

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 874

By: Coffee

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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. 2008, Section 5-105),  
12 which relate to election procedures; providing for  
13 nonpartisan elections for office of county sheriff  
14 and district attorney; deleting obsolete language;  
15 deleting requirement for registration as member of  
16 political party for certain period as qualification  
17 to become candidate for certain office; modifying  
18 information required on declarations of candidacy for  
19 certain office; providing for codification; and  
20 providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless  
24 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  
24 preceding the first day of the filing period prescribed by law and,

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

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

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

20 Section 5-111. Forms to be used for filing Declarations of  
21 Candidacy shall be prescribed by the Secretary of the State Election  
22 Board and shall contain the following information: name of the  
23 candidate; the candidate's place of residence and his mailing  
24 address; name of the office sought; the candidate's date of birth;

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

12 SECTION 4. This act shall become effective November 1, 2009.

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