

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 589

BY: HERBERT

AS INTRODUCED

AN ACT RELATING TO COUNTIES AND COUNTY OFFICERS;  
ESTABLISHING RECALL PROVISIONS FOR THE OFFICE OF  
COUNTY COMMISSIONER; STATING TIME PERIOD FOR RECALL  
OF INCUMBENT; STATING NUMBER OF ELECTORS NECESSARY  
TO INITIATE RECALL PROCEEDINGS; STATING PROCEDURES;  
REQUIRING COUNTY CLERK CERTIFY RECALL PETITIONS,  
PUBLISH CERTAIN CERTIFICATION AND FIX DATE CERTAIN  
FOR RECALL ELECTION; STATING QUALIFICATIONS FOR  
CANDIDATES IN RECALL ELECTION; PROVIDING FOR  
CANDIDATE RECEIVING HIGHEST NUMBER OF VOTES BE  
ELECTED; AUTHORIZING SECRETARY OF COUNTY ELECTION  
BOARD TO CERTIFY RESULTS OF THE ELECTION; PROVIDING  
FOR NEWLY ELECTED COMMISSIONER TO SERVE CERTAIN  
UNEXPIRED TERM OF OFFICE; PROHIBITING FURTHER  
RECALL PROCEEDINGS FOR CERTAIN TIME PERIOD IF  
INCUMBENT IS REELECTED; PROHIBITING ANY PERSON  
RECALLED FROM OFFICE FROM EMPLOYMENT IN COUNTY  
GOVERNMENT FOR CERTAIN TIME PERIOD; PROVIDING FOR  
CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 490 of Title 19, unless there is created a duplication in numbering, reads as follows:

Any incumbent holding the office of county commissioner may be recalled from office at any time after six (6) months from the date of his or her accession to office by the electors qualified to vote for the election of a successor to the incumbent, in the manner provided in this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 491 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. To initiate recall proceedings, a statement in duplicate proposing the recall of the incumbent county commissioner shall be made by five or more registered qualified electors of the incumbent county commissioner's district and shall be filed with the county clerk. The statement shall contain the reason or reasons for which the recall is sought in not more than two hundred words. Within five (5) days, the county clerk shall mail a copy of the statement, by registered, certified or similar special mail, to the incumbent county commissioner at his or her residential address. Within ten (10) days after the statement is mailed to the incumbent county commissioner, such officer may make and file with the county clerk a statement, in no more than two hundred words in duplicate, justifying his or her conduct in office. Upon request, the county clerk shall deliver one copy to the person or persons filing the statement proposing the recall.

B. The petition for recall shall include a demand that a successor to the incumbent county commissioner sought to be recalled be elected, and shall also include, on each page before the space where the signatures are to be written the statement giving the reason or reasons for recall under the heading "STATEMENT FOR RECALL", and if the incumbent officer has filed a statement as

authorized, the statement justifying his or her conduct in office under the heading "STATEMENT AGAINST RECALL". The two statements shall be in letters of equal size. A copy of the petition shall be filed with the county clerk within one (1) month after recall proceedings are initiated by the filing of the first statement, and before the petition is circulated.

C. A number of registered qualified electors of the county commissioner district equal to at least twenty percent (20%) of the total number of votes cast for governor in the district at the last general election at which a governor was elected, must sign the petition. Each signer shall write, after his or her name, his or her address within the district giving street or avenue and number, if any. Not more than one hundred signatures may appear on a single copy of the petition. One of the signers of each copy of the petition shall sign an affidavit on the copy stating that each signer signed the petition in his or her presence, that each signature on the petition is genuine, and that he or she believes each signer to be a registered qualified elector of that district.

D. The circulated petition shall be filed with the county clerk not later than one (1) month after the filing of a copy as provided in subsection C of this section. Within one (1) month after the date of filing of the circulated petition, the county clerk shall examine it and ascertain whether it has been prepared and circulated as required and whether the required number of registered qualified electors of the district have signed. He or she shall then attach his or her certificate to the petition. If his or her certificate states that the petition has not been prepared and circulated as required or lacks a sufficient number of signatures, the petition shall have no effect, and recall proceedings may not be initiated against the same incumbent county commissioner by the same person or any of the same group of persons within three (3) months after the date of the certificate. Provided, however, if the county clerk's

certificate states that the petition has met all the above-mentioned criteria, such county clerk shall order and fix the date for a recall election to be held not less than thirty (30) days, nor more than forty (40) days, after the date of certification.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 492 of Title 19, unless there is created a duplication in numbering, reads as follows:

The county clerk shall cause the certification ordering the recall election to be published in full in a newspaper of general circulation within the county within ten (10) days after the date of certification and such publication shall be sufficient notice of the election.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 493 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The recall election shall also be an election to fill the office held by the incumbent sought to be recalled if the incumbent is recalled. Any qualified person, including the incumbent, may file as a candidate for the office. All candidates must file in the manner provided by law at least fifteen (15) days before the recall election. There shall be no primary election before the recall election, and the candidate receiving the greatest number of votes in the recall election shall be elected. If a candidate other than the incumbent is elected, the incumbent shall be recalled from office effective as of the time when the result of the election is certified by the secretary of the county election board. A candidate thus elected shall serve for the remainder of the unexpired term of the incumbent county commissioner.

B. If the incumbent county commissioner is a candidate in the recall election and receives the greatest number of votes, he or she shall continue in office without interruption and no other petition

for his or her recall may be filed within six (6) months after the election.

C. The provisions of the Oklahoma Statutes governing the conduct of elections shall also govern recall elections insofar as they are applicable and are not superseded by the provisions of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 494 of Title 19, unless there is created a duplication in numbering, reads as follows:

No person who has been recalled from office, pursuant to the provisions of this act, or who has resigned from such office while recall proceedings were pending against him or her may be eligible to hold any office or position of employment in the county government within one (1) year after his or her recall or resignation.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-1364

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