

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

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

17 SECTION 2. AMENDATORY 26 O.S. 2001, Section 1-105, as
18 amended by Section 1, Chapter 221, O.S.L. 2009 (26 O.S. Supp. 2010,
19 Section 1-105), is amended to read as follows:

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

24

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

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

22 3. If ~~said~~ the death should occur five (5) days or more
23 following the Runoff Primary Election date, a special General
24 Election shall be called by the Governor and shall be conducted

1 according to the laws governing such elections, Section 12-101 et
2 seq. of this title, except that there shall be no filing period or
3 special Primary Election and the candidates in the special General
4 Election shall be the substitute candidate named by the central
5 committee and the nominee of other political parties elected in the
6 Primary or Runoff Primary, and any previously filed independent
7 candidates.

8 B. In the event of the death of a candidate who was unopposed
9 for election, a Special Election shall be called by the Governor.
10 ~~Said~~ The Special Election shall be conducted according to the laws
11 governing such elections, Section 12-101 et seq. of this title.

12 C. 1. In the event of the death of a candidate for the office
13 of county sheriff whose name would otherwise be on the Primary
14 Election ballot and the death occurs before ballot printing has
15 begun for the election, the name of the deceased candidate shall not
16 be printed on the ballot. If ballot printing has begun, votes for
17 the deceased candidate shall not be certified by the county election
18 board. If the death of a candidate leaves only two surviving
19 candidates, their names shall not appear on the Primary Election
20 ballot, or if ballot printing has begun, votes shall not be
21 certified by the county election board in the race, and the two
22 names shall appear on the ballot for the General Election.

23 2. In the event of the death of a candidate for the office of
24 county sheriff whose name would otherwise be on the General Election

1 ballot and the death occurs before ballot printing has begun for the
2 election, the name of neither candidate shall be printed on the
3 ballot and the Governor shall call a special election to fill the
4 office. In the call for the election, the Governor shall prescribe
5 a filing period, to be held as nearly as practicable as the regular
6 filing period, followed in no less than forty-five (45) days by a
7 Special Primary Election which shall be followed in no less than
8 forty-five (45) days by a Special General Election. The Primary and
9 General Elections shall be held in the same manner as regular
10 Primary and General Elections. If the death of the candidate occurs
11 after ballot printing has begun for the election, votes shall not be
12 certified by the county election board in the race and the Governor
13 shall call a special election as specified in this paragraph.

14 SECTION 3. AMENDATORY 26 O.S. 2001, Section 5-105, as
15 amended by Section 7, Chapter 53, O.S.L. 2004 (26 O.S. Supp. 2010,
16 Section 5-105), is amended to read as follows:

17 Section 5-105. A. To file as a candidate for nomination by a
18 political party to any state or county office other than the office
19 of county sheriff, a person must have been a registered voter of
20 that party for the six-month period immediately preceding the first
21 day of the filing period prescribed by law and, under oath, so
22 state. ~~Except, however, to file as a candidate for nomination by a~~
23 ~~political party to any state or county office in 2004, a person must~~
24 ~~have been a registered voter of that party no later than December~~

1 ~~21, 2003.~~ Provided, this requirement shall not apply to a candidate
2 for the nomination of a political party which attains recognition
3 less than six (6) months preceding the first day of the filing
4 period required by law. However, the candidate shall be required to
5 have registered with the newly recognized party within fifteen (15)
6 days after such party recognition.

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

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

17 Section 5-111. Forms to be used for filing Declarations of
18 Candidacy shall be prescribed by the Secretary of the State Election
19 Board and shall contain the following information: name of the
20 candidate; the candidate's place of residence and ~~his~~ mailing
21 address; name of the office sought; the candidate's date of birth;
22 party affiliation of candidate seeking political party nomination
23 for state offices; precinct and county wherein the candidate is a
24 registered voter; an oath wherein the candidate swears or affirms

1 that he or she is qualified to become a candidate for the office
2 ~~which he is seeking~~ sought, and that, if elected, he or she will be
3 qualified to hold ~~said~~ the office; and any additional information
4 which the Secretary deems necessary. A Declaration of Candidacy
5 form must be signed by the candidate, and the signature must be
6 properly notarized by a notary public or other person authorized by
7 law to administer oaths.

8 SECTION 5. AMENDATORY 19 O.S. 2001, Section 510, as last
9 amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2010,
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 6. This act shall become effective November 1, 2011.

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15 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/29/2012 - DO PASS,
16 As Coauthored.
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