

**SENATE CHAMBER**

STATE OF OKLAHOMA

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 1050, Page 4, Line 20 1/2, as follows:

By inserting new SECTIONS 2 through 6 to read as follows, by renumbering the subsequent section and by amending the title to conform.

Submitted by:

\_\_\_\_\_  
Senator Rob Johnson

R.Johnson-CD-FA-HB1050

4/11/2011 2:25 PM

1 SECTION 2. 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 the  
5 office of county sheriff shall be conducted on a nonpartisan basis.  
6 Candidates for county sheriff shall file a declaration of candidacy  
7 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. If more than two candidates qualify to have their names  
4 appear on the ballot for the office of county sheriff as provided  
5 by law, the names of all such candidates shall appear on the  
6 Primary Election ballot. If no single candidate receives more than  
7 fifty percent (50%) of the votes cast at the Primary Election, the  
8 names of the two candidates receiving the highest number of votes  
9 at the Primary Election shall appear on the General Election  
10 ballot.

11 SECTION 3. AMENDATORY 26 O.S. 2001, Section 1-105, as  
12 amended by Section 1, Chapter 221, O.S.L. 2009 (26 O.S. Supp. 2010,  
13 Section 1-105), is amended to read as follows:

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

18 1. If the nominee was a candidate for county office other than  
19 the office of county sheriff, the political party's central  
20 committee of ~~said~~ the county shall notify the secretary of the  
21 county election board of the name of an alternative candidate to be  
22 placed on the General Election ballot. Such notice shall be  
23 submitted in writing, within fifteen (15) days after ~~said~~ the  
24 death has occurred, but not later than fifty-five (55) days prior  
25 to the General Election, and shall be signed by at least two duly

1 authorized members of the political party's county central  
2 committee;

3 2. If the nominee was a candidate who filed a Declaration of  
4 Candidacy with the State Election Board, the state central  
5 committee of the party affected shall notify the Secretary of the  
6 State Election Board of the name of an alternative candidate to be  
7 placed on the General Election ballot. Such notice shall be  
8 submitted in writing, within fifteen (15) days after ~~said~~ the death  
9 has occurred, but not later than sixty (60) days prior to the  
10 General Election for statewide and federal offices and not later  
11 than fifty-five (55) days prior to the General Election for other  
12 offices, and shall be signed by at least two duly authorized  
13 members of the political party's state central committee; and

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

24 B. In the event of the death of a candidate who was unopposed  
25 for election, a Special Election shall be called by the Governor.

1 ~~Said~~ The Special Election shall be conducted according to the laws  
2 governing such elections, Section 12-101 et seq. of this title.

3 C. 1. In the event of the death of a candidate for the office  
4 of county sheriff whose name would otherwise be on the Primary  
5 Election ballot and the death occurs before ballot printing has  
6 begun for the election, the name of the deceased candidate shall  
7 not be printed on the ballot. If ballot printing has begun, votes  
8 for the deceased candidate shall not be certified by the county  
9 election board. If the death of a candidate leaves only two  
10 surviving candidates, their names shall not appear on the Primary  
11 Election ballot, or if ballot printing has begun, votes shall not  
12 be certified by the county election board in the race, and the two  
13 names shall appear on the ballot for the General Election.

14 2. In the event of the death of a candidate for the office of  
15 county sheriff whose name would otherwise be on the General  
16 Election ballot and the death occurs before ballot printing has  
17 begun for the election, the name of neither candidate shall be  
18 printed on the ballot and the Governor shall call a special  
19 election to fill the office. In the call for the election, the  
20 Governor shall prescribe a filing period, to be held as nearly as  
21 practicable as the regular filing period, followed in no less than  
22 forty-five (45) days by a Special Primary Election which shall be  
23 followed in no less than forty-five (45) days by a Special General  
24 Election. The Primary and General Elections shall be held in the  
25 same manner as regular Primary and General Elections. If the death  
26 of the candidate occurs after ballot printing has begun for the

1 election, votes shall not be certified by the county election board  
2 in the race and the Governor shall call a special election as  
3 specified in this paragraph.

4 SECTION 4. AMENDATORY 26 O.S. 2001, Section 5-105, as  
5 amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2010,  
6 Section 5-105), is amended to read as follows:

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

21 B. To file as an independent candidate for any state or county  
22 office other than the office of county sheriff, a person must have  
23 been registered to vote as an independent for the six-month period  
24 immediately preceding the first day of the filing period prescribed  
25 by law and, under oath, so state. ~~Except, however, to file as an~~  
26 ~~independent candidate for any state or county office in 2004, a~~

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

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

20 SECTION 6. AMENDATORY 19 O.S. 2001, Section 510, as  
21 last amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp.  
22 2010, Section 510), is amended to read as follows:

23 Section 510. Any person, otherwise qualified, who has been a  
24 resident of the State of Oklahoma for two (2) years, has been a  
25 registered voter ~~of the party whose nomination he or she seeks, or~~  
26 ~~a registered Independent,~~ within the county from which such person

1 seeks election for the six (6) months next preceding the first day  
2 of the filing period, ~~except in 2004, when such person must have~~  
3 ~~been a qualified registered elector no later than December 21,~~  
4 ~~2003,~~ is at least twenty-five (25) years of age next preceding the  
5 date of filing for office, and possesses at least a high school  
6 education, shall be eligible to hold the office of county sheriff  
7 or to file therefor. Provided, however, in counties with  
8 populations of five hundred thousand (500,000) or more, the person  
9 seeking election shall also be a current certified peace officer in  
10 good standing. Within twelve (12) months of taking office, all  
11 newly elected or appointed sheriffs shall complete a sheriff's  
12 administrative school which has been developed by the Oklahoma  
13 Sheriff's Association and which has been approved by the Council on  
14 Law Enforcement Education and Training (CLEET). Failure to  
15 complete the sheriff's administrative school within the specified  
16 period shall preclude the new sheriff from obtaining CLEET  
17 certification. New sheriffs with prior CLEET certification, who  
18 fail to attend the sheriff's administrative school, shall have  
19 their CLEET certification revoked. Provided, however, the  
20 provisions of this section relating to qualifications shall not  
21 apply to any person serving as a county sheriff or to any person  
22 previously serving as county sheriff prior to the adoption of this  
23 statute.

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