

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1075

By: Renegar

4  
5  
6 AS INTRODUCED

7 An Act relating to counties and county officers;  
8 amending 19 O.S. 2011, Section 131, which relates to  
9 county officers; making elections for county officers  
10 nonpartisan; amending 19 O.S. 2011, Section 215.1,  
11 which relates to district attorneys; making elections  
12 for district attorneys nonpartisan; amending 19 O.S.  
13 2011, Section 510, which relates to county sheriffs;  
14 making elections for county sheriffs nonpartisan;  
15 amending 26 O.S. 2011, Sections 5-105, 8-101, 12-111,  
16 as amended by Section 6, Chapter 3, O.S.L. 2012, 12-  
17 113, as amended by Section 7, Chapter 3, O.S.L. 2012  
18 and 12-114 (26 O.S. Supp. 2012, Sections 12-111 and  
19 12-113), which relate to candidates for nomination to  
20 office, certification and contest of nominees, and  
21 vacancies in certain county office; stating certain  
22 parameters for filing for office; removing references  
23 to county Runoff Primary Elections and Runoff Primary  
24 Elections for district attorneys; stating conditions  
for winning election; amending 51 O.S. 2011, Section  
10, which relates to vacancies in state and county  
offices; providing for codification; and providing an  
effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 131, is  
amended to read as follows:

1 Section 131. A. At the general election to be held in November  
2 1974, there shall be elected in each county of the state, a court  
3 clerk, a county sheriff, and a county clerk who shall hold office  
4 for a term of two (2) years, the terms of the court clerk, county  
5 sheriff and county clerk beginning on the first Monday in January  
6 following their election, and until their successors are elected and  
7 qualified. At the general election to be held in November 1976, and  
8 each four (4) years thereafter, there shall be elected in each  
9 county of the state, a court clerk, a county sheriff, and a county  
10 clerk who shall hold office for a term of four (4) years; the terms  
11 of the court clerk, the county sheriff and the county clerk,  
12 beginning on the first business day in January following their  
13 election, and until their successors are elected and qualified.

14 B. At the general election to be held in November 1974, and  
15 each four (4) years thereafter, there shall be elected in each  
16 county of the state, a county assessor and a county treasurer, who  
17 shall hold office for a term of four (4) years. The term of the  
18 county assessor shall begin on the first business day in January  
19 following the election, and shall terminate when a successor is  
20 elected and qualified. The term of the county treasurer shall begin  
21 on the first Monday in July following the election and shall  
22 terminate when the successor is duly elected and qualified.

23 C. At the general election to be held in November 1990, and  
24 each four (4) years thereafter, there shall be elected in each

1 county of the state two county commissioners, one from the first  
2 county commissioner district and one from the third county  
3 commissioner district, who shall hold office for a term of four (4)  
4 years. At the general election to be held in November 1990, there  
5 shall be elected in each county of the state one county commissioner  
6 from the second county commissioner district who shall hold office  
7 for a term of six (6) years. At the general election to be held in  
8 November 1996, and each four (4) years thereafter, there shall be  
9 elected in each county of the state, one county commissioner from  
10 the second county commissioner district, who shall hold office for a  
11 term of four (4) years. The terms of the county commissioners shall  
12 begin on the first business day in January following their election,  
13 and shall terminate when their successors are elected and qualified.

14 D. A county officer shall be eligible to become a candidate for  
15 another county office or state office. In order to file as a  
16 candidate for county commissioner in a county commissioner's  
17 district, the candidate must have been a qualified registered  
18 elector in that district for at least six (6) months immediately  
19 preceding the first day of the filing period prescribed by law.  
20 Except, however, to file as a candidate for a county commissioner in  
21 any county commissioner's district in 2004, the candidate must have  
22 been a qualified registered elector in that district no later than  
23 December 21, 2003.

24 E. County officers shall be elected at nonpartisan elections.

1 SECTION 2. AMENDATORY 19 O.S. 2011, Section 215.1, is  
2 amended to read as follows:

3 Section 215.1 There is hereby created the office of district  
4 attorney in the State of Oklahoma, which office shall be filled and  
5 in the same manner as now prevails for district judge. Filing for  
6 said office shall be accomplished by filing with the State Election  
7 Board. District attorneys shall be elected at nonpartisan  
8 elections. There shall be one district attorney for each of the  
9 district court judicial districts as they are composed and exist on  
10 March 1, 1965, with the following exceptions. Provided, however,  
11 that that part of Judicial District No. (14) which is Pawnee County  
12 shall be consolidated with Osage County to form District Attorney's  
13 District No. (10) and Judicial District No. (25) shall be  
14 consolidated with Judicial District No. (19) for the purposes of  
15 this act; and, provided further, that District Court Judicial  
16 District No. (5) be divided into two district attorney districts,  
17 one composed of Caddo, Grady, Stephens and Jefferson Counties to be  
18 denominated District Attorney's District No. (6) and the other  
19 composed of Comanche and Cotton Counties, to be denominated District  
20 Attorney's District No. (5); and, that District Court Judicial  
21 District No. (4) shall be composed of Canadian, Kingfisher, Blaine,  
22 Garfield and Grant Counties to be denominated District Attorney's  
23 District No. (4) and the other composed of Alfalfa, Major, Dewey,  
24 Woodward and Woods Counties, to be denominated District Attorney's

1 District No. (26); that District Court Judicial District No. (15) be  
2 divided into two district attorneys' districts, one composed of  
3 Muskogee County to be denominated District Attorney's District No.  
4 (15) and the other composed of Wagoner, Cherokee, Sequoyah and Adair  
5 Counties to be denominated District Attorney's District No. (27);  
6 that Creek and Okfuskee Counties shall be denominated as District  
7 Attorney's District No. (24); Okmulgee and McIntosh Counties shall  
8 be denominated as District Attorney's District No. (25); and  
9 Pittsburg and Haskell Counties shall be denominated as District  
10 Attorney's District No. (18); and Latimer and LeFlore Counties shall  
11 be denominated as District Attorney's District No. (16); and  
12 District Attorney's District No. (7) shall consist of Oklahoma  
13 County; and, effective January 6, 2003, Kiowa, Jackson, Tillman,  
14 Harmon and Greer Counties shall be denominated as District  
15 Attorney's District No. (3); and, effective January 6, 2003,  
16 Washita, Ellis, Roger Mills, Custer and Beckham Counties shall be  
17 denominated as District Attorney's District No. (2). The State  
18 Election Board shall conduct the elections in 2002 for District No.  
19 (2) and District No. (3) in accordance with the provisions of this  
20 section.

21 SECTION 3. AMENDATORY 19 O.S. 2011, Section 510, is  
22 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

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

1 SECTION 4. 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 Elections for county officers and district attorneys shall be  
5 nonpartisan and all candidates for county offices and for district  
6 attorney shall file as nonpartisan candidates.

7 SECTION 5. AMENDATORY 26 O.S. 2011, Section 5-105, is  
8 amended to read as follows:

9 Section 5-105. A. To file as a candidate for nomination by a  
10 political party to any state ~~or county~~ office other than district  
11 attorney, a person must have been a registered voter of that party  
12 for the six-month period immediately preceding the first day of the  
13 filing period prescribed by law and, under oath, so state.  
14 Provided, this requirement shall not apply to a candidate for the  
15 nomination of a political party which attains recognition less than  
16 six (6) months preceding the first day of the filing period required  
17 by law. However, the candidate shall be required to have registered  
18 with the newly recognized party within fifteen (15) days after such  
19 party recognition.

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

1        C. To file as a candidate for any county office, a person must  
2 have been a registered voter of the county for the six-month period  
3 immediately preceding the first day of the filing period prescribed  
4 by law and, under oath, so state.

5        D. To file as a candidate for district attorney, a person must  
6 have been a registered voter for the six-month period immediately  
7 preceding the first day of the filing period prescribed by law and,  
8 under oath, so state.

9        SECTION 6.        AMENDATORY        26 O.S. 2011, Section 8-101, is  
10 amended to read as follows:

11        Section 8-101. The county election board shall certify a list  
12 of nominees ~~of each political party~~ for county offices following the  
13 Primary and Runoff Primary Elections Election. The Except for  
14 filings for district attorney offices, the State Election Board  
15 shall certify a list of nominees of each political party for the  
16 offices for which the Board accepts filings of declarations of  
17 candidacy following the Primary and Runoff Primary Elections. The  
18 State Election Board shall certify a list of nominees for district  
19 attorney offices following the Primary Election.

20        SECTION 7.        AMENDATORY        26 O.S. 2011, Section 12-111, as  
21 amended by Section 6, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2012,  
22 Section 12-111), is amended to read as follows:

23        Section 12-111. A. Whenever a vacancy shall occur in the  
24 office of a county commissioner, the vacancy shall be filled at a

1 special election to be called by the Governor within thirty (30)  
2 days after the vacancy occurs. Provided, no special election shall  
3 be called if the vacancy occurs in an even-numbered year if the term  
4 of the office expires the following year. In such case, the  
5 candidate elected to the office at the Primary Election, ~~runoff~~  
6 ~~Primary Election,~~ or the regular General Election shall be appointed  
7 by the Governor as soon as practical after the applicable election  
8 to fill the unexpired term.

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

21 SECTION 8. AMENDATORY 26 O.S. 2011, Section 12-113, as  
22 amended by Section 7, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2012,  
23 Section 12-113), is amended to read as follows:

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1 Section 12-113. ~~Such~~ The proclamation provided for in Section  
2 12-112 of this title shall contain the following facts:

3 1. A filing period of three (3) days, on a Monday, Tuesday and  
4 Wednesday, not less than ten (10) days from the date of such  
5 proclamation;

6 2. The date of the Special Primary Election, not less than  
7 twenty (20) days after the close of the filing period; and

8 3. The date of the Special General Election, not less than  
9 twenty (20) days after the date of the Special Primary Election.

10 Should such a vacancy occur in an even-numbered year, when a  
11 special election is required, the proclamation must contain dates  
12 that are the same as are required by law for the regular filing  
13 period, Primary Election, ~~Runoff Primary Election~~ and General  
14 Election, if practicable.

15 SECTION 9. AMENDATORY 26 O.S. 2011, Section 12-114, is  
16 amended to read as follows:

17 Section 12-114. ~~Said~~ The elections provided for in Section 12-  
18 112 of this title shall be conducted under the laws applicable to  
19 regular Primary and General Elections, except that the candidate  
20 receiving the highest number of votes in ~~said~~ such Primary Election  
21 shall be deemed ~~the nominee of his political party,~~ elected to the  
22 office if the candidate receives a majority of all the votes cast.  
23 If no candidate receives a majority of the votes cast, the two  
24 candidates receiving the highest number of votes shall be deemed

1 nominees for the office; provided, that the dates of the elections  
2 do not coincide with the dates for the regular Primary,~~Runoff~~  
3 ~~Primary~~ and General Elections. If ~~the~~ a nominee ~~of a political~~  
4 ~~party~~ is unopposed in the Special Election, ~~he~~ the nominee shall be  
5 issued a certificate of election after the expiration of the contest  
6 period following the Primary ~~or Runoff Primary~~ Election, if no  
7 contest is filed, and shall immediately assume the duties of ~~said~~  
8 the office.

9 SECTION 10. AMENDATORY 51 O.S. 2011, Section 10, is  
10 amended to read as follows:

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

22 B. All vacancies in county offices except the board of county  
23 commissioners or except for any elective county office of any county  
24 in the State of Oklahoma having a population of more than six

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

18 SECTION 11. This act shall become effective November 1, 2013.

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