

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1151

By: Nance

AS INTRODUCED

An Act relating to sheriffs; amending 19 O.S. 1991, Section 510, as last amended by Section 1, Chapter 15, O.S.L. 2000 (19 O.S. Supp. 2000, Section 510), which relates to qualifications for office of sheriff; providing that elections in certain counties shall be nonpartisan and providing qualifications for candidates thereof; amending 26 O.S. 1991, Section 5-105, which relates to registration of candidates; providing for registration of candidates for sheriff in certain counties; providing procedure for nonpartisan election for office of sheriff in certain counties; providing for codification; providing for recodification; 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 last amended by Section 1, Chapter 15, O.S.L. 2000 (19 O.S. Supp. 2000, Section 510), is amended to read as follows:

Section 510. A. Any person, otherwise qualified, who ~~has~~:

1. Has been a resident of the State of Oklahoma for two (2) years~~;~~;

2. In counties with populations of less than five hundred thousand (500,000), has been a registered voter of the party whose nomination he or she 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~~ and in counties with populations of five hundred thousand (500,000) or more, has been a registered voter within the county from which the person seeks election for the six (6) months next preceding the first day of the filing period;

3. 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, however, in; and~~

4. In counties with populations of five hundred thousand (500,000) or more, ~~the person seeking election shall also be~~ is a current certified peace officer in good standing.

B. In counties with a population of five hundred thousand (500,000) or more, the election for sheriff shall be a nonpartisan election.

C. Within twelve (12) months of taking office, all newly elected or appointed sheriffs shall complete a sheriff's administrative school which has been developed by the Oklahoma Sheriff's Association and which has been approved by the Council on Law Enforcement Education and Training. 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 5-105, is amended to read as follows:

Section 5-105. A. ~~To~~ Except as provided in subsection C of this section, 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~~ Except as provided in subsection C of this section, 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.

C. To file as a candidate for sheriff in a county with a population of five hundred thousand (500,000) or more, a person must have been a registered voter of that county for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-105.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall apply to elections for sheriff in counties with populations of five hundred thousand (500,000) or more.

B. The ballots for sheriff in such counties shall be without party designation.

C. If two persons file for the office of sheriff, their names shall appear on the ballot only at the time of the General Election.

D. If, at the time of the Primary Election, more than two persons have filed for the office of sheriff, their names shall appear on the ballot at the time of the Primary Election.

E. If no candidate for the office receives a majority of the votes cast for that office at the Primary Election, the two candidates who receive the highest number of votes will have their names placed on the ballot for the General Election.

F. If one candidate for the office receives a majority of all votes cast for that office at the Primary Election, the candidate who received the majority of all votes cast at the Primary Election shall be deemed to have been elected to that office, and that office shall not be listed on the ballot for the General Election.

SECTION 4. RECODIFICATION 26 O.S. 1991, Section 5-105a shall be recodified as Section 5-105.2 of Title 26 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 5. This act shall become effective November 1, 2001.

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