

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 116

By: Ivester

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5
6 AS INTRODUCED

7 An Act relating to elections for county office;
8 requiring elections for county offices to be
9 conducted on nonpartisan basis; providing procedures;
10 amending 26 O.S. 2001, Sections 1-105, as amended by
11 Section 1, Chapter 221, O.S.L. 2009, 5-105, as
12 amended by Section 7, Chapter 53, O.S.L. 2004, 5-111,
13 6-109, 8-101, 12-111, as amended by Section 12,
14 Chapter 447, O.S.L. 2002 and 12-114 (26 O.S. Supp.
15 2010, Sections 1-105, 5-105 and 12-111), which relate
16 to election procedures; amending 19 O.S. 2001,
17 Section 510, as last amended by Section 5, Chapter
18 53, O.S.L. 2004 (19 O.S. Supp. 2010, Section 510),
19 which relates to qualifications for the office of
20 county sheriff; amending 51 O.S. 2001, Section 10,
21 which relates to vacancies in state offices; deleting
22 obsolete language; providing procedures in event of
23 death of candidate for county office; deleting
24 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; providing for
codification; and providing an effective date.

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

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

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

21 ~~3.~~ 2. If ~~said~~ the death should occur five (5) days or more
22 following the Runoff Primary Election date, a special General
23 Election shall be called by the Governor and shall be conducted
24 according to the laws governing such elections, Section 12-101 et

1 seq. of this title, except that there shall be no filing period or
2 special Primary Election and the candidates in the special General
3 Election shall be the substitute candidate named by the central
4 committee and the nominee of other political parties elected in the
5 Primary or Runoff Primary, and any previously filed independent
6 candidates.

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

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

22 2. In the event of the death of a candidate for county office
23 whose name would otherwise be on the General Election ballot and the
24 death occurs before ballot printing has begun for the election, the

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

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

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

1 party which attains recognition less than six (6) months preceding
2 the first day of the filing period required by law. However, the
3 candidate shall be required to have registered with the newly
4 recognized party within fifteen (15) days after such party
5 recognition.

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

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

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

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

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

8 Section 6-109. On all Primary and Runoff Primary Election
9 ballots, except absentee ballots, the names of the candidates for
10 each office shall be rotated in such a manner that all candidates'
11 names appear in each position on said ballots an equal number of
12 times. Provided, however, the names of candidates for judicial,
13 county, school, city and town offices shall be placed on the ballot
14 according to lot.

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

17 Section 8-101. The county election board shall certify a list
18 of nominees ~~of each political party~~ for county offices following the
19 Primary ~~and Runoff Primary Elections~~ Election. The State Election
20 Board shall certify a list of nominees of each political party for
21 the offices for which the Board accepts filings of Declarations of
22 Candidacy following the Primary and Runoff Primary Elections.

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1 SECTION 7. AMENDATORY 26 O.S. 2001, Section 12-111, as
2 amended by Section 12, Chapter 447, O.S.L. 2002 (26 O.S. Supp. 2010,
3 Section 12-111), is amended to read as follows:

4 Section 12-111. A. Whenever a vacancy shall occur in the
5 office of a county commissioner, the vacancy shall be filled at a
6 special election to be called by the Governor within thirty (30)
7 days after the vacancy occurs. Provided, no special election shall
8 be called if the vacancy occurs after March 1 of any even-numbered
9 year if the term of the office expires the following year. In such
10 case, the candidate elected to the office at the Primary Election,
11 ~~runoff Primary Election,~~ or the regular General Election shall be
12 appointed by the Governor as soon as practical after the applicable
13 election to fill the unexpired term.

14 B. Whenever a vacancy shall occur in any elective county office
15 of any county in this state having a population of more than the
16 population figure specified in subsection B of Section 10 of Title
17 51 of the Oklahoma Statutes, the vacancy shall be filled at a
18 special election to be called by the Governor within thirty (30)
19 days after the vacancy occurs. Provided, no special election shall
20 be called if the vacancy occurs after March 1 of any even-numbered
21 year if the term of the office expires the following year. In such
22 case, the candidate elected to the office at the Primary Election,
23 ~~runoff Primary Election,~~ or the regular General Election shall be
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1 appointed by the Governor as soon as practical after the applicable
2 election to fill the unexpired term.

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

5 Section 12-114. ~~Said elections~~ Elections to fill vacancies in
6 county offices shall be conducted under the laws applicable to
7 regular Primary and General Elections, ~~except that the candidate~~
8 ~~receiving the highest number of votes in said Primary Election shall~~
9 ~~be deemed the nominee of his political party,~~ provided that the
10 dates of the elections do not coincide with the dates for the
11 regular Primary, ~~Runoff Primary~~ and General Elections. If ~~the~~
12 ~~nominee of a political party~~ a candidate is unopposed in the Special
13 Election or receives at least fifty percent (50%) of the votes cast
14 at the Special Primary Election, ~~he~~ the candidate shall be issued a
15 certificate of election after the expiration of the contest period
16 following the Primary ~~or Runoff Primary~~ Election, if no contest is
17 filed, and shall immediately assume the duties of ~~said~~ the office.

18 SECTION 9. AMENDATORY 19 O.S. 2001, Section 510, as last
19 amended by Section 5, Chapter 53, O.S.L. 2004 (19 O.S. Supp. 2010,
20 Section 510), is amended to read as follows:

21 Section 510. Any person, otherwise qualified, who has been a
22 resident of the State of Oklahoma for two (2) years, has been a
23 registered voter ~~of the party whose nomination he or she seeks, or a~~
24 ~~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, 2003,~~
4 is at least twenty-five (25) years of age next preceding the date of
5 filing for office, and possesses at least a high school education,
6 shall be eligible to hold the office of county sheriff or to file
7 therefor. Provided, however, in counties with populations of five
8 hundred thousand (500,000) or more, the person seeking election
9 shall also be a current certified peace officer in good standing.
10 Within twelve (12) months of taking office, all newly elected or
11 appointed sheriffs shall complete a sheriff's administrative school
12 which has been developed by the Oklahoma Sheriff's Association and
13 which has been approved by the Council on Law Enforcement Education
14 and Training (CLEET). Failure to complete the sheriff's
15 administrative school within the specified period shall preclude the
16 new sheriff from obtaining CLEET certification. New sheriffs with
17 prior CLEET certification, who fail to attend the sheriff's
18 administrative school, shall have their CLEET certification revoked.
19 Provided, however, the provisions of this section relating to
20 qualifications shall not apply to any person serving as a county
21 sheriff or to any person previously serving as county sheriff prior
22 to the adoption of this statute.

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

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

12 B. All vacancies in county offices except the board of county
13 commissioners or except for any elective county office of any county
14 in the State of Oklahoma having a population of more than six
15 hundred thousand (600,000), according to the latest Federal
16 Decennial Census shall be filled by appointment by the board of
17 county commissioners. If such an appointment is made prior to the
18 prescribed filing period for county officers in accordance with the
19 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the
20 county commissioners shall, at the time ~~said~~ the appointment is
21 made, proclaim a special election to fill the balance of the
22 unexpired term, providing the balance of the term does not expire in
23 the year following the next succeeding general election. In making
24 the proclamation, the county commissioners shall establish the dates

1 for the filing period, primary election, ~~runoff primary election~~ and
2 general election to be the same as the next succeeding filing
3 period, primary election, ~~runoff primary election~~ and general
4 election for county officers. The appointee shall be eligible to
5 become a candidate at ~~said~~ the special election, providing ~~said~~ the
6 appointee is otherwise qualified. The office to be filled shall be
7 printed on the same ballot as other county offices.

8 SECTION 11. This act shall become effective January 1, 2012.

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