

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 602

By: Boren

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2021, Sections 5-105a, 10-101, 10-101.1, 10-102, and 10-108, which relates to misdemeanor and felony offenders barred from public office, nomination of Presidential Electors, candidates pledged to independent candidate for President, oath for Presidential Electors, and vacancies; defining terms; prohibiting certain action by Presidential Electors; requiring certain decertification and ineligibility determination; authorizing rule promulgation; requiring certain notice; stating procedures for posting of notice; stating requirements for State Election Board; creating misdemeanor offenses; creating penalties; prohibiting certain advertisement and communications; directing certain forfeiture of votes; nullifying certain pledges; providing for certain vacancies; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 5-105a, is amended to read as follows:

Section 5-105a. A. ~~A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement~~

1 ~~or felony or who has been convicted of a crime in another state~~
2 ~~which would have been a misdemeanor involving embezzlement or a~~
3 ~~felony under the laws of this state or has entered a plea of guilty~~
4 ~~or nolo contendere to such crime~~ For the purposes of this section:

5 1. "Disqualifying crime" means a misdemeanor involving
6 embezzlement or a felony under the laws of the United States or any
7 political subdivision of the United States;

8 2. "Disqualifying event" means any event that occurs when a
9 person is convicted of a disqualifying crime, enters a plea of
10 guilty or nolo contendere for a disqualifying crime, or has pending
11 charges, pending indictments, or pending judicial process for a
12 disqualifying crime. A disqualifying event shall be disregarded for
13 purposes of this section if and at the time that any of the
14 following instances occur:

15 a. the conviction is pardoned,

16 b. the disqualifying event is expunged from the record in
17 the given jurisdiction, or

18 c. the person is exonerated for the disqualifying event.

19 A disqualifying event shall not be disregarded based on mere
20 lapse of time, completion, suspension, or deferment of a sentence,
21 or pending appeal; and

22 3. "Ineligible" or "decertified" means a person who is or
23 becomes ineligible to be a candidate or receive votes in this state
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1 due to a disqualifying event or who is decertified as a candidate,
2 including a presidential candidate, due to a disqualifying event.

3 B. Unless disregarded under this section, a disqualifying event
4 shall not be eligible to be disqualify a person from being a
5 candidate for or to be elected to any state, county, municipal,
6 judicial or school office or any other elective office of any
7 political subdivision of this state for a period of fifteen (15)
8 years following completion of his sentence or during the pendency of
9 an appeal of such conviction or plea.

10 ~~B. The provisions of this section shall not be construed to~~
11 ~~preclude a person who has received a pardon from being eligible for~~
12 ~~or from holding public office.~~

13 C. A presidential elector of this state shall not vote for nor
14 pledge his or her vote to a presidential candidate at any time after
15 the candidate's disqualifying event unless the disqualifying event
16 is disregarded pursuant to the provisions of this section.

17 D. Unless disregarded under this section, a disqualifying event
18 disqualifies a person from being certified in this state as a
19 presidential candidate for any recognized, unrecognized, or
20 independent party. A previously certified presidential candidate
21 shall be decertified as of the occurrence of a disqualifying event
22 that occurs at any time before a primary or general election is
23 held, at any time before the presidential electors of this state

1 cast their votes, or at any time before the Governor's office
2 certifies the result of any such vote.

3 E. A person becomes ineligible or decertified as a presidential
4 candidate automatically upon the occurrence of a disqualifying event
5 and until or unless the disqualifying event is disregarded under
6 this section.

7 F. The Secretary of the State Election Board shall promulgate
8 rules and procedures for formalizing and recording ineligibility and
9 decertification. The Secretary shall not allow any rule or
10 procedure to delay or otherwise affect the existence or date of
11 ineligibility or decertification. Failure to implement or adhere to
12 any State Election Board rule or process shall have no effect on the
13 existence or timing of ineligibility or decertification.

14 G. Within five (5) calendar days after the State Election Board
15 becomes aware that a disqualifying event exists or arises for a
16 person who has been nominated to be a presidential candidate,
17 pursuant to the laws of this state, or who has filed a Statement of
18 Candidacy pursuant to the laws of this state, the State Election
19 Board shall provide a notice of ineligibility or decertification to
20 such person, to any pledged presidential elector, and to the public.
21 Such notice of ineligibility or decertification shall:

22 1. Include:

23 a. the name of the ineligible or decertified person,
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1 b. the fact that such person is ineligible to be a
2 presidential candidate in this state and if previously
3 certified, has been decertified as a presidential
4 candidate in this state,

5 c. the reason such person is ineligible or decertified
6 with appropriate citation and links, where
7 appropriate, to this section and legal documents
8 providing ineligibility or decertification, and

9 d. this statement in identical or substantially similar
10 words: THE PERSON NAMED ON THIS NOTICE IS NOT
11 ELIGIBLE TO BE A PRESIDENTIAL CANDIDATE IN THIS STATE
12 AND IS NOT ELIGIBLE TO RECEIVE A VOTE FOR THE OFFICE
13 OF PRESIDENT IN THIS STATE. ANY VOTE CAST FOR THIS
14 CANDIDATE WILL BE IGNORED, WILL NOT BE COUNTED,
15 RECORDED, OR REPORTED AND WILL NOT BE PART OF ANY
16 PUBLIC RECORD; and

17 2. Be posted conspicuously on any state-controlled website
18 related to the election or to voters and shall be posted at all
19 polling places as early as forty-eight (48) hours before related
20 voting opens at that location and until after the last related vote
21 is cast at that location.

22 H. The State Election Board shall implement a process to ensure
23 that any votes cast for the ineligible or decertified person are
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1 disregarded, not counted or recorded, and stricken from any public
2 record.

3 I. The State Election Board is not required to reprint ballots
4 that include an ineligible or decertified person.

5 J. Any person who publishes or otherwise releases the
6 information on any cast ballot he or she did not personally cast
7 shall be guilty of a misdemeanor punishable by a fine no less than
8 Five Hundred Dollars (\$500.00) per violation.

9 K. 1. Any person who prints, airs, or otherwise displays or
10 disseminates through traditional or non-traditional media, a
11 political advertisement or electioneering communication in support
12 of or against a person who is ineligible or decertified to be a
13 presidential candidate in this state shall be guilty of a
14 misdemeanor punishable by a fine no less than Five Hundred Dollars
15 (\$500.00) per violation.

16 2. No political advertisement or electioneering communication
17 violates the provisions of paragraph 1 of this subsection if it was
18 first displayed or was first disseminated before the ineligibility
19 or decertification should have reasonably been known, unless it
20 continues to be displayed or disseminated after the end of the fifth
21 calendar day after the ineligibility or decertification should have
22 been known. A mere announcement or publication of the notice of
23 disqualification described in this section shall not constitute a
24 violation of this section. No communication shall be deemed a

1 political advertisement or electioneering communication under this
2 section unless it is or would be subject to ethical rules or laws of
3 this state.

4 SECTION 2. AMENDATORY 26 O.S. 2021, Section 10-101, is
5 amended to read as follows:

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

9 B. The nominees for Presidential Electors shall be certified by
10 the chair of the party to the Secretary of the State Election Board
11 no later than July 15 of a presidential election year.

12 C. Failure of a political party to properly certify the names
13 of its nominees for Presidential Electors within the time specified
14 shall bar such party from placing any candidates for Presidential
15 Electors on the ballot at the General Election.

16 D. 1. A recognized political party shall certify its nominees
17 for 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 2. If the nominating convention of a recognized political party
24 is scheduled to conclude after the deadline provided in paragraph 1

1 of this subsection, the Secretary may accept a provisional
2 certification of the party's nominees for President and Vice
3 President of the United States. A provisional certification must be
4 received by the Secretary prior to the deadline, and the party shall
5 provide the official certification of nominees to the Secretary upon
6 the adjournment of the convention.

7 3. If the recognized political party's nominee for President of
8 the United States or Vice President of the United States is or
9 becomes ineligible or decertified, as provided for in Section 5-105a
10 of this title, or any other applicable state or federal law, the
11 recognized political party forfeits any and all votes pledged by any
12 presidential elector.

13 SECTION 3. AMENDATORY 26 O.S. 2021, Section 10-101.1, is
14 amended to read as follows:

15 Section 10-101.1. A. The following procedure shall be observed
16 for Presidential Electors pledged to an independent candidate for
17 President of the United States:

18 1. A person wishing to appear on the General Election ballot as
19 an independent candidate for President of the United States shall
20 file a Statement of Candidacy with the Secretary of the State
21 Election Board no later than July 15 of a presidential election
22 year;

23 2. a. the Statement of Candidacy shall be in a form to be
24 prescribed by the Secretary of the State Election
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1 Board, and shall include the candidate's full legal
2 name, the candidate's address of residence, the
3 candidate's mailing address, the name of the candidate
4 as it should appear on the ballot and any other
5 information required by the Secretary of the State
6 Election Board, and

7 b. the candidate shall swear an oath or affirm on the
8 Statement of Candidacy that the candidate meets the
9 qualifications for President of the United States set
10 forth in the Constitution of the United States, and
11 the candidate's signature shall be witnessed by a
12 notary public;

13 3. The Statement of Candidacy shall be accompanied by a
14 certification of the name and address of residence for each
15 candidate for Presidential Elector pledged to the independent
16 candidate for President of the United States. The number of
17 electors so certified shall be equal to the number apportioned to
18 the State of Oklahoma pursuant to the provisions of Section 1 of
19 Article II of the United States Constitution. Each candidate for
20 Presidential Elector so nominated shall subscribe to an oath
21 prescribed by the Secretary of the State Election Board, which shall
22 be in the same manner, substance and form as the oath described in
23 Section 10-102 of this title;

- 1 4. a. ~~the~~ The Statement of Candidacy shall be accompanied by
2 a petition supporting a candidate's filing~~τ.~~
- 3 b. ~~the~~ The form of the petition shall be prescribed by
4 the Secretary of the State Election Board. Each page
5 of the petition must contain the names of registered
6 voters from a single county~~τ.~~
- 7 c. ~~the~~ The petition shall bear the same number of
8 signatures of registered voters that is required to
9 form a recognized political party as described in
10 Section 1-108 of this title~~τ.~~
- 11 d. ~~within~~ Within thirty (30) days after receipt of the
12 petition, the Secretary of the State Election Board
13 shall determine the sufficiency of the petition~~τ.~~
- 14 e. ~~in~~ In lieu of the petition required by this
15 subsection, a filing fee for each Presidential Elector
16 committed to the independent candidate for President
17 of the United States may be submitted in the form of a
18 cashier's check or certified check made payable to the
19 Secretary of the State Election Board. The filing fee
20 for each Presidential Elector shall be in an amount
21 equal to the filing fee described in Section 20-102 of
22 this title. The sum of the filing fees for each
23 Presidential Elector may be paid in a single cashier's
24 check or certified check. The filing fees shall be

1 deposited in the State Election Board Revolving Fund
2 created pursuant to Section 3-107 of this title; ~~and~~

3 5. If the requirements set forth in this section are found by
4 the Secretary of the State Election Board to be sufficient, then the
5 independent candidate for President of the United States shall be
6 qualified to appear on the General Election ballot. The candidate
7 shall certify to the Secretary of the State Election Board the name
8 of the candidate's Vice Presidential running mate no later than the
9 deadline established in Section 10-101 of this title for the
10 certification by a recognized political party of its nominee for
11 Vice President of the United States; and

12 6. If any independent candidate for President of the United
13 States is or becomes ineligible or decertified, as provided for in
14 Section 5-105a of this title, or any other applicable state or
15 federal law, the independent candidate forfeits any and all votes
16 pledged by any presidential elector.

17 B. A political party not recognized under the laws of ~~the State~~
18 ~~of Oklahoma~~ this state may place its nominees for President of the
19 United States, Vice President of the United States and Presidential
20 Electors on the ballot subject to the same requirements,
21 restrictions and deadlines as provided for an independent candidate
22 for President of the United States.

23 1. Provided, the The national chair of the unrecognized
24 political party shall submit the Statement of Candidacy on behalf of

1 the unrecognized political party, and shall provide the Secretary of
2 the State Election Board with a separate certificate of nomination
3 for the unrecognized political party's nominees for President and
4 Vice President of the United States, in a form and manner prescribed
5 by the Secretary of the State Election Board.

6 2. If the unrecognized political party's nominees for President
7 of the United States or Vice President of the United States are or
8 become ineligible or decertified, as provided for in Section 5-105a
9 of this title, or any other applicable state or federal law, the
10 unrecognized political party forfeits any and all votes pledged by
11 any presidential elector.

12 SECTION 4. AMENDATORY 26 O.S. 2021, Section 10-102, is
13 amended to read as follows:

14 Section 10-102. Every party nominee for Presidential Elector
15 shall subscribe to an oath, stating that said nominee, if elected,
16 will cast a ballot for the persons nominated for the offices of
17 President and Vice President by the nominee's party or the nominee's
18 independent candidate. The oath shall be notarized by a notary
19 public and filed with the Secretary of the State Election Board no
20 fewer than ninety (90) days prior to the General Election. Failure
21 of any party nominee to take and file the oath by such date shall
22 automatically vacate his or her nomination and a substitute nominee
23 shall be selected by the state central committee of the appropriate
24 political party. It shall be the duty of the Secretary of the State

1 Election Board to notify the chairman of the state central committee
2 of the failure of any nominee to file the oath. Refusal or failure
3 to vote by a Presidential Elector for the persons nominated for the
4 offices of President and Vice President by the nominee's party or
5 the nominee's independent candidate shall constitute a violation of
6 the oath and shall result in the immediate forfeiture of the
7 Elector's office. In such event, the vote shall not be recorded, a
8 vacancy shall be declared, and the Presidential Electors present
9 shall proceed to fill such vacancy as provided in Section 10-108 of
10 this title. Provided; however, if the persons nominated for the
11 office of President and Vice President by the nominee's party or the
12 nominee's independent candidate is or becomes ineligible or
13 decertified, as provided for in Section 5-105a of this title, or any
14 other applicable state or federal law, the pledge is nullified and
15 the nominee must vote for an eligible and certified candidate.

16 SECTION 5. AMENDATORY 26 O.S. 2021, Section 10-108, is
17 amended to read as follows:

18 Section 10-108. A. In the event ~~any~~ a vacancy arises when the
19 ~~Presidential Elector fails to~~ Electors meet at the Governor's office
20 at the prescribed time ~~or refuses or fails to vote for the persons~~
21 ~~nominated for the offices of President and Vice President by the~~
22 ~~political party which nominated the Presidential Elector,~~ it shall
23 be the duty of the Electors present at the time and place aforesaid
24 to appoint a person to fill such vacancy.

1 B. A vacancy arises:

2 1. In the event a Presidential Elector failed to meet at the
3 Governor's office at the prescribed time; or

4 2. In the event a Presidential Elector refuses or fails to vote
5 for the eligible and certified persons to whom he or she is pledged,
6 provided a Presidential Elector shall not vote for a person
7 nominated for the offices of President and Vice President who is, at
8 the prescribed time, ineligible or decertified, as provided for in
9 Section 5-105.5a of this title, or any other applicable state or
10 federal law, the Presidential Elector may vote for any eligible and
11 certified nominee, and no vacancy arises in this circumstance unless
12 the Presidential Elector refuses to or fails to vote for an eligible
13 and certified nominee.

14 SECTION 6. This act shall become effective November 1, 2025.

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