STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

HOUSE BILL 1876 By: Johnson (Dennis)

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 131, as last amended by Section 9, Chapter 1, O.S.L. 2005 (19 O.S. Supp. 2006, Section 131), which relates to county officers; making elections for county officers nonpartisan; amending 19 O.S. 2001, Section 215.1, which relates to district attorneys; making elections for district attorneys nonpartisan; amending 19 O.S. 2001, Section 510, as last amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2006, Section 510), which relates to county sheriffs; making elections for county sheriffs nonpartisan; amending 26 O.S. 2001, Sections 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004, 8-101, 12-111, as amended by Section 12, Chapter 447, O.S.L. 2002, 12-113, as last amended by Section 5, Chapter 369, O.S.L. 2004 and 12-114 (26 O.S. Supp. 2006, Sections 5-105, 12-111 and 12-113), which relate to candidates for nomination of office, certification and contest of nominees, and vacancies in certain county office; stating certain parameters for filing for office; removing references to county Runoff Primary Elections and Runoff Primary Elections for district attorneys; stating conditions for winning election; amending 51 O.S. 2001, Section 10, which relates to vacancies in state and county offices; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 131, as last amended by Section 9, Chapter 1, O.S.L. 2005 (19 O.S. Supp. 2006, 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 shall be elected at nonpartisan elections.

SECTION 2. AMENDATORY 19 O.S. 2001, Section 215.1, is amended to read as follows:

Section 215.1 There is hereby created the office of district attorney in the State of Oklahoma, which office shall be filled and in the same manner as now prevails for district judge. Filing for said office shall be accomplished by filing with the State Election Board. District attorneys shall be elected at nonpartisan elections. There shall be one district attorney for each of the district court judicial districts as they are composed and exist on March 1, 1965, with the following exceptions. Provided, however, that that part of Judicial District No. (14) which is Pawnee County shall be consolidated with Osage County to form District Attorney's District No. (10) and Judicial District No. (25) shall be consolidated with Judicial District No. (19) for the purposes of this act; and, provided further, that District Court Judicial District No. (5) be divided into two district attorney districts, one composed of Caddo, Grady, Stephens and Jefferson Counties to be denominated District Attorney's District No. (6) and the other composed of Comanche and Cotton Counties, to be denominated District Attorney's District No. (5); and, that District Court Judicial

District No. (4) shall be composed of Canadian, Kingfisher, Blaine, Garfield and Grant Counties to be denominated District Attorney's District No. (4) and the other composed of Alfalfa, Major, Dewey, Woodward and Woods Counties, to be denominated District Attorney's District No. (26); that District Court Judicial District No. (15) be divided into two district attorneys' districts, one composed of Muskogee County to be denominated District Attorney's District No. (15) and the other composed of Wagoner, Cherokee, Sequoyah and Adair Counties to be denominated District Attorney's District No. (27); that Creek and Okfuskee Counties shall be denominated as District Attorney's District No. (24); Okmulgee and McIntosh Counties shall be denominated as District Attorney's District No. (25); and Pittsburg and Haskell Counties shall be denominated as District Attorney's District No. (18); and Latimer and LeFlore Counties shall be denominated as District Attorney's District No. (16); and District Attorney's District No. (7) shall consist of Oklahoma County; and, effective January 6, 2003, Kiowa, Jackson, Tillman, Harmon and Greer Counties shall be denominated as District Attorney’s District No. (3); and, effective January 6, 2003, Washita, Ellis, Roger Mills, Custer and Beckham Counties shall be denominated as District Attorney’s District No. (2). The State Election Board shall conduct the elections in 2002 for District No. (2) and District No. (3) in accordance with the provisions of this section.

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. 2006, 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

Elections for county officers and district attorneys shall be nonpartisan and all candidates for county offices and for district attorney shall file as nonpartisan candidates.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2006, 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 other than district attorney, 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 21, 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 other than district attorney, 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 21, 2003.

C. To file as a candidate for any county office, a person must have been a registered voter of the county 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 a candidate for district attorney, a person must have been a registered voter 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. 2001, Section 8-101, is amended to read as follows:

Section 8-101. The county election board shall certify a list of nominees ~~of each political party~~ for county offices following the

Primary ~~and Runoff Primary Elections~~ Election. ~~The~~ Except for filings for district attorney offices, 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. The State Election Board shall certify a list of nominees for district attorney offices following the Primary Election.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 12-111, as amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2006, Section 12-111), is amended to read as follows:

Section 12-111. A. Whenever a vacancy shall occur in the office of a county commissioner, the vacancy shall be filled at a special election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the Primary Election~~,~~ ~~runoff Primary Election,~~ or the regular General Election shall be appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

B. Whenever a vacancy shall occur in any elective county office of any county in this state having a population of more than the population figure specified in subsection B of Section 10 of Title 51 of the Oklahoma Statutes, the vacancy shall be filled at a

special election to be called by the Governor within thirty (30) days after the vacancy occurs. Provided, no special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of the office expires the following year. In such case, the candidate elected to the office at the Primary Election~~,~~ ~~runoff Primary Election,~~ or the regular General Election shall be appointed by the Governor as soon as practical after the applicable election to fill the unexpired term.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 12-113, as last amended by Section 5, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2006, Section 12-113), is amended to read as follows:

Section 12-113. ~~Such~~ The proclamation provided for in Section 12-112 of this title 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 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 Special Primary Election.

Should such a vacancy occur between March 1 and 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 9. AMENDATORY 26 O.S. 2001, Section 12-114, is amended to read as follows:

Section 12-114. ~~Said~~ The elections provided for in Section 12-112 of this title 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~~ such Primary Election shall be deemed ~~the nominee of his political party~~ elected to the office if the candidate receives a majority of all the votes cast. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes shall be deemed nominees for the office, provided that the dates of the elections do not coincide with the dates for the regular Primary~~, Runoff Primary~~ and General Elections. If ~~the~~ a 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~~ the office.

SECTION 10. AMENDATORY 51 O.S. 2001, Section 10, is amended to read as follows:

Section 10. A. All vacancies in state offices, except in offices of the members of the Legislature, members of the House of Representatives from Oklahoma in the Congress of the United States

of America and members of the Senate of the United States of America, shall be filled by appointment by the Governor. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, the Governor shall, in filling such vacancy, utilize the services of the Judicial Nominating Commission in the manner as provided for in the filling of judicial offices under Section 4~~,~~ of Article ~~7B~~ VII-B of the Oklahoma Constitution.

B. All vacancies in county offices except the board of county commissioners or except for any elective county office of any county in the State of Oklahoma having a population of more than six hundred thousand (600,000), according to the latest Federal Decennial Census shall be filled by appointment by the board of county commissioners. If such an appointment is made prior to the prescribed filing period for county officers in accordance with the provisions of Section 131 of Title 19 of the Oklahoma Statutes, the county commissioners shall, at the time said appointment is made, proclaim a special election to fill the balance of the unexpired term, providing the balance of the term does not expire in the year following the next succeeding general election. In making the proclamation, the county commissioners shall establish the dates for the filing period, primary election~~, runoff primary election~~ and general election to be the same as the next succeeding filing period, primary election~~, runoff primary election~~ and general

election for county officers. The appointee shall be eligible to become a candidate at ~~said~~ the special election, providing ~~said~~ the appointee is otherwise qualified. The office to be filled shall be printed on the same ballot as other county offices.

SECTION 11. This act shall become effective November 1, 2007.

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