STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1563

By: Standridge

AS INTRODUCED

An Act relating to cities and towns; providing process for recall of municipal officials; stating exception; authorizing municipalities to promulgate ordinance necessary for recall process; stating procedures for drafting petition; requiring percentage of voters to sign recall petition; requiring petitions to be filed with municipal clerk; stating time period for circulation of petition; prohibiting certain official from appearing on recall ballot; providing for election of successor; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-107.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

In addition to any method for recall in effect prior to the effective date of this act, every elected officer of any type of municipality of this state is subject to recall from office at any time by the qualified electors entitled to vote for a successor to the incumbent. The recall of an elected officer of a municipality shall be governed by the recall of officers procedure set forth in
this act. In addition to the requirements of this act, municipalities may supplement by ordinance provisions necessary to implement the recall petition process.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-107.2 of Title 11, unless there is created a duplication in numbering, reads as follows:

Qualified electors may initiate the recall of an elected official by signing a petition which demands the election of a successor to the officer named in the petition. The petition shall contain a general statement, consisting of two hundred words or less, stating the ground or grounds on which the recall is sought. The statement is for the information of the electors who shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The ground or grounds shall not be open to review.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-107.3 of Title 11, unless there is created a duplication in numbering, reads as follows:

A petition to recall any elected officer shall be signed by qualified electors equal in number to fifteen percent (15%) of the entire votes cast at the last preceding general election for all candidates for the office which the incumbent sought to be recalled occupies.
SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-107.4 of Title 11, unless there is created a duplication in numbering, reads as follows:

For recall elections of elected municipal officials, the petition shall be filed with the municipal clerk in which the recall of the elected official is sought, who shall certify the sufficiency of the petition and call and conduct the election.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-107.5 of Title 11, unless there is created a duplication in numbering, reads as follows:

The petition shall be circulated for ninety (90) days. No petition shall be circulated until it has been approved as meeting the requirements of Section 4 of this act. The municipal clerk shall approve or disapprove a petition as to form by the close of the second business day following submission of the proposed petition.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8-107.6 of Title 11, unless there is created a duplication in numbering, reads as follows:

The name of the municipal official who was sought to be recalled shall not be eligible as a candidate in the election to fill any vacancy resulting from the recall election.
SECTION 7.  NEW LAW     A new section of law to be codified in the Oklahoma Statutes as Section 8-107.7 of Title 11, unless there is created a duplication in numbering, reads as follows:

The election of a successor shall be held at the same time as the recall election. The names of those persons filing as candidates to succeed the person sought to be recalled shall appear on the ballot; but, no vote cast shall be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for office.

SECTION 8. This act shall become effective November 1, 2016.

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