

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2985

By: Jett

AS INTRODUCED

An Act relating to counties and county officers; ordering a legislative referendum pursuant to the Oklahoma Constitution; amending 19 O.S. 2001, Section 131, as last amended by Section 9, Chapter 1, O.S.L. 2005 (19 O.S. Supp. 2005, Section 131), which relates to county officers; making elections for county officers nonpartisan; amending 19 O.S. 2001, Section 510, as last amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2005, Section 510), which relates to county sheriffs; making elections for county sheriffs nonpartisan under certain conditions; providing a ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the next general election, to be held on November 7, 2006.

SECTION 2. AMENDATORY 19 O.S. 2001, Section 131, as last amended by Section 9, Chapter 1, O.S.L. 2005 (19 O.S. Supp. 2004, 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 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 21, 2003.

E. County officers that participate in a primary election where the outcome of the primary will result in the winner holding office without participating in a general election because no other party participated, will be subject to a vote of all registered voters in the county, regardless of party affiliation in that primary election.

SECTION 3. AMENDATORY 19 O.S. 2001, Section 510, as last amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2005, 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 21, 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~~ Sheriffs'

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 4. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure changes the law for elections. The elections are for county officers. The change adds a sentence that states that county officers shall be elected by a vote of all registered voters of a county in a primary election. This type of vote occurs when there is not other party to run against in the general election. The measure also changes the law for holding the office of sheriff. The change clarifies the type of registered voter a person must be for eligibility to hold office.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

AGAINST THE PROPOSAL - NO \_\_\_\_\_

SECTION 5. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 4

hereof, with the Secretary of State and one copy with the Attorney General.

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