

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 93

By: Herbert of the Senate

and

Paulk of the House

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. 1998, Section 510), which relates to qualifications for office of county sheriff; amending 26 O.S. 1991, Sections 1-102, 1-104, 5-103, 5-105, 8-101, and 12-114, which relate to elections; making office of county sheriff nonpartisan in counties having a population of at least four hundred fifty thousand (450,000); deleting certain partisan references; eliminating certain runoff primary elections and removing reference thereto; limiting certain provisions of law; stating prerequisite to filing for certain offices; requiring certification of nominees for certain offices; requiring issuance of certificate of election; requiring assumption of duties of office; deeming two candidate nominees for office under certain conditions; 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. 1998, 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 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. 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.

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 sheriff in counties having a population of at least four hundred fifty thousand (450,000) shall run for office in a nonpartisan election. If a candidate for county sheriff receives a majority of all votes cast for the office, the candidate shall be deemed elected to the office. If no candidate 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 the office of county sheriff in counties having a population of at least four hundred fifty thousand (450,000).

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 the office of district attorney or the office of county sheriff in counties having a population of at least four hundred fifty thousand (450,000).

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. In counties having a population of at least four hundred fifty thousand (450,000), elections for county sheriff shall be nonpartisan, and all candidates for county sheriff shall file as nonpartisan candidates.

C. To file for the office of county sheriff in counties having a population of less than four hundred fifty thousand (450,000), a

person must have been registered to vote for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

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, 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, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file for the office of county sheriff in counties having a population of more than four hundred fifty thousand (450,000), a person must have been registered to vote for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

C. To file for the office of county sheriff in counties having a population of less than four hundred fifty thousand (450,000), a person must have been registered to vote for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

D. 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 and in counties with a population of at least four hundred fifty thousand (450,000) shall certify a list of nominees for the nonpartisan office of county sheriff.

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. In counties with a population of at least four hundred fifty thousand (450,000), the State Election Board shall also certify a list of nominees for the nonpartisan office of district attorney.

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

Section 12-114. ~~Said~~ A. In counties with a population of at least four hundred fifty thousand (450,000), 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 the office of county sheriff in counties with a population of at least four hundred fifty thousand (450,000), 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, 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, 1999.

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