

## RESOLUTION

A RESOLUTION NOTIFYING THE OKLAHOMA COUNTY ELECTION BOARD OF THE SPECIAL ELECTION(S) TO BE HELD IN THE CITY OF OKLAHOMA CITY IN 2018 FOR THE PURPOSE OF ELECTING A PERSON TO FILL THE BALANCE OF THE UNEXPIRED TERM OF OFFICE OF COUNCILMAN JOHN PETTIS JR., WARD 7, WHO RESIGNED FROM OFFICE EFFECTIVE ON MAY 31, 2018; SETTING FORTH CERTAIN FACTS AS REQUIRED BY STATE LAW AND DIRECTING THAT THIS RESOLUTION BE FORTHWITH DELIVERED BY THE CITY CLERK TO THE SECRETARY OF THE OKLAHOMA COUNTY ELECTION BOARD FOR THE PURPOSE OF GIVING OFFICIAL NOTICE OF SAID SPECIAL ELECTION(S); DIRECTING THE CITY CLERK TO FORTHWITH SUBMIT A CURRENT, CERTIFIED COPY OF THE OKLAHOMA CITY CHARTER TO SAID ELECTION BOARD AS REQUIRED BY 26 O.S. § 13-109; AND FURTHER DIRECTING THE CITY MANAGER TO FORTHWITH ORDER THE APPROPRIATE CITY OFFICER OR EMPLOYEE TO PROVIDE THE OKLAHOMA COUNTY ELECTION BOARD WITH A CURRENT CITY MAP AS REQUIRED BY 26 O.S. § 13-107 AND FURTHER TO PROVIDE ANY OTHER DOCUMENTS OR INFORMATION REQUESTED BY THE OKLAHOMA COUNTY ELECTION BOARD.

WHEREAS, John Pettis, Jr., Ward 7 Councilman, has resigned from the office of Ward 7 Councilmember, effective May 31, 2018; and

WHEREAS, the resignation of Councilman Pettis has caused a vacancy in the office of Ward 7 Councilmember of The City of Oklahoma City; and

WHEREAS, Article II, § 4, of the Oklahoma City Charter ("City Charter"), as amended in 2008, provides in pertinent part:

**Section 4. - Vacancies in the Council other than in the office of Mayor.**

(a) Whenever a vacancy occurs in the Council by reason of death, resignation, incapacity, or removal of a member, the Council shall, within 30 days after the occurrence of such vacancy, by a majority vote, appoint a qualified person to fill the vacancy in the Council. The appointee shall serve in such capacity only until a person has been duly elected to fill the vacated office at a special or regular Council election as provided by Subsection (b) of this section.

(b) Within 30 days after the vacancy occurs, the Council shall call a special election to take place within the shortest period of time permitted by the election laws of the State of Oklahoma for the purpose of electing a person to fill the

balance of the unexpired term of office. The person duly elected at said special election shall thereafter fill the balance of the unexpired term of office of the vacating Councilmember. \* \* \*;

and

**WHEREAS,** Sections 1, 4 and 5 of Article X of the City Charter, as amended, provide for both a primary and, if necessary, a general election for the election of the Mayor and Councilmembers;

and

**WHEREAS,** 26 O.S. § 3-101(B) and (E) provide in pertinent part regarding municipal special elections to fill a vacancy in an elective office:

**§ 3-101 - Elections to be on Tuesdays**

A. \*\*\*.

B. Except as otherwise provided by law, no regular or special election to fill an elective office shall be held by any county, school district, technology center school district, municipality or other political subdivision authorized to call elections except as follows:

1. The second Tuesday of February in any year;

2. The first Tuesday of April in any year;

**3. The date of any regularly scheduled statewide state or federal election in an even-numbered year;**

4. The second Tuesday of September in an odd-numbered year; and

5. The second Tuesday of November in an odd-numbered year.

C.—D. \* \* \*.

E. Notwithstanding any other provision of law or any provision of a municipal charter, any **municipality**, school district, technology center district, county, rural fire protection district, or any other entity **seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period of three (3) days, if so required by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board;** provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election (emphasis added).

F. \* \* \* .;

and

**WHEREAS**, 26 O.S. § 3-101(B) specifies the permissible dates for municipal special elections to fill an elective office in any year; and

**WHEREAS**, by virtue of the 26 O.S. 3-101(B)(3), the earliest available date for the special primary election in 2018 for Ward 7 is August 28, 2018, the same date as the State Runoff Election; and the earliest date for the special general election for Ward 7, if needed, is November 6, 2018, the date of the State General Election; and

**WHEREAS**, in compliance with Article II, § 4 and Article X, §§ 1, 4 and 5 of the City Charter, as amended, and the requirements of 26 O.S. § 3-101(B) and (E), the Council has called the required special elections for Ward 7 Councilmember and has specified the dates for the filing period and for the special primary and general elections for such office; and

**WHEREAS**, the Council has also recognized the right of a candidate who is unopposed or who receives a majority of all the votes cast at the special primary election for Ward 7 Councilmember to be sworn into office immediately upon receiving a certificate of election to such office as provided by law; and

**WHEREAS**, the Council has also called a special general election for Ward 7 Councilmember in the event no candidate receives a majority of all the votes cast in the above-named special primary election and has set a date for said special general election at this time; and

**WHEREAS**, the Council desires to notify the Oklahoma County Election Board of the said special primary and general elections for Ward 7 Councilmember and to set forth certain facts regarding qualifications for office and election procedures as required by State law (*see* Article XIII of Title 26 of the Oklahoma Statutes); and



**WHEREAS**, specifically, 26 O.S. § 13-102 requires said resolution to contain the following facts:

1. The dates of the election or the elections;
2. The offices to be filled or the questions to be voted upon at said election or elections;
3. Qualifications for said offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at-large; and
5. Indication of whether the election will be partisan or nonpartisan;
6. For charter cities where the Charter is silent, indication of any portion of state law which will apply; and
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a certification of whether such precincts shall be open or not open for the election; and
8. Any other information necessary for conducting said election or elections; and

**WHEREAS**, in compliance with 26 O.S. § 3-101(E) the filing period for candidates for the 2018 special election(s) for Ward 7 Councilmember has been designated as Wednesday, Thursday, and Friday, June 13, 14, and 15, 2018; and

**WHEREAS**, under and by virtue of Article II, § 6, of the City Charter, it is provided that to be eligible for the office of Councilmember one must be a citizen of the United States and of the State of Oklahoma, at least twenty-one (21) years of age, a qualified voter in The City of Oklahoma City, a resident of the ward for which representation is sought for at least 6 months and must have been for three (3) years immediately preceding his/her election a resident of The City of Oklahoma City or an area which has been annexed to and has become a part of the City; and

**WHEREAS**, under and by virtue of Article X, § 1, of the City Charter, candidates for the

office of Councilmember of The City of Oklahoma City must be residents of the ward; therefore, candidates for the office of Ward 7 Councilmember must be residents of Ward 7; and

**WHEREAS**, under and by virtue of 11 O.S. § 8-101 a municipal elected official must be a registered voter of the municipality in which he or she holds office; and

**WHEREAS**, under and by virtue of Article X, § 3, of said City Charter, "...no party emblem or party designation shall appear..." on the election ballot, meaning that the election for the office of Councilmember of The City of Oklahoma City shall be nonpartisan; and

**WHEREAS**, under and by 11 O.S. § 16-110, a candidate for a nonpartisan municipal elected office must be a registered voter at an address within the municipality, "or of the ward where the office is from a ward," for at least six (6) months prior to filing a declaration of candidacy for such office; and

**WHEREAS**, Article X, § 2 of the City Charter, as amended, sets forth the procedure for filing a declaration of candidacy for the office of Ward 7 Councilmember of The City of Oklahoma City (*see* below for specifics); and

**WHEREAS**, 26 O.S. § 3-101(E) requires the governing board of a municipality to submit a resolution to the secretary of the county election board conducting a special election on the same date as a statewide election not fewer than 75 days before the date of the election for the purpose of giving notice of such election; and

**WHEREAS**, 26 O.S. § 13-109 requires municipalities operating under a charter to furnish a copy of said charter to the county election board of the county wherein said municipalities central offices are located; and

**WHEREAS**, 26 O.S. § 13-107 requires the governing board of a municipality to provide the county election board with a current map defining the municipal limits and ward boundaries of said

municipality; and

**WHEREAS**, the Council of The City of Oklahoma City desires to submit the required resolution and other items to the Secretary of the Oklahoma County Election Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of The City of Oklahoma City does hereby notify the Oklahoma County Election Board of the special election(s) for Ward 7 Councilmember within The City of Oklahoma City in 2018 and does hereby adopt this Resolution as required by 26 O.S. § 13-102; and the City Clerk is directed to forthwith deliver this Resolution to the Oklahoma County Election Board.

**AND BE IT FURTHER RESOLVED THAT** the Council of The City of Oklahoma City does hereby set forth the following facts as required by 26 O.S. § 13-102:

1. The special primary election for the purpose of electing a Ward 7 Councilmember of The City of Oklahoma City shall be held on Tuesday, August 28, 2018. In the event a candidate is unopposed at the said special primary election for Ward 7 Councilmember (i.e., if there is only one candidate running for such office at the special primary election), or in the event one candidate receives a majority of all the votes cast at the special primary election for Ward 7 Councilmember, then said candidate shall be entitled to be sworn into office immediately upon receiving a certificate of election to such office as provided by law. In the event that no candidate receives a majority of all the votes cast at the primary election for the office of Ward 7 Councilmember, then a special general election shall be held on Tuesday, November 6, 2018, between the two candidates who receive the highest number of votes at said primary for said office.
2. The office to be filled at said election(s) is the office of Ward 7 Councilmember of The City of Oklahoma City, with the candidate elected as Ward 7 Councilmember in 2018 to fill the balance of the unexpired term of office of Councilman John Pettis Jr., who was elected to said office 2017, and whose four-year term of office commenced on April 10, 2017, and who resigned from said office effective on May 31, 2018.
3. Under and by virtue of 26 O.S. § 3-101(E), the filing period for candidates for the special election(s) for the office of Ward 7 Councilmember shall be June 13, 14, and 15, 2018.
4. The qualifications for the office of Ward 7 Councilmember of The City of Oklahoma City are as follows:



(A) Under and by virtue of Article II, § 6, of said City Charter, it is provided that to be eligible for office of Councilmember one must be a citizen of the United States and of the State of Oklahoma, at least twenty-one (21) years of age, a qualified voter in The City of Oklahoma City, a resident of the ward for which representation is sought for at least 6 months, and must have been for three (3) years immediately preceding his/her election a resident of The City of Oklahoma City or an area which has been annexed to and has become a part of the City.

(B) Under and by virtue of Article X, § 1, of the City Charter, candidates for the office of Councilmember of The City of Oklahoma City must be residents of the ward; therefore, candidates for the office of Ward 7 Councilmember must be residents of Ward 7.

(C) Under and by virtue of 11 O.S. § 8-101, a municipal elected official must be a registered voter of the municipality in which he or she holds office; and

(D) Under and by virtue of Article X, § 3, of said City Charter, "...no party emblem or party designation shall appear..." on the election ballot, meaning that the election for the office of Councilmember of The City of Oklahoma City shall be nonpartisan.

(E) Under and by virtue of 11 O.S. § 16-110, a candidate for a nonpartisan municipal elected office must be a registered voter at an address within the municipality, "or of the ward where the office is from a ward," for at least six (6) months prior to filing a declaration of candidacy for such office.

5. The City Charter procedures for filing a declaration of candidacy are as follows:

(A) Article X, § 2, of said Charter, as amended, provides that, to file for such office, the candidate shall submit a written declaration of candidacy setting forth the candidate's name as he or she desires it to appear upon the ballot, his or her address by street number, his or her ward, and the name of the office for which he or she desires to become a candidate; and

(B) Article X, § 2, of said Charter, as amended, further provides that a declaration of candidacy must be accompanied by a cashier's check or certified check in the amount of \$200.00; or in the alternative by a petition supporting the candidate's filing signed by 2,500 registered voters eligible to vote for the candidate if the filing is for the office of Mayor or by 500 registered voters eligible to vote for the candidate if the filing is for the office of Councilmember; and that if a cashier's or certified check is submitted to the Oklahoma County Election Board pursuant to this subsection, said check shall be forfeited to the said Election Board and the proceeds therefrom used to defray the costs of the election for the office for which the declaration of candidacy was filed; provided, said check shall be returned to the candidate immediately if the candidate is unopposed in the Primary Election, receives more than fifteen percent (15%) of the total votes cast in the Primary

Election for the office for which he or she is a candidate, or becomes a candidate in the General Election.

6. The office of Ward 7 Councilmember of The City of Oklahoma City shall be filled only by voting by the qualified, registered voters who reside within the boundaries of Ward 7 of The City of Oklahoma City.
7. The election shall be nonpartisan in nature (i.e., all candidates shall file as independent candidates, with no party affiliation(s) being indicated, and the elections shall be had and held as nonpartisan elections) (*see* Oklahoma City Charter, Art. X, § 3).
8. The said special election for Ward 7 Councilmember shall be had and held in the manner and form provided by law, pursuant to applicable City Charter provisions, as amended, and the laws of the State of Oklahoma, by the County Election Board of Oklahoma County, and assisted by the election board of the affected counties in the applicable portions of said City situated in each of said counties, respectively, and that the results of said special election for Ward 7 Councilmember shall be certified by the said Oklahoma County Election Board to the Council through the City Clerk in the manner and form provided by law; provided, that if said election laws are in conflict with any of the applicable provisions of Article II or Article X of the Oklahoma City Charter, as amended, then the conflicting Charter provisions shall control as to matters of local concern.
9. No precincts in Ward 7 are eligible to be closed.

**AND BE IT FURTHER RESOLVED** that the Council of The City of Oklahoma City does hereby direct the City Clerk to forthwith submit a current certified copy of the Oklahoma City Charter to the Oklahoma County Election Board as required by 26 O.S. § 13-109.

**AND, BE IT FURTHER RESOLVED** that the Council of The City of Oklahoma City does hereby direct the City Manager to forthwith order the appropriate City officer or employee to provide the Oklahoma County Election Board with a current map defining the municipal limits and ward boundaries of The City of Oklahoma City as required by 26 O.S. § 13-107; and further, to provide any other documents or information requested by the Oklahoma County Election Board.

**ADOPTED** by the Council and **APPROVED** by the Mayor of The City of Oklahoma City this 22<sup>nd</sup> day of May 2018.



ATTEST:

*Amanda Kersey*  
CITY CLERK



*David Holt*  
MAYOR

REVIEWED for form and legality.

*Paul Dyer*  
Municipal Counselor

RECEIVED by the Secretary of the Oklahoma County Election Board this \_\_\_\_\_ day of  
May 2018.

\_\_\_\_\_  
Secretary, Oklahoma County Election Board