

THE HOUSE OF REPRESENTATIVES
Monday, February 22, 2010

House Bill No. 2845

HOUSE BILL NO. 2845 - By: JOYNER of the House and IVESTER of the Senate.

An Act relating to elections; requiring elections for certain offices to be conducted on nonpartisan basis; providing procedures; amending 26 O.S. 2001, Sections 5-105, as amended by Section 7, Chapter 53, O.S.L. 2004 and 5-111 (26 O.S. Supp. 2009, Section 5-105), which relate to election procedures; providing for nonpartisan elections for office of county sheriff; deleting requirement for registration as member of political party for certain period as qualification to become candidate for certain office; modifying information required on declarations of candidacy for certain office; providing for codification; providing an effective date; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 5-103.1 of Title 26, unless there is created a duplication in
3 numbering, reads as follows:

4 A. Beginning with the 2012 election cycle, elections for the office of county sheriff
5 shall be conducted on a nonpartisan basis. Candidates for county sheriff shall file a
6 declaration of candidacy with the secretary of the county election board as provided in
7 Section 5-103 of Title 26 of the Oklahoma Statutes but shall not declare a party
8 affiliation.

9 B. If more than two candidates qualify to have their names appear on the ballot for
10 the office of county sheriff, the names of all such candidates shall appear on the Primary

1 Election ballot. If no single candidate receives more than fifty percent (50%) of the votes
2 cast at the Primary Election, the names of the two candidates receiving the highest
3 number of votes at the Primary Election shall appear on the General Election ballot.

4 SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-105, as amended by
5 Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2009, Section 5-105), is amended to
6 read as follows:

7 Section 5-105. A. To file as a candidate for nomination by a political party to any
8 state or county office other than the office of county sheriff, a person must have been a
9 registered voter of that party for the six-month period immediately preceding the first
10 day of the filing period prescribed by law and, under oath, so state. ~~Except, however, to~~
11 ~~file as a candidate for nomination by a political party to any state or county office in~~
12 ~~2004, a person must have been a registered voter of that party no later than December~~
13 ~~21, 2003.~~ Provided, this requirement shall not apply to a candidate for the nomination of
14 a political party which attains recognition less than six (6) months preceding the first day
15 of the filing period required by law. However, the candidate shall be required to have
16 registered with the newly recognized party within fifteen (15) days after such party
17 recognition.

18 B. To file as an independent candidate for any state or county office, other than the
19 office of county sheriff, a person must have been registered to vote as an independent for
20 the six-month period immediately preceding the first day of the filing period prescribed
21 by law and, under oath, so state. ~~Except, however, to file as an independent candidate~~

1 ~~for any state or county office in 2004, a person must have been registered to vote as an~~
2 ~~independent no later than December 21, 2003.~~

3 SECTION 3. AMENDATORY 26 O.S. 2001, Section 5-111, is amended to read
4 as follows:

5 Section 5-111. Forms to be used for filing Declarations of Candidacy shall be
6 prescribed by the Secretary of the State Election Board and shall contain the following
7 information: name of the candidate; the candidate's place of residence and ~~his~~ mailing
8 address; name of the office sought; the candidate's date of birth; party affiliation of
9 candidate seeking political party nomination for state offices, and county offices other
10 than the office of county sheriff; precinct and county wherein the candidate is a
11 registered voter; an oath wherein the candidate swears or affirms that ~~he~~ the candidate
12 is qualified to become a candidate for the office ~~which he is seeking~~ sought, and that, if
13 elected, ~~he~~ the candidate will be qualified to hold said office; and any additional
14 information which the Secretary deems necessary. A Declaration of Candidacy form
15 must be signed by the candidate, and the signature must be properly notarized by a
16 notary public or other person authorized by law to administer oaths.

17 SECTION 4. This act shall become effective July 1, 2010.

18 SECTION 5. It being immediately necessary for the preservation of the public
19 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
20 this act shall take effect and be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-18-10 - DO PASS, As
22 Coauthored.