

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1862

By: Fugate

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5
6 AS INTRODUCED

7 An Act relating to elections; providing for the
8 recall of elected officers; providing for petition to
9 initiate recall; providing for contents of petition;
10 requiring certain amount of signatures on petition;
11 providing for filing and certification of petition;
12 providing for circulation of petition; requiring that
13 successor meet certain filing requirements; providing
14 for election of successor; prohibiting certain recall
15 petitions; providing for codification; and providing
16 an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 23-101 of Title 26, unless there
20 is created a duplication in numbering, reads as follows:

21 Every elected officer of this state or any political subdivision
22 thereof is subject to recall from office at any time by the
23 qualified electors entitled to vote for a successor to the
24 incumbent. The recall of an elected officer of this state or any
political subdivision thereof shall be governed by the recall of
officers procedure set forth in this act.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 23-102 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

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

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 23-103 of Title 26, unless there
15 is created a duplication in numbering, reads as follows:

16 A petition to recall any elected officer shall be signed by the
17 number of qualified electors, which shall equal the greater of the
18 following:

19 1. The number of votes cast to elect the officer subject to
20 recall, provided that officer received the majority of the votes
21 cast in the election; or

22 2. Fifty percent (50%) of the votes cast at the last preceding
23 general election.

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1 The number of votes required pursuant to this section shall not
2 be less than one hundred (100).

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 23-104 of Title 26, unless there
5 is created a duplication in numbering, reads as follows:

6 A. For state recall elections, the petition shall be filed with
7 the Secretary of the State Election Board; who shall certify the
8 sufficiency of the petition to the Governor, who shall set the date
9 for the election.

10 B. For recall elections for any elected county official, the
11 petition shall be filed with the secretary of the county election
12 board in the county in which the recall of the elected official is
13 sought, who shall certify the sufficiency of the petition and call
14 and conduct the election.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 23-105 of Title 26, unless there
17 is created a duplication in numbering, reads as follows:

18 The petition shall be circulated for ninety (90) days. No
19 petition shall be circulated until it has been approved as meeting
20 the requirements of Section 2 of this act. The official with whom
21 the petitions are to be filed, pursuant to Section 4 of this act,
22 shall approve or disapprove a petition as to form by the close of
23 the second business day following submission of the proposed
24 petition.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 23-106 of Title 26, unless there
3 is created a duplication in numbering, reads as follows:

4 A candidate to succeed the officer sought to be recalled shall
5 meet the filing requirements of Sections 5-101 through 5-131 of
6 Title 26 of the Oklahoma Statutes. The officer who was sought to be
7 recalled shall not be eligible as a candidate in the election to
8 fill any vacancy resulting from the recall election.

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 23-107 of Title 26, unless there
11 is created a duplication in numbering, reads as follows:

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

20 SECTION 8. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 23-108 of Title 26, unless there
22 is created a duplication in numbering, reads as follows:

23 A. No recall petition shall be circulated or filed against any
24 elected officer until the officer has actually held office for at

1 least twelve (12) months following the last preceding general
2 election.

3 B. After one recall petition and election, no further petition
4 may be filed against the same officer during the term for which the
5 officer was elected.

6 SECTION 9. This act shall become effective November 1, 2019.

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