

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1634

By: Pruett

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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 19 O.S. 2011, Section
10 510, which relates to qualifications for county
11 sheriff; modifying qualifications; amending 26 O.S.
12 2011, Sections 5-105 and 5-111, as amended by Section
13 2, Chapter 10, O.S.L. 2012 (26 O.S. Supp. 2012,
14 Section 5-111), which relate to election procedures;
15 providing for nonpartisan elections for office of
16 county sheriff; modifying information required on
17 Declarations of Candidacy for certain office;
18 providing for codification; and providing an
19 effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless
23 there is created a duplication in numbering, reads as follows:

24 A. Beginning with the 2014 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. If more than two candidates qualify to have their names
4 appear on the ballot for the office of county sheriff, the names of
5 all such candidates shall appear on the Primary Election ballot. If
6 no single candidate receives more than fifty percent (50%) of the
7 votes cast at the Primary Election, the names of the two candidates
8 receiving the highest number of votes at the Primary Election shall
9 appear on the General Election ballot.

10 SECTION 2. AMENDATORY 19 O.S. 2011, Section 510, is
11 amended to read as follows:

12 Section 510. Any person, otherwise qualified, who has been a
13 resident of the State of Oklahoma for two (2) years, has been a
14 registered voter ~~of the party whose nomination he or she seeks, or a~~
15 ~~registered Independent,~~ and resides within the county from which
16 such person seeks election for the six (6) months next preceding the
17 first day of the filing period, ~~except in 2004, when such person~~
18 ~~must have been a qualified registered elector no later than December~~
19 ~~21, 2003,~~ is at least twenty-five (25) years of age next preceding
20 the date of filing for office, possesses at least a high school
21 education, shall be eligible to hold the office of county sheriff or
22 to file therefor. Provided, however, in counties with populations
23 of five hundred thousand (500,000) or more, the person seeking
24 election shall also be a current certified peace officer in good

1 standing. Within twelve (12) months of taking office, all newly
2 elected or appointed sheriffs shall complete a sheriff's
3 administrative school which has been developed by the Oklahoma
4 ~~Sheriff's~~ Sheriffs' Association and which has been approved by the
5 Council on Law Enforcement Education and Training (CLEET). Failure
6 to complete the sheriff's administrative school within the specified
7 period shall preclude the new sheriff from obtaining CLEET
8 certification. New sheriffs with prior CLEET certification, who
9 fail to attend the sheriff's administrative school, shall have their
10 CLEET certification revoked. Provided, however, the provisions of
11 this section relating to qualifications shall not apply to any
12 person serving as a county sheriff or to any person previously
13 serving as county sheriff prior to the adoption of this statute.

14 SECTION 3. AMENDATORY 26 O.S. 2011, Section 5-105, is
15 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, other than the office
18 of county sheriff, a person must have been a registered voter of
19 that party for the six-month period immediately preceding the first
20 day of the filing period prescribed by law and, under oath, so
21 state. Provided, this requirement shall not apply to a candidate
22 for the nomination of a political party which attains recognition
23 less than six (6) months preceding the first day of the filing
24 period required by law. However, the candidate shall be required to

1 have registered with the newly recognized party within fifteen (15)
2 days after such party recognition.

3 B. To file as an independent candidate for any state or county
4 office, other than the office of county sheriff, a person must have
5 been registered to vote as an independent for the six-month period
6 immediately preceding the first day of the filing period prescribed
7 by law and, under oath, so state.

8 SECTION 4. AMENDATORY 26 O.S. 2011, Section 5-111, as
9 amended by Section 2, Chapter 10, O.S.L. 2012 (26 O.S. Supp. 2012,
10 Section 5-111), is amended to read as follows:

11 Section 5-111. Forms to be used for filing Declarations of
12 Candidacy shall be prescribed by the Secretary of the State Election
13 Board and shall contain the following information: name of the
14 candidate; the candidate's place of residence and mailing address;
15 name of the office sought; the candidate's date of birth; party
16 affiliation of candidate seeking political party nomination for
17 state offices, and county offices other than the office of county
18 sheriff; precinct and county wherein the candidate is a registered
19 voter; an oath wherein the candidate swears or affirms that he or
20 she is qualified to become a candidate for the office sought, and
21 that, if elected, the candidate will be qualified to hold the
22 office; and any additional information which the Secretary deems
23 necessary. A Declaration of Candidacy form must be signed by the
24 candidate, and the signature must be properly notarized by a notary

1 public or other person authorized by law to administer oaths. In
2 addition to the information required by this section, a candidate
3 may include a telephone number, email address and website address.
4 Such additional information shall not be required of any candidate
5 but if provided shall be made available to the public.

6 SECTION 5. This act shall become effective November 1, 2013.

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