STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2677: Dorman

AS INTRODUCED

An Act relating to elections; amending 14 O.S. 2001, Sections 80 and 108, which relate to qualifications of candidates; stating date of residency to file as a candidate for the Senate; stating date of residency to file as a candidate for the House of Representatives; amending 19 O.S. 2001, Sections 131, 131.1 and 510, as amended by Section 2, Chapter 184, O.S.L. 2003 (19 O.S. Supp. 2003, Section 510), which relate to county officers, requirements for county offices and qualifications for county sheriff; stating dates of residency to file as a candidate for certain county offices; amending 26 O.S. 2001, Section 1-108, as amended by Section 1, Chapter 485, O.S.L. 2003, 5-105, 5-110, as amended by Section 1, Chapter 162, O.S.L. 2003, 12-103, 12-108 and 12-113 (26 O.S. Supp. 2003, Sections 1-108 and 5-110), which relate to formation of political parties, exceptions, filing period, and dates for filing period; modifying date for formation of a recognized political party; stating date exception for candidates registered as a voter of a certain party for certain office; stating date exception for independent candidate registered to vote; modifying date for filing period; modifying time period relating to vacancy to be filled by special election; and declaring an emergency.

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

SECTION 1. AMENDATORY 14 O.S. 2001, Section 80, is amended to read as follows:

Section 80. To file as a candidate for the Senate in any senatorial district, ~~one~~ a person must have been a registered voter in the district and a resident residing within ~~said~~ such district for at least six (6) months immediately preceding the filing period prescribed by law. Except, however, to file as a candidate for the Senate in any senatorial district in 2004, a person must have been a registered voter and a resident residing in such district no later

than December 22, 2003. Any member of the Senate whose district has been changed by a reapportionment may change residence with the intent of becoming qualified to seek reelection in such district in the first election applicable to such district following the reapportionment without thereby being deemed to have vacated his or her existing office.

SECTION 2. AMENDATORY 14 O.S. 2001, Section 108, is amended to read as follows:

Section 108. To file as a candidate for the House of Representatives in any representative district, a person must have been a registered voter in ~~said~~ such district and a resident residing within ~~said~~ such district for at least six (6) months immediately preceding the filing period prescribed by law. Except, however, to file as a candidate for the House of Representatives in any house district in 2004, a person must have been a registered voter and a resident residing in such district no later than December 22, 2003. Any member of the House of Representatives whose district has been changed by redistricting may change residence with the intent of becoming qualified to seek reelection in ~~said~~ such district in the first election applicable to ~~said~~ such district following redistricting without thereby being deemed to have vacated his or her existing office.

SECTION 3. AMENDATORY 19 O.S. 2001, Section 131, is amended to read as follows:

Section 131. A. At the general election to be held in November~~,~~ 1974, there shall be elected in each county of the state, a court clerk, a county sheriff, and a county clerk who shall hold office for a term of two (2) years, the terms of the court clerk, county sheriff and county clerk beginning on the first Monday in January following their election, and until their successors are elected and qualified. At the general election to be held in November~~,~~ 1976, and each four (4) years thereafter, there shall be

elected in each county of the state, a court clerk, a county sheriff, and a county clerk who shall hold office for a term of four (4) years; the terms of the court clerk, the county sheriff and the county clerk, beginning on the first business day in January following their election, and until their successors are elected and qualified.

B. At the general election to be held in November~~,~~ 1974, and each four (4) years thereafter, there shall be elected in each county of the state, a county assessor and a county treasurer, who shall hold office for a term of four (4) years. The term of the county assessor shall begin on the first business day in January following the election, and shall terminate when a successor is elected and qualified. The term of the county treasurer shall begin on the first Monday in July following the election and shall terminate when the successor is duly elected and qualified.

C. At the general election to be held in November 1990, and each four (4) years thereafter, there shall be elected in each county of the state two county commissioners, one from the first county commissioner district and one from the third county commissioner district, who shall hold office for a term of four (4) years. At the general election to be held in November 1990, there shall be elected in each county of the state one county commissioner from the second county commissioner district who shall hold office for a term of six (6) years. At the general election to be held in November 1996, and each four (4) years thereafter, there shall be elected in each county of the state, one county commissioner from the second county commissioner district, who shall hold office for a term of four (4) years. The terms of the county commissioners shall begin on the first business day in January following their election, and shall terminate when their successors are elected and qualified.

D. A county officer shall not, unless the county officer resigns from the office held by such officer, be eligible to become

a candidate for another county office or state office. In order to file as a candidate for county commissioner in a county commissioner's district, the candidate must have been a qualified registered elector in that district for at least six (6) months immediately preceding the first day of the filing period prescribed by law. Except, however, to file as a candidate for a county commissioner in any county commissioner's district in 2004, the candidate must have been a qualified registered elector in that district no later than December 22, 2003.

SECTION 4. AMENDATORY 19 O.S. 2001, Section 131.1, is amended to read as follows:

Section 131.1 To file as a candidate for any county office, ~~one~~ a person must have been a registered voter within the county for the six-month period immediately preceding the first day of the filing period prescribed by law. Except, however, to file as a candidate for any county officer in 2004, a person must have been a registered voter within the county no later than December 22, 2004.

SECTION 5. AMENDATORY 19 O.S. 2001, Section 510, as amended by Section 2, Chapter 184, O.S.L. 2003 (19 O.S. Supp. 2003, Section 510), is amended to read as follows:

Section 510. Any person, otherwise qualified, who has been a resident of the State of Oklahoma for two (2) years, 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, except in 2004, when such person must have been a qualified registered elector no later than December 22, 2003, 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 counties with populations of five hundred thousand (500,000) or more, the person seeking election

shall also be a current certified peace officer in good standing. 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 (CLEET). Failure to complete the sheriff's administrative school within the specified period shall preclude the new sheriff from obtaining CLEET certification. New sheriffs with prior CLEET certification, who fail to attend the sheriff's administrative school, shall have their CLEET certification revoked. 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 6. AMENDATORY 26 O.S. 2001, Section 1-108, as amended by Section 1, Chapter 485, O.S.L. 2003 (26 O.S. Supp. 2003, Section 1-108), is amended to read as follows:

Section 1-108. A group of persons may form a recognized political party at any time except during the period between June ~~15~~ 1 and November 15 of any even-numbered year if the following procedure is observed:

1. Notice of intent to form a recognized political party must be filed in writing with the Secretary of the State Election Board at any time except during the period between March 1 and November 15 of any even-numbered year.

2. After such notice is filed, petitions seeking recognition of a political party, in a form to be prescribed by the Secretary of the State Election Board, shall be filed with such Secretary, bearing the signatures of registered voters equal to at least five percent (5%) of the total votes cast in the last General Election either for Governor or for electors for President and Vice President. Each page of such petitions must contain the names of

registered voters from a single county. Petitions may be circulated a maximum of one (1) year after notice is filed, provided that petitions shall be filed with such Secretary no later than May 1 of an even-numbered year. Such petitions shall not be circulated between May 1 and November 15 of any even-numbered year.

3. Within thirty (30) days after receipt of such petitions, the State Election Board shall determine the sufficiency of such petitions. If such Board determines there are a sufficient number of valid signatures of registered voters, the party becomes recognized under the laws of the State of Oklahoma with all rights and obligations accruing thereto.

SECTION 7. AMENDATORY 26 O.S. 2001, 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. Except, however, to file as a candidate for nomination by a political party to any state or county office in 2004, a person must have been a registered voter of that party no later than December 22, 2003. 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 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. Except, however, to file as an independent candidate for any state or county

office in 2004, a person must have been registered to vote as an independent no later than December 22, 2003.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 5-110, as amended by Section 1, Chapter 162, O.S.L. 2003 (26 O.S. Supp. 2003, Section 5-110), is amended to read as follows:

Section 5-110. Declarations of Candidacy provided herein must be filed with the secretary of the appropriate election board no earlier than 8:00 a.m. on the ~~third~~ first Monday in June of any even-numbered year and no later than 5:00 p.m. on the next succeeding Wednesday. Such Declarations of Candidacy may be transmitted by United States mail, but in no event shall the secretary of any election board accept such Declarations after the time prescribed by law.

SECTION 9. AMENDATORY 26 O.S. 2001, Section 12-103, is amended to read as follows:

Section 12-103. ~~Said~~ Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of ~~said~~ such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period;

3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Primary Election; and

4. The date of the Special General Election, not less than twenty (20) days after the date of the Runoff Primary Election.

Should such a vacancy occur between March 1 and ~~July~~ June 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 10. AMENDATORY 26 O.S. 2001, Section 12-108, is amended to read as follows:

Section 12-108. ~~Said~~ Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of ~~said~~ such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Primary Election.

Should such a vacancy occur between March 1 and ~~July~~ June 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 11. AMENDATORY 26 O.S. 2001, Section 12-113, is amended to read as follows:

Section 12-113. ~~Said~~ Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday, not less than ten (10) days from the date of ~~said~~ such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Primary Election.

Should such a vacancy occur between March 1 and ~~July~~ June 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 12. 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.

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