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A silly season for an election

By Ed Crocker For The Transcript Dec 29, 2018



Norman's silly season is now upon us. I speak of none other than Norman's annual call for council and, every three years, mayoral elections in the midst of the holiday revelry. To hear city officials talk about it, you would think that Norman has no choice in the matter. But if that is what you believe, you are sadly mistaken.

The annual call for an election is usually accompanied by unctuous platitudes from our public officials about the critical importance of voting.

But let me just pose two questions to you: If you wanted the city to vote on a pressing matter, would you do it at the very height of Christmas? Probably not. If the end result is the lowest possible voter turnout, is it not fair to conclude that the result is part of the design in the first place? You bet it is.

Since the U.S. Constitution was adopted, November elections have been perceived as the norm. State and federal elections generally coincide with each other. However, the multiplicity of local governments existing within states has caused election dates to proliferate across the calendar.

It is noteworthy that in the case of the federal government, the states have created and, in fact, constitute the federal union. In the case of the states, it is the states themselves that have created their own unique structures for local governance. It should come as no surprise that the laws of each state have a lot to say about how local elections are conducted.

Oklahoma is no exception to that rule. Oklahoma law specifies a range of permissible dates that local governments can utilize to hold their respective candidate elections. That same law also specifies an extremely broad range of permissible dates for local government ballot question

elections.

The usual defense of the status quo coming from Norman officials is that: (a) state preemption of the conduct of local elections is somehow a corruption of municipal election law; and (b) the state law regulating local elections is overly restrictive. In each case, nothing could be further from the truth. Allow me to explain.

The state did not just decide one day to "preempt" local elections in Oklahoma. This is the way it has been since statehood. It should be remembered that each state has literally created its own local subdivisions: counties, school districts, cities and towns, and so on.

All these entities are creatures of the state, they always have been, and they always will be. That would include even charter cities like the city of Norman. Far from being a corruption of municipal election law, Oklahoma law is very similar to analogous provisions in other states.

As to the charge that the state law on local elections is overly restrictive, consider these facts. A simple reading of the law can be found at Oklahoma Statutes Title 26, Section 3-101. This law allows Norman eight dates to call candidate elections in February, April, September, November or at any regular state or federal election in even-numbered years (primaries, runoffs, general elections, and presidential preference primaries).

The same law allows Norman to call ballot question elections on 19 different dates over any given calendar year. That is not an "overly restrictive" statute. On the contrary, it is an "overly permissive" one.

Historically, Oklahoma cities themselves have been principally responsible for creating this arcane legislative patchwork of permissible election dates. The cities' goal through their lobbyists over time has been to allow more and more possible election dates. This is so the cities can more easily call a low turnout election, as local political conditions warrant.

The election date that Norman is using now is just one date scenario available under the law. It is true that some permitted and non-permitted dates conflict with the City's election laws. However, there has been no official effort in Norman to advocate for a change in those laws in the interests of encouraging higher voter turnout. We need a new local election policy in Norman to be adopted by Council.

Our elections should be held when voters tend to vote in higher numbers. And the City must find a way to work with its state legislative delegation to effect the changes necessary to bring Norman and state law into proper alignment. The municipal and legislative fixes here are easy ones and should be non-controversial.

Far from encouraging the voter franchise, Norman's use of a winter date in local election cycles effectively amounts to "election by invitation only." An "election by invitation only" results in a guaranteed low voter turnout. That way, those who dominate any given election cycle can win more easily.

The status quo is not an accident. It is a deliberate design. Encouraging higher voter turnout in Norman will increase the legitimacy and authority of our city government, and not a day too soon.

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Ed Crocker is obviously correct in his analysis of Norman's municipal elections. Just as obviously, not a damned thing will be done about it because the scurrilous current system suits the cynical self-interests of our council members. Besides, they have much more pressing civic concerns, like settling scores with public utilities and dead white male founding college professors.

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