

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1703

By: Lerblance

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5
6 AS INTRODUCED

7 An Act relating to elections; requiring elections for
8 county offices and district attorney to be conducted
9 on nonpartisan basis; providing procedures; amending
10 26 O.S. 2001, Sections 1-105, as amended by Section
11 1, Chapter 221, O.S.L. 2009, 5-105, as amended by
12 Section 7, Chapter 53, O.S.L. 2004, 5-111, 6-109, 8-
13 101, 12-111, as amended by Section 12, Chapter 447,
14 O.S.L. 2002 and 12-114 (26 O.S. Supp. 2009, Sections
15 1-105, 5-105 and 12-111), which relate to election
16 procedures; amending 19 O.S. 2001, Section 510, as
17 last amended by Section 5, Chapter 53, O.S.L. 2004
18 (19 O.S. Supp. 2009, Section 510), which relates to
19 qualifications for the office of county sheriff;
20 amending 51 O.S. 2001, Section 10, which relates to
21 vacancies in state offices; deleting obsolete
22 language; providing procedures in event of death of
23 candidate for county office or district attorney;
24 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; modifying procedure for order of
names on ballot; deleting references to runoff
primary election for county officers or district
attorney; providing for codification; and providing
an effective date.

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

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

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

10 B. Beginning with the 2014 election cycle, elections for
11 district attorney shall be conducted on a nonpartisan basis.
12 Candidates for district attorney shall file a declaration of
13 candidacy with the Secretary of the State Election Board as provided
14 in Section 5-102 of Title 26 of the Oklahoma Statutes but shall not
15 declare a party affiliation.

16 C. If more than two candidates qualify to have their names
17 appear on the ballot for a county office or the office of district
18 attorney as provided by law, the names of all such candidates shall
19 appear on the Primary Election ballot. If no single candidate
20 receives more than fifty percent (50%) of the votes cast at the
21 Primary Election, the names of the two candidates receiving the
22 highest number of votes at the Primary Election shall appear on the
23 General Election ballot.

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1 SECTION 2. AMENDATORY 26 O.S. 2001, Section 1-105, as
2 amended by Section 1, Chapter 221, O.S.L. 2009 (26 O.S. Supp. 2009,
3 Section 1-105), is amended to read as follows:

4 Section 1-105. A. In the event of the death of a political
5 party's nominee for office prior to the date of the General
6 Election, a substitute candidate will be permitted to have his or
7 her name placed on the General Election ballot as follows:

8 ~~1. If the nominee was a candidate for county office, the~~
9 ~~political party's central committee of said county shall notify the~~
10 ~~secretary of the county election board of the name of an alternative~~
11 ~~candidate to be placed on the General Election ballot. Such notice~~
12 ~~shall be submitted in writing, within fifteen (15) days after said~~
13 ~~death has occurred, but not later than fifty-five (55) days prior to~~
14 ~~the General Election, and shall be signed by at least two duly~~
15 ~~authorized members of the political party's county central~~
16 ~~committee,~~

17 ~~2.~~ If the nominee was a candidate who filed a Declaration of
18 Candidacy with the State Election Board, other than for the office
19 of district attorney, the state central committee of the party
20 affected shall notify the Secretary of the State Election Board of
21 the name of an alternative candidate to be placed on the General
22 Election ballot. Such notice shall be submitted in writing, within
23 fifteen (15) days after ~~said~~ the death has occurred, but not later
24 than sixty (60) days prior to the General Election for statewide and

1 federal offices and not later than fifty-five (55) days prior to the
2 General Election for other offices, and shall be signed by at least
3 two duly authorized members of the political party's state central
4 committee; and

5 ~~3-~~ 2. If ~~said~~ the death should occur five (5) days or more
6 following the Runoff Primary Election date, a special General
7 Election shall be called by the Governor and shall be conducted
8 according to the laws governing such elections, Section 12-101 et
9 seq. of this title, except that there shall be no filing period or
10 special Primary Election and the candidates in the special General
11 Election shall be the substitute candidate named by the central
12 committee and the nominee of other political parties elected in the
13 Primary or Runoff Primary, and any previously filed independent
14 candidates.

15 B. In the event of the death of a candidate who was unopposed
16 for election, a Special Election shall be called by the Governor.
17 Said Special Election shall be conducted according to the laws
18 governing such elections, Section 12-101 et seq. of this title.

19 C. 1. In the event of the death of a candidate for county
20 office or for the office of district attorney whose name would
21 otherwise be on the Primary Election ballot and the death occurs
22 before ballot printing has begun for the election, the name of the
23 deceased candidate shall not be printed on the ballot. If ballot
24 printing has begun, votes for the deceased candidate shall not be

1 certified by the county election board. If the death of a candidate
2 leaves only two surviving candidates, their names shall not appear
3 on the Primary Election ballot, or if ballot printing has begun,
4 votes shall not be certified by the county election board in the
5 race, or by the State Election Board for the office of district
6 attorney, and the two names shall appear on the ballot for the
7 General Election.

8 2. In the event of the death of a candidate for county office,
9 or for the office of district attorney, whose name would otherwise
10 be on the General Election ballot and the death occurs before ballot
11 printing has begun for the election, the name of neither candidate
12 shall be printed on the ballot and the Governor shall call a special
13 election to fill the office. In the call for the election, the
14 Governor shall prescribe a filing period, to be held as nearly as
15 practicable as the regular filing period, followed in no less than
16 forty-five (45) days by a Special Primary Election which shall be
17 followed in no less than forty-five (45) days by a Special General
18 Election. The Primary and General Elections shall be held in the
19 same manner as regular Primary and General Elections. If the death
20 of the candidate occurs after ballot printing has begun for the
21 election, votes shall not be certified by the county election board
22 in the race, or by the State Election Board for the office of
23 district attorney, and the Governor shall call a special election as
24 specified in this paragraph.

1 SECTION 3. AMENDATORY 26 O.S. 2001, Section 5-105, as
2 amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2009,
3 Section 5-105), is amended to read as follows:

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

18 B. To file as an independent candidate for any state ~~or county~~
19 office, other than the office of district attorney, a person must
20 have been registered to vote as an independent for the six-month
21 period immediately preceding the first day of the filing period
22 prescribed by law and, under oath, so state. ~~Except, however, to~~
23 ~~file as an independent candidate for any state or county office in~~
24

1 ~~2004, a person must have been registered to vote as an independent~~
2 ~~no later than December 21, 2003.~~

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

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

20 SECTION 5. AMENDATORY 26 O.S. 2001, Section 6-109, is
21 amended to read as follows:

22 Section 6-109. On all Primary and Runoff Primary Election
23 ballots, except absentee ballots, the names of the candidates for
24 each office shall be rotated in such a manner that all candidates'

1 names appear in each position on said ballots an equal number of
2 times. Provided, however, the names of candidates for judicial,
3 county, school, city and town offices and the office of district
4 attorney shall be placed on the ballot according to lot.

5 SECTION 6. AMENDATORY 26 O.S. 2001, Section 8-101, is
6 amended to read as follows:

7 Section 8-101. The county election board shall certify a list
8 of nominees ~~of each political party~~ for county offices following the
9 Primary ~~and Runoff Primary Elections~~ Election. The State Election
10 Board shall certify a list of nominees of each political party for
11 the offices for which the Board accepts filings of Declarations of
12 Candidacy following the Primary and Runoff Primary Elections, other
13 than the office of district attorney. The State Election Board
14 shall certify a list of nominees for the office of district attorney
15 following the Primary Election.

16 SECTION 7. AMENDATORY 26 O.S. 2001, Section 12-111, as
17 amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2009,
18 Section 12-111), is amended to read as follows:

19 Section 12-111. A. Whenever a vacancy shall occur in the
20 office of a county commissioner, the vacancy shall be filled at a
21 special election to be called by the Governor within thirty (30)
22 days after the vacancy occurs. Provided, no special election shall
23 be called if the vacancy occurs after March 1 of any even-numbered
24 year if the term of the office expires the following year. In such

1 case, the candidate elected to the office at the Primary Election,
2 ~~runoff Primary Election,~~ or the regular General Election shall be
3 appointed by the Governor as soon as practical after the applicable
4 election to fill the unexpired term.

5 B. Whenever a vacancy shall occur in any elective county office
6 of any county in this state having a population of more than the
7 population figure specified in subsection B of Section 10 of Title
8 51 of the Oklahoma Statutes, the vacancy shall be filled at a
9 special election to be called by the Governor within thirty (30)
10 days after the vacancy occurs. Provided, no special election shall
11 be called if the vacancy occurs after March 1 of any even-numbered
12 year if the term of the office expires the following year. In such
13 case, the candidate elected to the office at the Primary Election,
14 ~~runoff Primary Election,~~ or the regular General Election shall be
15 appointed by the Governor as soon as practical after the applicable
16 election to fill the unexpired term.

17 SECTION 8. AMENDATORY 26 O.S. 2001, Section 12-114, is
18 amended to read as follows:

19 Section 12-114. ~~Said elections~~ Elections to fill vacancies in
20 county offices shall be conducted under the laws applicable to
21 regular Primary and General Elections, ~~except that the candidate~~
22 ~~receiving the highest number of votes in said Primary Election shall~~
23 ~~be deemed the nominee of his political party,~~ provided that the
24 dates of the elections do not coincide with the dates for the

1 regular Primary, ~~Runoff Primary~~ and General Elections. If ~~the~~
2 ~~nominee of a political party~~ a candidate is unopposed in the Special
3 Election or receives at least fifty percent (50%) of the votes cast
4 at the Special Primary Election, ~~he~~ the candidate shall be issued a
5 certificate of election after the expiration of the contest period
6 following the Primary ~~or Runoff Primary~~ Election, if no contest is
7 filed, and shall immediately assume the duties of ~~said~~ the office.

8 SECTION 9. AMENDATORY 19 O.S. 2001, Section 510, as last
9 amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2009,
10 Section 510), is amended to read as follows:

11 Section 510. Any person, otherwise qualified, who has been a
12 resident of the State of Oklahoma for two (2) years, has been a
13 registered voter ~~of the party whose nomination he or she seeks, or a~~
14 ~~registered Independent~~, within the county from which such person
15 seeks election for the six (6) months next preceding the first day
16 of the filing period, ~~except in 2004, when such person must have~~
17 ~~been a qualified registered elector no later than December 21, 2003,~~
18 is at least twenty-five (25) years of age next preceding the date of
19 filing for office, and possesses at least a high school education,
20 shall be eligible to hold the office of county sheriff or to file
21 therefor. Provided, however, in counties with populations of five
22 hundred thousand (500,000) or more, the person seeking election
23 shall also be a current certified peace officer in good standing.
24 Within twelve (12) months of taking office, all newly elected or

1 appointed sheriffs shall complete a sheriff's administrative school
2 which has been developed by the Oklahoma Sheriff's Association and
3 which has been approved by the Council on Law Enforcement Education
4 and Training (CLEET). Failure to complete the sheriff's
5 administrative school within the specified period shall preclude the
6 new sheriff from obtaining CLEET certification. New sheriffs with
7 prior CLEET certification, who fail to attend the sheriff's
8 administrative school, shall have their CLEET certification revoked.
9 Provided, however, the provisions of this section relating to
10 qualifications shall not apply to any person serving as a county
11 sheriff or to any person previously serving as county sheriff prior
12 to the adoption of this statute.

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

15 Section 10. A. All vacancies in state offices, except in
16 offices of the members of the Legislature, members of the House of
17 Representatives from Oklahoma in the Congress of the United States
18 of America and members of the Senate of the United States of
19 America, shall be filled by appointment by the Governor. When a
20 vacancy occurs in the office of district judge, associate district
21 judge, or judge of any intermediate appellate court, the Governor
22 shall, in filling such vacancy, utilize the services of the Judicial
23 Nominating Commission in the manner as provided for in the filling
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1 of judicial offices under Section 4, Article 7B of the Oklahoma
2 Constitution.

3 B. All vacancies in county offices except the board of county
4 commissioners or except for any elective county office of any county
5 in the State of Oklahoma having a population of more than six
6 hundred thousand (600,000), according to the latest Federal
7 Decennial Census shall be filled by appointment by the board of
8 county commissioners. If such an appointment is made prior to the
9 prescribed filing period for county officers in accordance with the
10 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the
11 county commissioners shall, at the time ~~said~~ the appointment is
12 made, proclaim a special election to fill the balance of the
13 unexpired term, providing the balance of the term does not expire in
14 the year following the next succeeding general election. In making
15 the proclamation, the county commissioners shall establish the dates
16 for the filing period, primary election, ~~runoff primary election~~ and
17 general election to be the same as the next succeeding filing
18 period, primary election, ~~runoff primary election~~ and general
19 election for county officers. The appointee shall be eligible to
20 become a candidate at ~~said~~ the special election, providing ~~said~~ the
21 appointee is otherwise qualified. The office to be filled shall be
22 printed on the same ballot as other county offices.

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SECTION 11. This act shall become effective January 1, 2011.

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