

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2845

By: Joyner

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5
6 AS INTRODUCED

7 An Act relating to elections; requiring elections for
8 certain offices to be conducted on nonpartisan basis;
9 providing procedures; amending 26 O.S. 2001, Sections
10 5-105, as amended by Section 7, Chapter 53, O.S.L.
11 2004 and 5-111 (26 O.S. Supp. 2009, Section 5-105),
12 which relate to election procedures; providing for
13 nonpartisan elections for office of county sheriff;
14 deleting requirement for registration as member of
15 political party for certain period as qualification
16 to become candidate for certain office; modifying
17 information required on declarations of candidacy for
18 certain office; providing for codification; providing
19 an effective date; and declaring an emergency.

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

3 B. If more than two candidates qualify to have their names
4 appear on the ballot for the office of county sheriff, the names of
5 all such candidates shall appear on the Primary Election ballot. If
6 no single candidate receives more than fifty percent (50%) of the
7 votes cast at the Primary Election, the names of the two candidates
8 receiving the highest number of votes at the Primary Election shall
9 appear on the General Election ballot.

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

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

1 have registered with the newly recognized party within fifteen (15)
2 days after such party recognition.

3 B. To file as an independent candidate for any state or county
4 office, other than the office of county sheriff, a person must have
5 been registered to vote as an independent for the six-month period
6 immediately preceding the first day of the filing period prescribed
7 by law and, under oath, so state. ~~Except, however, to file as an~~
8 ~~independent candidate for any state or county office in 2004, a~~
9 ~~person must have been registered to vote as an independent no later~~
10 ~~than December 21, 2003.~~

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

13 Section 5-111. Forms to be used for filing Declarations of
14 Candidacy shall be prescribed by the Secretary of the State Election
15 Board and shall contain the following information: name of the
16 candidate; the candidate's place of residence and ~~his~~ mailing
17 address; name of the office sought; the candidate's date of birth;
18 party affiliation of candidate seeking political party nomination
19 for state offices, and county offices other than the office of
20 county sheriff; precinct and county wherein the candidate is a
21 registered voter; an oath wherein the candidate swears or affirms
22 that ~~he~~ the candidate is qualified to become a candidate for the
23 office ~~which he is seeking~~ sought, and that, if elected, ~~he~~ the
24 candidate will be qualified to hold said office; and any additional

1 information which the Secretary deems necessary. A Declaration of
2 Candidacy form must be signed by the candidate, and the signature
3 must be properly notarized by a notary public or other person
4 authorized by law to administer oaths.

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

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

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11 52-2-8866 LRB 12/14/09

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