

THE STATE SENATE
Monday, February 23, 2009

Committee Substitute for
Senate Bill No. 874

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 874 - By: Coffee of the Senate and Jett of the House.

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. 2008, Section 5-105), which relate to election procedures; amending 19 O.S. 2001, Section 510, as last amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2008, Section 510), which relates to qualifications for the office of county sheriff; providing for nonpartisan elections for office of county sheriff and district attorney; deleting obsolete language; 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; and providing an effective date.

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

SECTION 1. 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:

A. Beginning with the 2012 election cycle, elections for the office of county sheriff shall be conducted on a nonpartisan basis. Candidates for county sheriff shall file a declaration of candidacy with the secretary of the county election board as provided in

1 Section 5-103 of Title 26 of the Oklahoma Statutes but shall not
2 declare a party affiliation.

3 B. Beginning with the 2010 election cycle, elections for the
4 office of district attorney shall be conducted on a nonpartisan
5 basis. Candidates for district attorney shall file a declaration of
6 candidacy with the Secretary of the State Election Board as provided
7 in Section 5-102 of Title 26 of the Oklahoma Statutes but shall not
8 declare a party affiliation.

9 C. If more than two candidates qualify to have their names
10 appear on the ballot for the office of county sheriff, or the office
11 of district attorney as provided by law, the names of all such
12 candidates shall appear on the Primary Election ballot. If no
13 single candidate receives more than fifty percent (50%) of the votes
14 cast at the Primary Election, the names of the two candidates
15 receiving the highest number of votes at the Primary Election shall
16 appear on the General Election ballot.

17 SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-105, as
18 amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2008,
19 Section 5-105), is amended to read as follows:

20 Section 5-105. A. To file as a candidate for nomination by a
21 political party to any state or county office other than the office
22 of county sheriff or district attorney, a person must have been a
23 registered voter of that party for the six-month period immediately

1 preceding the first day of the filing period prescribed by law and,
2 under oath, so state. ~~Except, however, to file as a candidate for~~
3 ~~nomination by a political party to any state or county office in~~
4 ~~2004, a person must have been a registered voter of that party no~~
5 ~~later than December 21, 2003.~~ Provided, this requirement shall not
6 apply to a candidate for the nomination of a political party which
7 attains recognition less than six (6) months preceding the first day
8 of the filing period required by law. However, the candidate shall
9 be required to have registered with the newly recognized party
10 within fifteen (15) days after such party recognition.

11 B. To file as an independent candidate for any state or county
12 office, other than the office of county sheriff or district
13 attorney, a person must have been registered to vote as an
14 independent for the six-month period immediately preceding the first
15 day of the filing period prescribed by law and, under oath, so
16 state. ~~Except, however, to file as an independent candidate for any~~
17 ~~state or county office in 2004, a person must have been registered~~
18 ~~to vote as an independent no later than December 21, 2003.~~

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

21 Section 5-111. Forms to be used for filing Declarations of
22 Candidacy shall be prescribed by the Secretary of the State Election
23 Board and shall contain the following information: name of the

1 candidate; the candidate's place of residence and his mailing
2 address; name of the office sought; the candidate's date of birth;
3 party affiliation of candidate seeking political party nomination
4 for state offices other than the office of district attorney and
5 county offices other than the office of county sheriff; precinct and
6 county wherein the candidate is a registered voter; an oath wherein
7 the candidate swears or affirms that he or she is qualified to
8 become a candidate for the office ~~which he is seeking~~ sought, and
9 that, if elected, he or she will be qualified to hold said office;
10 and any additional information which the Secretary deems necessary.
11 A Declaration of Candidacy form must be signed by the candidate, and
12 the signature must be properly notarized by a notary public or other
13 person authorized by law to administer oaths.

14 SECTION 4. AMENDATORY 19 O.S. 2001, Section 510, as last
15 amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2008,
16 Section 510), is amended to read as follows:

17 Section 510. Any person, otherwise qualified, who has been a
18 resident of the State of Oklahoma for two (2) years, ~~has been a~~
19 ~~registered voter of the party whose nomination he or she seeks, or a~~
20 ~~registered Independent,~~ within the county from which such person
21 seeks election for the six (6) months next preceding the first day
22 of the filing period, ~~except in 2004, when such person must have~~
23 ~~been a qualified registered elector no later than December 21, 2003,~~

1 is at least twenty-five (25) years of age next preceding the date of
2 filing for office, and possesses at least a high school education,
3 shall be eligible to hold the office of county sheriff or to file
4 therefor. Provided, however, in counties with populations of five
5 hundred thousand (500,000) or more, the person seeking election
6 shall also be a current certified peace officer in good standing.
7 Within twelve (12) months of taking office, all newly elected or
8 appointed sheriffs shall complete a sheriff's administrative school
9 which has been developed by the Oklahoma Sheriff's Association and
10 which has been approved by the Council on Law Enforcement Education
11 and Training (CLEET). Failure to complete the sheriff's
12 administrative school within the specified period shall preclude the
13 new sheriff from obtaining CLEET certification. New sheriffs with
14 prior CLEET certification, who fail to attend the sheriff's
15 administrative school, shall have their CLEET certification revoked.
16 Provided, however, the provisions of this section relating to
17 qualifications shall not apply to any person serving as a county
18 sheriff or to any person previously serving as county sheriff prior
19 to the adoption of this statute.

20 SECTION 5. This act shall become effective November 1, 2009.

21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-16-09 - DO PASS, As
22 Amended and Coauthored.