to be determined by said party.  
18 The nominees for Presidential Electors shall be certified by said  
19 party's chairman to the Secretary of the State Election Board no  
20 fewer than ninety (90) days nor more than one hundred eighty (180)  
21 days from the date of the General Election at which candidates for  
22 Presidential Electors shall appear on the ballot. Failure of a  
23 political party to properly certify the names of its nominees for  
24 Presidential Electors within the time specified shall bar such party

1 from placing any candidates for Presidential Electors on the ballot  
2 at said election. Candidates for Presidential Electors seeking to  
3 appear on the ballot as uncommitted shall be entitled to have their  
4 names placed upon the ballot at a General Election by observing the  
5 following procedure:

6 1. No later than July 15 of a presidential election year,  
7 petitions seeking ballot access for said uncommitted candidates for  
8 Presidential Electors, in a form to be prescribed by the Secretary  
9 of the State Election Board, shall be filed with said Secretary,  
10 bearing the signatures of registered voters equal to at least ~~three~~  
11 ~~percent (3%) of the total votes cast in the last General Election~~  
12 ~~for President~~ five thousand signatures, or a cashier's check or  
13 certified check in the amount of Five Thousand Dollars (\$5,000.00).  
14 Each page of said petitions must contain the ~~name~~ names of  
15 registered voters from a single county-; and

16 2. Within thirty (30) days after receipt of said petitions or  
17 filing fee, the State Election Board shall determine the sufficiency  
18 of said petitions. If said Board determines there are a sufficient  
19 number of valid signatures of registered voters, the nominees for  
20 Presidential Electors are entitled to appear on the ballot at the  
21 next following General Election at which candidates for Presidential  
22 Electors shall appear on the ballot.

23 SECTION 6. AMENDATORY 26 O.S. 2011, Section 10-101.1, is  
24 amended to read as follows:

1 Section 10-101.1 The names of a slate of candidates for the  
2 office of Presidential Elector pledged to an Independent candidate  
3 for President of the United States shall be printed on the ballot  
4 only by observing the following procedure:

5 1. No later than July 15 of a presidential election year,  
6 petitions signed by a number of registered voters supporting the  
7 candidacy of said candidate for President of the United States equal  
8 to at least ~~three percent (3%) of the total votes cast in the last~~  
9 ~~General Election for President~~ five thousand signatures, or a  
10 cashier's check or certified check in the amount of Five Thousand  
11 Dollars (\$5,000.00) shall be filed with the Secretary of the State  
12 Election Board. The form of said petitions shall be prescribed by  
13 the Secretary. Each page of said petitions must contain the names  
14 of registered voters from a single county-i

15 2. Within thirty (30) days after receipt of said petitions or  
16 filing fee, the State Election Board shall determine the sufficiency  
17 of said petitions-; and

18 3. If the petitions or filing fee are found to be sufficient,  
19 the Independent candidate for President of the United States shall,  
20 no later than September 1, certify to the Secretary of the State  
21 Election Board the names of the nominees for Presidential Elector  
22 pledged to him or her and the name of his or her Vice Presidential  
23 running mate. Each candidate for Presidential Elector so nominated  
24 shall subscribe to an oath stating that, if elected, he or she will

1 cast his or her ballot for the candidate who nominated him or her  
2 and for said candidate's Vice Presidential running mate. Said oath  
3 shall be filed with the Secretary of the State Election Board no  
4 later than September 15.

5 SECTION 7. AMENDATORY 26 O.S. 2011, Section 10-101.2, is  
6 amended to read as follows:

7 Section 10-101.2 The names of a slate of candidates for the  
8 office of Presidential Elector pledged to the nominee of a political  
9 party not recognized under the laws of the State of Oklahoma for  
10 President of the United States shall be printed on the ballot only  
11 by observing the following procedure:

12 1. No later than July 15 of a presidential election year,  
13 petitions signed by a number of registered voters supporting the  
14 candidacy of said nominee for President of the United States equal  
15 to at least ~~three percent (3%) of the total votes cast in the last~~  
16 ~~General Election for President~~ five thousand signatures, or a  
17 cashier's check or certified check in the amount of Five Thousand  
18 Dollars (\$5,000.00) shall be filed with the Secretary of the State  
19 Election Board. Notice of intention to circulate petitions shall be  
20 filed with the Secretary of the State Election Board before such  
21 petitions may be circulated. The form of said petitions shall be  
22 prescribed by the Secretary. Each page of said petitions must  
23 contain the names of registered voters from a single county-i

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1        2. Within thirty (30) days after receipt of said petitions or  
2 filing fee, the State Election Board shall determine the sufficiency  
3 of said petitions; and

4        3. If the petitions or filing fee are found to be sufficient,  
5 the nominee for President of the United States shall, no later than  
6 September 1, certify to the Secretary of the State Election Board  
7 the names of the nominees for Presidential Elector pledged to him or  
8 her and the name of his or her Vice Presidential running mate. Each  
9 candidate for Presidential Elector so nominated shall subscribe to  
10 an oath stating that, if elected, he or she will cast his or her  
11 ballot for the candidate who nominated him or her and for said  
12 candidate's Vice Presidential running mate. Said oath shall be  
13 filed with the Secretary of the State Election Board no later than  
14 September 15.

15        SECTION 8. This act shall become effective November 1, 2017.

16        Passed the House of Representatives the 22nd day of March, 2017.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

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Presiding Officer of the Senate

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