

SHORT TITLE: Counties and elections; nonpartisan elections for offices in certain counties; amending various sections of Titles 19 and 26; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 390

By: Martin

AS INTRODUCED

An Act relating to counties and elections; amending 19 O.S. 1991, Section 510, as amended by Section 4, Chapter 181, O.S.L. 1992 (19 O.S. Supp. 1996, Section 510), which relates to qualifications for office of county sheriff; making offices in certain counties nonpartisan; amending 26 O.S. 1991, Sections 1-102, 1-104, 5-103, 5-105, 8-101, and 12-114, which relate to elections; making offices in certain counties nonpartisan; deleting certain partisan references; eliminating certain Runoff Primary Elections; limiting certain provisions of law; allowing any registered voter to vote in any election for county office in certain counties; stating prerequisite to filing for certain offices; requiring certification of names for certain offices; requiring certificate of election if primary election candidate receives majority of votes cast; neutralizing gender references; regularizing punctuation; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 510, as amended by Section 4, Chapter 181, O.S.L. 1992 (19 O.S. Supp. 1996, Section 510), is amended to read as follows:

Section 510. Any person, otherwise qualified, who has been a resident of ~~the State of Oklahoma~~ this state for two (2) years, has been a registered voter of the party whose nomination ~~he~~ the person seeks, or a registered Independent, within the county from which such person seeks election for the six (6) months next preceding the first day of the filing period, is at least twenty-five (25) years of age next preceding the date of filing for office, possesses at least a high school education, shall be eligible to hold the office of county sheriff or to file therefor; provided, in counties having a population of fewer than one hundred thousand (100,000) persons as indicated by the most recent Federal Decennial Census, candidates for the office of sheriff shall file on a nonpartisan basis.

Persons elected to the office of sheriff in a county of eighty thousand (80,000) or more population shall have one year to complete a basic police course of that number of hours required of all other C.L.E.E.T. certified officers that has been approved by the Council on Law Enforcement Education and Training. ~~Provided;~~ provided, however, the provisions of this section relating to qualifications shall not apply to any person serving as a county sheriff or to any person previously serving as county sheriff prior to the adoption of this statute, except that filings shall be nonpartisan effective November 1, 1997, in counties having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 1-102, is amended to read as follows:

Section 1-102. A. A Primary Election shall be held on the fourth Tuesday in August of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall

nominate its candidates for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless said candidate shall have been nominated as herein provided, unless otherwise provided by law; provided further that this provision shall not exclude the right of a nonpartisan candidate to have ~~his~~ the candidate's name printed upon said General Election ballots. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such primary election.

B. Candidates for county offices in counties having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons, shall run for office in a nonpartisan election. If a candidate for a county office in such county receives a majority of all votes cast for the office, the candidate shall be deemed elected to the office. If no candidate for county office in such county receives a majority of all votes cast for the office, the two candidates receiving the highest number of votes cast for the office shall be deemed the nominees for the office, and their names shall be placed on the General Election Ballot.

C. There shall be no Runoff Primary Election for county offices in counties having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 1-104, is amended to read as follows:

Section 1-104. A. No registered voter shall be permitted to vote in any Primary Election or Runoff Primary Election of any political party except the political party of which ~~his~~ the registration form shows ~~him~~ the voter to be a member, except as otherwise provided by this section.

B. 1. A recognized political party may permit registered voters designated as Independents pursuant to the provisions of Section 4-112 of this title to vote in a Primary Election or Runoff Primary Election of the party.

2. The state ~~chairman~~ chair of the party shall, between November 1 and 30 of every odd-numbered year, notify the Secretary of the State Election Board as to whether ~~or not~~ the party intends to permit registered voters designated as Independents to vote in a Primary Election or Runoff Primary Election of the party. If the state ~~chairman~~ chair notifies the Secretary of the State Election Board of the party's intention to so permit, registered voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held in the following two (2) calendar years. If the state ~~chairman~~ chair of one party notifies the Secretary of the State Election Board of the party's intent to so permit, the notification period specified in this paragraph shall be extended to December 15 for the state ~~chairman~~ chair of any other party to so notify or to change prior notification. A registered voter designated as Independent shall not be permitted to vote in a Primary Election or Runoff Primary Election of more than one party.

3. Failure to so notify the Secretary of the State Election Board shall serve to prohibit registered voters designated as Independents from voting in a Primary Election or Runoff Primary Election of the party.

4. A group of persons seeking to form a recognized political party pursuant to the provisions of Section 1-108 of this title shall, upon filing of the petitions seeking recognition of the political party with the Secretary of the State Election Board, notify the Secretary of the State Election Board as to whether ~~or not~~ the party intends to permit registered voters designated as Independents to vote in a Primary Election or Runoff Primary

Election of the party. If the party is recognized and the group of persons seeking recognition of the party notifies the Secretary of the State Election Board of such intention, registered voters designated as Independents shall be permitted to vote in any Primary Election or Runoff Primary Election of the party held prior to January 1 of the following even-numbered year.

C. The provisions of this section shall not apply to elections for county offices in counties having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons. Registered voters who are Independents or who are registered as members of any recognized political party may vote in any election for a county office in such county.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 5-103, is amended to read as follows:

Section 5-103. A. Candidates for county office shall file Declarations of Candidacy with the secretary of the county election board in the county in which said candidates seek election.

B. Elections for county offices in counties having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons shall be nonpartisan, and all candidates for county offices in such county shall file as nonpartisan candidates.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 5-105, is amended to read as follows:

Section 5-105. A. To file as a candidate for nomination by a political party to any state or county office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. ~~Provided;~~ provided, to file for a county office in a county having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons, a person shall be registered for the

six-month period immediately preceding the first day of the filing period but may be registered as an Independent or as a member of any recognized party; provided further, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. ~~However,~~ but the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state or county office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 8-101, is amended to read as follows:

Section 8-101. A. The county election board shall certify a list of nominees of each political party for county offices following the Primary and Runoff Primary Elections; provided, in a county having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons, the county election board shall certify the lists of nominees on a nonpartisan basis.

B. The State Election Board shall certify a list of nominees of each political party for the offices for which the Board accepts filings of Declarations of Candidacy following the Primary and Runoff Primary Elections.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 12-114, is amended to read as follows:

Section 12-114. ~~Said~~ A. Special elections to fill vacancies in office shall be conducted under the laws applicable to regular Primary and General Elections, except that the candidate receiving the highest number of votes in said Primary Election shall be deemed the nominee of ~~his~~ the candidate's political party, provided that

the dates of the elections do not coincide with the dates for the regular Primary, Runoff Primary, and General Elections.

B. If the Primary Election is to fill a vacancy in a county office in a county having a population, as indicated by the most recent Federal Decennial Census, of fewer than one hundred thousand (100,000) persons, a candidate receiving a majority of all the votes cast in the Primary Election shall be issued a certificate of election after the expiration of the contest period following the Primary, if no contest is filed, and shall immediately assume the duties of office. If no candidate receives a majority of all the votes cast in such county, the two candidates receiving the highest number of votes shall be deemed nominees for the office.

C. If the nominee of a political party is unopposed in the Special Election, ~~he~~ the nominee shall be issued a certificate of election after the expiration of the contest period following the Primary or Runoff Primary Election, if no contest is filed, and shall immediately assume the duties of said office.

SECTION 8. This act shall become effective November 1, 1997.

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