

MUNICIPAL ELECTION KIT



TABLE OF CONTENTS

Municipal Election Kit	Page
Introduction	3
Town or City?	4
Towns	5
Cities	7
Town Meeting or Municipal Election?	9
Regular Municipal Elections	10
Special Elections	11
Municipal Elected Officials	12
Code Numbers	13
Identifying a Municipality's Form of Government	14
Statutory Municipalities at a Glance	15
Ballots for Municipal Elections	16
Sample Letters to Municipal Officials	17
Towns	18
Statutory Cities	19
Charter Cities	22
Checklists for Municipal Election Resolutions	23



Municipal Election Kit

INTRODUCTION

The *Oklahoma Statutes* provide for two basic types of municipal government: towns and cities. Within these types, however, several unique forms are allowed.

One purpose of the *Municipal Election Kit* is to provide County Election Board personnel with the information about each form of town and city government needed to prepare for and conduct municipal elections. The *Municipal Election Kit* includes information about each form of municipal government, Checklists for Municipal Resolutions for each form of government, and model letters to municipal officials.

The *Municipal Election Kit* is intended to be used in concert with other State Election Board publications. References to such publications are included where necessary.

TOWN OR CITY?

By law in Oklahoma, “any community of people residing in compact form” may become incorporated as a town. A community of “1,000 or more people residing in compact form” or a town with a resident population of 1,000 or more may become incorporated as a city.

An incorporated municipality is known as “Town of _____” or “City of _____.” A town or city may change its name. A town or city may not adopt the name of any other existing town or city in Oklahoma.

As part of the incorporation process, the area of the town or city must be surveyed and platted. This means that its boundaries are described exactly and the land within those boundaries is divided into blocks and lots. Plats of incorporated municipalities are filed with the County Clerk.

Also as part of the incorporation process, the municipality is divided into wards. A town has either three wards or five wards. The number of wards in a city is determined by the form of city government it adopts. A statutory city has at least four wards and may have as many as six wards.

TOWNS

Incorporation

The incorporation of a town involves two elections. The first is on the question of whether to incorporate the town. Only the registered electors in the proposed town are eligible to participate in this election. This election is called by the County Commissioners and conducted by the County Election Board in accordance with general election law. The results of the election are certified to the County Commissioners, and if a majority of the votes cast are in favor of the incorporation, the Commissioners issue an Order of Incorporation and set a date for the election of town officers.

This Order is submitted by the County Commissioners to the County Election Board. The County Election Board shall then conduct a filing period and election in accordance with general election laws.

All expenses involved in the election on the question of incorporation and the election of town officers are paid by the town when it is fully organized.

Officers

The town elects the officers provided by law for the town board of trustees form of government. Those officers are:

- one Trustee for each ward
- Town Clerk
- Town Treasurer

The offices of clerk and treasurer may be consolidated into a single office in some towns. In such towns, the consolidated office appears on the ballot in the year election of the clerk is scheduled.

Towns have mayors, but the Board of Trustees elects the mayor from among its members in each odd-numbered year at the first meeting held after Trustee terms begin.

The first town officers elected following incorporation serve until the next odd-numbered year, when the first regular municipal election is held. In the first regular election, the Trustees from odd-numbered wards and the Town Clerk are elected for four-year terms, and Trustees from the even-numbered wards and the Town Treasurer are elected for two-year terms. In the next odd-numbered year, the officers elected to two-year terms appear on the ballot again, this time being elected to four-year terms.

Since all the towns in the county were not incorporated at the same time, towns do not necessarily vote on the same offices in the same years.

Candidates for Board of Trustees are nominated (file) by ward unless the Board of Trustees enacts an ordinance allowing candidates to be nominated (file) at large. In order for Trustees to be nominated at large, the Board of Trustees must enact an ordinance allowing such at-large nomination. Trustees are always elected at large.

At-Large Nomination (1b Towns)

When a town's Trustees are nominated at large, the requirement that Trustees reside in and be nominated from wards does not apply. Therefore, several things are different in these towns.

First, the resolution calling the election will list only the number of offices to be filled for four-year terms and the number of unexpired terms. There is no designated "office number."

Second, candidates for Board of Trustees indicate on their Declarations of Candidacy only the term of the office they are seeking. For example, "Board of Trustees, four-year term" or "Board of Trustees, unexpired term."

Third, on the ballot, the candidates for four-year terms all are listed together, and voters vote for the number of candidates needed to fill the offices. In other words, if there are three four-year terms on the ballot, voters vote for three candidates. If there are two unexpired terms, voters vote for two candidates. This instruction appears on the ballot itself. Following is the recommended language, which also may be found in the *Ballot Printing Kit* section on municipal election ballots.

"There shall be ___ trustees nominated and elected at large for ___-year terms; ___ trustees nominated and elected at large for unexpired terms; a town clerk nominated and elected at large; and a town treasurer nominated and elected at large."

Finally, the candidate who receives the largest number of votes for the designated term is elected for that term. In the event that more than one office is filled for the same term, the candidates receiving the largest numbers of votes are elected.

For example, there are two four-year terms on the ballot, and six candidates filed for those terms. The candidate who receives the highest number of votes is elected to one of the offices, and the candidate who receives the next highest number of votes is elected to the other office.

CITIES

Incorporation

The process for incorporation of a city is similar to that for a town. If a community of 1,000 or more people living in a compact form attempt to incorporate as a city, the election on the question of incorporation is called by the County Commissioners. In the event of an incorporated town changing to a city, the Board of Trustees may submit the question of whether to become a city directly to the registered voters of the town.

The question of incorporation must include the number of wards, the boundaries of those wards, and the form of statutory city government to be used by the city upon incorporation.

The County Election Board certifies the results of the election to the County Commissioners or to the Board of Trustees, depending on which body called the election. If a majority of the votes cast favor incorporation of the city, the County Commissioners issue an Order of Incorporation declaring that the city has been incorporated under the designated form of statutory city government. The Commissioners also set a date for the election of the new city's officers. If the election was called by the town Board of Trustees, the Trustees adopt a resolution declaring that the city has been incorporated and setting a date for the election of city officers.

The expenses for the election on the question of incorporation and the election of officers are paid by the city when fully organized.

Forms of City Government

There are four types of city government in Oklahoma.

Aldermanic

Strong-Mayor-Council

Council-Manager

Charter

Cities with aldermanic, strong-mayor-council, or council-manager forms of government are referred to as "statutory cities" because the *Oklahoma Statutes* spell out the details of the forms of government.

Charters

The statutes also allow cities to adopt a charter form of government. Cities with charters, or “charter cities” (sometimes also called “home rule charter cities”), create their own form of government through adoption of the charter. Any town or city with a resident population of 2,000 or more at the time of the most recent federal census may adopt a charter. The charter may call for a form of government that closely resembles one of the statutory forms, or it may create something quite different. Some charter cities conduct their own elections without involvement of the County Election Board. Charter cities may hold their filing periods, contest periods, and regular elections on dates of their own choosing.

However, charter cities are required by state law [Title 26 O.S., Section 13-103(D)] to hold elections only on dates established for elections by Title 26 O.S., Section 3-101. In addition to scheduling elections only on dates identified in that statute, cities that hold both primary and general elections are required to provide at least 35 days between elections. However, charter cities may schedule primary and general elections on election dates in the months of March and April when there are fewer than 35 days between the election dates.

A special election in a charter city may be held only on one of the special election dates established by law, if the County Election Board conducts the city’s elections.

Once a city has adopted a charter, it remains a charter city even if its population falls below the levels required for incorporation as a city.

For all charter cities, the County Election Board must have on file a copy of the election portion of the charter.

TOWN MEETING OR MUNICIPAL ELECTION?

All municipalities — except charter cities — with a resident population of less than 2,000 at the time of the most recent Federal decennial census are subject to the provisions of the Oklahoma Town Meeting Act. Even a municipality with one of the statutory city forms of government may be required to hold “town meetings” to elect officers and to decide initiatives and/or referenda. A municipality subject to the Town Meeting Act may pass an ordinance requiring its elections to be conducted by the County Election Board.

In the event such an ordinance is enacted, a copy of the ordinance must be filed with the Secretary of the County Election Board. Upon receiving such an ordinance, the municipality’s elections will be conducted by the County Election Board according to the general election laws until the ordinance is repealed. If an ordinance requiring elections is repealed, the municipality reverts to town meetings.

The County Election Board has no responsibility for or involvement in town meetings. However, the municipal clerk is required by law to file a list of the names and addresses of municipal officers elected at town meetings with the Secretary of the County Election Board. The municipal clerk also is required to notify the County Election Board of any changes in the list after it is filed.

REGULAR MUNICIPAL ELECTIONS

Statutory municipalities — towns and cities with aldermanic, strong-mayor-council, or council-manager forms of government — that do not fall under the Oklahoma Town Meeting Act conduct regular municipal elections in odd-numbered years. All statutory regular municipal elections are subject to the general election laws of the State of Oklahoma and to the administrative rules of the State Election Board.

Nonpartisan Elections

All municipal elections are nonpartisan unless a municipality passes an ordinance requiring partisan elections. A copy of such an ordinance must be attached to the resolution delivered to the County Election Board.

All candidates in a nonpartisan municipal election file as “independents.” Candidates must have been registered voters within the municipality and the ward, if applicable, for six months prior to filing a Declaration of Candidacy. Filing as an independent candidate in a nonpartisan municipal election, or voting for such an independent candidate, has no effect upon one’s party affiliation.

Resolutions calling regular nonpartisan municipal elections are due in the County Election Board office no later than fifteen days before the beginning of the filing period. The filing period for statutory municipal offices opens at 8 a.m. on the first Monday in February in odd-numbered years and closes at 5 p.m. on the following Wednesday.

There is no primary in a nonpartisan election. The nonpartisan general election is held on the first Tuesday in April in odd-numbered years.

Partisan Elections

In order to hold partisan elections, the governing board of a municipality must pass an ordinance requiring partisan elections. A copy of the ordinance must be attached to the resolution calling a partisan election.

Regular partisan municipal primary elections are held on the second Tuesday in February of odd-numbered years. Regular partisan municipal general elections are held on the first Tuesday in April of odd-numbered years.

Resolutions calling regular partisan municipal elections are due in the County Election Board office no later than fifteen days before the beginning of the filing period.

The filing period for regular partisan municipal elections opens at 8 a.m. on the first Monday in December of even-numbered years and closes at 5 p.m. on the next succeeding Wednesday. A candidate may file for a partisan municipal office as an Independent, but to do so, the candidate must have been registered as an Independent voter for six months before the first day of the filing period.

Officers

Municipal officers are elected to four-year terms. The term of office for a municipal officer begins at 12:00 noon on the second Monday following the municipal general election, and the officer serves until his successor is elected and qualified.

All municipal officers in towns and in statutory cities are elected at large. However, some charter cities may require councilmembers to be elected by ward. In these cities, candidates must be residents of the ward, and they appear on the ballot only in the precincts within the designated ward. In precincts split by two or more wards, only voters who are residents of a particular ward may vote for candidates from that ward.

SPECIAL ELECTIONS

When a vacancy occurs in any elected municipal office — except the office of mayor in cities where the mayor is elected by the people — the governing body of the municipality appoints someone to fill the vacancy until the next regular municipal election or regular biennial town meeting, when someone is elected to fill the office for the remainder of the unexpired term. If the governing board does not fill the vacancy by appointment within 60 days, it calls a special election to fill the vacancy for the remainder of the unexpired term.

If a vacancy occurs in the office of a mayor elected by the people, the special election is called immediately unless the special election would take place within 120 days of the first day of the filing period for the next regular election.

In addition to filling vacancies as described above, a municipality may call special elections to submit to the voters propositions for issuing bonds, imposing sales taxes, granting franchises, and for any other purpose authorized by law.

Special municipal elections are called according to the same laws and rules as other entities. The resolution calling the election must be delivered to the Secretary of the County Election Board not fewer than sixty (60) days prior to the election date named in the resolution. The election may be scheduled only on one of the special election dates specified by law.

However, any municipality, including a charter city, that seeks to hold a regular or a special election to be conducted by the 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 75 days prior to the election date. A candidate filing period, if required by the resolution, shall begin no later than 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.

If the purpose of the special election is to fill a vacancy and if the special election is not the same date as a regular or special federal or state election, the resolution must include the following information in addition to the election date.

The dates for a three-day filing period on a Monday, Tuesday, and Wednesday which shall be not less than fifteen days after the date of the resolution.

The date of the special primary election, if the election is to be partisan, which date may not be fewer than 35 days after the close of the filing period.

The date of the special general election, if the election is to be partisan, which date shall not be less than 35 days after the date of the primary.

If the election is nonpartisan, and therefore no primary election is required, the date of the general election shall be not less than 45 days after the close of the filing period.

If the purpose of the special election is to submit a proposition to the voters, the proposition text (also called the “ballot title”) must be submitted to the County Election Board with the resolution.

Be aware that the statutes in Oklahoma do not provide for “recall elections.” Some charter cities may include such provisions, however.

Special elections may be held only on certain dates designated by law. All municipalities, including charter cities, must hold special elections on one of these special election dates. See *Secretary’s Digest*, Appendix A: Election Dates.

MUNICIPAL ELECTED OFFICIALS

By law, a municipal elected official must be a resident and a registered voter of the municipality in which he serves, and all councilmembers or trustees from wards must be actual residents of their respective wards.

To become a candidate for a partisan elected office in a statutory municipality, the candidate must be a registered voter of the party whose nomination he seeks for the six-month period immediately preceding the first day of the filing period. A candidate may file as an Independent in a partisan municipal election. However, the candidate must have been registered as an Independent voter for six months before the first day of the filing period.

Elected officials in statutory municipalities serve four-year terms unless otherwise provided by law. Terms begin at 12 noon on the second Monday following the general municipal election, and end when the successor is elected and qualified.

CODE NUMBERS

Earlier editions of the *Municipal Election Kit* used a system of code numbers to identify a municipality's form of government. This edition makes less use of the code numbers, but they are still used by most County Election Boards and on the Checklists for Municipal Resolutions. The numbers are explained below.

1 Town

1a — In a “1a Town,” candidates for Board of Trustees are nominated (file) by ward and are elected at large.

1b — In a “1b Town,” candidates for Board of Trustees are nominated (file) at large and are elected at large.

2 Aldermanic City

3 Strong-Mayor-Council City

4 Council-Manager City

5 Charter City (also called “home rule charter city” in some State Election Board publications)

IDENTIFYING A MUNICIPALITY'S FORM OF GOVERNMENT

The definitive source for identifying a statutory municipality's form of government is the Order of Incorporation issued by the Board of County Commissioners following the election approving incorporation. The Order of Incorporation is recorded in the County Clerk's office.

The Order of Incorporation indicates whether the municipality was incorporated as a town or as a city. If incorporated as a city, the Order also indicates the statutory form of city government.

In the case of a charter city, a copy of the Governor's approval of the charter is recorded in the County Clerk's office.

If a municipality is a multi-county municipality, the Order of Incorporation is recorded with the County Clerk in the parent county. The parent county usually is the county in which the municipality's administrative offices are located.

In most circumstances, however, it is not necessary to view a municipality's incorporation papers to determine its form of government. First, review the files on recent elections for the municipality. Unless you find in those files records of an election to change the form of government, consider that the form of government indicated in the files remains in effect.

Other indicators of form of government may be the name of the governing body, the offices that appear on the ballot, and the number of wards.

The distinguishing aspects of each form of government are summarized in the "Statutory Municipalities at a Glance" chart on the next page.

Statutory Municipalities at a Glance

	Town (1a)	Town (1b)	Aldermanic City (2)	Strong-Mayor- Council City (3)	Council- Manager City (4)	Charter City (5)
population when incorporated	less than 1,000	less than 1,000	1,000 or more	1,000 or more	1,000 or more	2,000 or more
governing body	Board of Trustees	Board of Trustees	Council	Council	Council	determined by charter
nomination/ election of governing body	nominated by ward elected at large	nominated at large elected at large	nominated by ward elected at large	nominated by ward elected at large	nominated by ward elected at large	determined by charter
number of wards	3 or 5	3 or 5	at least 4	4 or 6	4 or 6	determined by charter
other elected officials	clerk treasurer	clerk treasurer	mayor clerk marshal street commissioner treasurer	mayor	none	determined by charter
offices appearing on ballot in same year	wards 1, 3, 5 and clerk	wards 1, 3, 5 and clerk	wards 1, 3, 5, and mayor, clerk, marshal, street commissioner	wards 1, 2, 5	wards 1, 3, 5	determined by charter
	wards 2, 4 and treasurer	wards 2, 4 and treasurer	wards 2, 4, 6 and treasurer	wards 3, 4, 6	wards 2, 4, 6	determined by charter
method of election of mayor	by Board of Trustees from among members	by Board of Trustees from among members	at large by the people	at large by the people	by Council from among members	determined by charter

BALLOTS FOR MUNICIPAL ELECTIONS

The County Election Board Secretary is responsible for following routine procedures to print ballots for all municipal elections conducted by the County Election Board.

State law specifically requires use of the “office block” ballot format for general elections in both Council-Manager and Strong-Mayor-Council cities. In the office block format, all candidates are listed under the office title without any party designation or party emblems. The required format is even illustrated in the statutes (11 O.S. § 16-212) as follows.

For Councilmember for Ward One

(Vote for One)

____Name of independent candidate or party nominee

____Name of independent candidate or party nominee

For Councilmember for Ward Two

(Vote for One)

____Name of independent candidate or party nominee

____Name of independent candidate or party nominee

For more detailed information and instructions on ballot printing, see *Secretary’s Digest*, Section 10, Ballot Printing, and the *Ballot Printing Kit*.

SAMPLE LETTERS TO MUNICIPAL OFFICIALS

Following are sample letters directed to municipal officials in towns, statutory cities, and charter cities. These letters serve as reminders of the deadline for submitting resolutions for Regular Municipal Elections.

You should adapt the letter to meet your needs and to address any special circumstances. It is a good idea to address the letter to a specific person within the municipal government — the mayor or the city manager, for example.

Prepare the letters on the County Election Board’s letterhead stationery. Plan to mail them at least three or four weeks before the date resolutions are due. It might be helpful to enclose a copy of the appropriate Checklist for Municipal Resolution with the letter so that municipal officials can verify that the resolution is complete before submitting it to your office.

Microsoft Word Templates of these model letters are available on the VRIS website under the heading “Municipal Election Kit.”

TOWNS
(1a and 1b)
Nonpartisan Elections

(DATE)

Dear Municipal Officials:

Resolutions for the 20__ Regular Municipal Elections must be filed with the _____ County Election Board no later than January ___, 20___. Please provide a current map of the municipal boundaries.

The filing period set by law begins at 8 a.m. on Monday, February ___, 20___, and ends at 5 p.m. on Wednesday, February ___, 20___. Contests of Candidacy may be filed until 5 p.m. Friday, February ___. The nonpartisan municipal general election will be held on April ___, 20___.

Candidates for Town Board of Trustees are nominated by ward and elected at large. However, if an ordinance has been enacted requiring candidates for Board of Trustees to be both nominated and elected at large, attach a copy of the ordinance to the resolution.

If the Town of _____ had fewer than 2,000 residents according to the 2010 Federal Census, it is required to hold town meetings instead of elections. The County Election Board has no responsibility for town meetings. However, the Board of Trustees has the authority to enact an ordinance requiring elections instead of town meetings. If such an ordinance has been enacted, send a copy to the County Election Board office.

State law (26 O.S. 2013 Supp., § 13-103) now requires that the resolution include a list of precincts only partially contained within the limits of the municipality and in which no one resides within the limits of the municipality. The resolution shall state whether such precincts shall be opened or closed for the election.

Please contact me at the _____ County Election Board office if you have any questions concerning the upcoming regular municipal elections. Thank you for your cooperation.

Sincerely,

_____, Secretary

County Election Board

TOWNS
(1a and 1b)
Partisan Elections – Ordinance Required

(DATE)

Dear Municipal Officials:

Resolutions for the 20__ Partisan Regular Municipal Elections must be filed with the _____ County Election Board no later than November __, 20__. A copy of the municipal ordinance requiring partisan elections must be attached to the resolution. Please provide a current map of the municipal boundaries.

The filing period set by law begins at 8 a.m. on Monday, December __, 20__, and ends at 5 p.m. on Wednesday, December __, 20__. Contests of Candidacy may be filed until 5 p.m. Friday, December __.

The partisan municipal primary election will be held on February __, 20__. The partisan municipal general election will be held April __, 20__.

Candidates for Town Board of Trustees are nominated by ward and elected at large. However, if an ordinance has been enacted requiring candidates for Board of Trustees to be both nominated and elected at large, attach a copy of the ordinance to the resolution.

If the Town of _____ had fewer than 2,000 residents according to the 2010 Federal Census, it is required to hold town meetings instead of elections. The County Election Board has no responsibility for town meetings. However, the Board of Trustees has the authority to enact an ordinance requiring elections instead of town meetings. If such an ordinance has been enacted, send a copy to the County Election Board office.

State law (26 O.S. 2013 Supp., § 13-103) now requires that the resolution include a list of precincts only partially contained within the limits of the municipality and in which no one resides within the limits of the municipality. The resolution shall state whether such precincts shall be opened or closed for the election.

Please contact me at the _____ County Election Board office if you have any questions concerning the upcoming regular municipal elections. Thank you for your cooperation.

Sincerely,

_____, Secretary

County Election Board

STATUTORY CITIES
Aldermanic (2) – Strong-Mayor-Council (3) – Council-Manager (4)
Nonpartisan Elections

(DATE)

Dear Municipal Officials:

Resolutions for the 20__ Regular Municipal Elections must be filed with the _____ County Election Board no later than January __, 20__. Please provide a current map of the municipal boundaries.

The filing period set by law begins at 8 a.m. on Monday, February __, 20__, and ends at 5 p.m. on Wednesday, February __, 20__. Contests of Candidacy may be filed until 5 p.m. Friday, February __. The nonpartisan municipal general election will be held on April __, 20__.

If the City of _____ had fewer than 2,000 residents according to the 2010 Federal Census, it is required to hold town meetings instead of elections. The County Election Board has no responsibility for town meetings. However, the city council has the authority to enact an ordinance requiring elections instead of town meetings. If such an ordinance has been enacted, send a copy to the County Election Board office.

State law (26 O.S. 2013 Supp., § 13-103) now requires that the resolution include a list of precincts only partially contained within the limits of the municipality and in which no one resides within the limits of the municipality. The resolution shall state whether such precincts shall be opened or closed for the election.

Please contact me at the _____ County Election Board office if you have any questions concerning the upcoming regular municipal elections. Thank you for your cooperation.

Sincerely,

_____, Secretary

County Election Board

Charter Cities

(5)

(DATE)

Dear Municipal Officials:

Resolutions for the City of _____'s Regular Municipal Election must be filed with the _____ County Election Board no later than _____, 20____, according to the city charter.

The city charter calls for a filing period to begin at 8 a.m. on _____, 20____, and end at 5 p.m. on _____, 20____. Contests of Candidacy may be filed until 5 p.m. on _____, 20____.

(CHOOSE ONE OF THE FOLLOWING OPTIONAL PARAGRAPHS.)

OPTIONAL PARAGRAPH: The partisan municipal primary election will be held on _____, 20____, followed by the general election on _____, 20____.

OPTIONAL PARAGRAPH: The nonpartisan municipal general election will be held on _____, 20____.

Charter cities may choose to follow provisions of state election law in any area in which the charter is silent. Please indicate in the resolution which provisions of state law, if any, the city chooses to follow in the upcoming election.

Please also provide the County Election Board with copies of any recent charter amendments or ordinances concerning elections, as well as a current map of the city's boundaries.

State law (26 O.S. 2013 Supp., § 13-103) now requires that the resolution include a list of precincts only partially contained within the limits of the municipality and in which no one resides within the limits of the municipality. The resolution shall state whether such precincts shall be opened or closed for the election.

If you have any questions concerning the regular municipal elections for the City of _____, please contact me at the County Election Board office. Thank you for your cooperation.

Sincerely,

_____, Secretary

County Election Board

CHECKLISTS FOR MUNICIPAL ELECTION RESOLUTIONS

The State Election Board has developed three Checklists for Municipal Resolutions: one for towns, one for statutory cities, and one for charter cities. County Election Board personnel should use the appropriate checklist to examine each municipal election resolution received to ensure that it is complete and contains all the information needed to conduct the election. Any deficiencies found in a resolution must be corrected by municipal officials before the County Election Board accepts it.

The three Checklists for Municipal Resolutions available for download from VRIS. They are located under the "Municipal Election Kit" heading on VRIS.