

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2633

By: Proctor

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 215.1, which relates
9 to district attorneys; making elections for district
10 attorneys nonpartisan; amending 19 O.S. 2011, Section
11 510, which relates to county sheriffs; making
12 elections for county sheriffs nonpartisan; providing
13 for nonpartisan elections for county sheriffs and
14 district attorneys; amending 26 O.S. 2011, Sections
15 5-105 and 8-101, which relate to candidates for
16 nomination to office, certification and contest of
17 nominees; stating certain parameters for filing for
18 office; providing exception; providing for
19 codification; and declaring an emergency.

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

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

23 Section 215.1 There is hereby created the office of district
24 attorney in the State of Oklahoma, which office shall be filled ~~and~~
in the same manner as ~~now prevails for~~ district judge. Filing for
said office shall be accomplished by filing with the State Election
Board. District attorneys shall be elected at nonpartisan
elections. There shall be one district attorney for each of the

1 district court judicial districts as they are composed and exist on
2 March 1, 1965, with the following exceptions. Provided, ~~however,~~
3 ~~that~~ that part of Judicial District No. (14) which is Pawnee County
4 shall be consolidated with Osage County to form District Attorney's
5 District No. (10) and Judicial District No. (25) shall be
6 consolidated with Judicial District No. (19) for the purposes of
7 this act; and, provided further, that District Court Judicial
8 District No. (5) be divided into two district attorney districts,
9 one composed of Caddo, Grady, Stephens and Jefferson Counties to be
10 denominated District Attorney's District No. (6) and the other
11 composed of Comanche and Cotton Counties, to be denominated District
12 Attorney's District No. (5); and, that District Court Judicial
13 District No. (4) shall be composed of Canadian, Kingfisher, Blaine,
14 Garfield and Grant Counties to be denominated District Attorney's
15 District No. (4) and the other composed of Alfalfa, Major, Dewey,
16 Woodward and Woods Counties, to be denominated District Attorney's
17 District No. (26); that District Court Judicial District No. (15) be
18 divided into two district attorneys' districts, one composed of
19 Muskogee County to be denominated District Attorney's District No.
20 (15) and the other composed of Wagoner, Cherokee, Sequoyah and Adair
21 Counties to be denominated District Attorney's District No. (27);
22 that Creek and Okfuskee Counties shall be denominated as District
23 Attorney's District No. (24); Okmulgee and McIntosh Counties shall
24 be denominated as District Attorney's District No. (25); and

1 Pittsburg and Haskell Counties shall be denominated as District
2 Attorney's District No. (18); and Latimer and LeFlore Counties shall
3 be denominated as District Attorney's District No. (16); and
4 District Attorney's District No. (7) shall consist of Oklahoma
5 County; and, effective January 6, 2003, Kiowa, Jackson, Tillman,
6 Harmon and Greer Counties shall be denominated as District
7 Attorney's District No. (3); and, effective January 6, 2003,
8 Washita, Ellis, Roger Mills, Custer and Beckham Counties shall be
9 denominated as District Attorney's District No. (2). The State
10 Election Board shall conduct the elections in 2002 for District No.
11 (2) and District No. (3) in accordance with the provisions of this
12 section.

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

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

1 therefor. Provided, however, in counties with populations of five
2 hundred thousand (500,000) or more, the person seeking election
3 shall also be a current certified peace officer in good standing.
4 Within twelve (12) months of taking office, all newly elected or
5 appointed sheriffs shall complete a sheriff's administrative school
6 which has been developed by the Oklahoma ~~Sheriff's~~ Sheriffs'
7 Association and which has been approved by the Council on Law
8 Enforcement Education and Training (CLEET). Failure to complete the
9 sheriff's administrative school within the specified period shall
10 preclude the new sheriff from obtaining CLEET certification. New
11 sheriffs with prior CLEET certification, who fail to attend the
12 sheriff's administrative school, shall have their CLEET
13 certification revoked. Provided, however, the provisions of this
14 section relating to qualifications shall not apply to any person
15 serving as a county sheriff or to any person previously serving as
16 county sheriff prior to the adoption of this statute.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless
19 there is created a duplication in numbering, reads as follows:

20 Elections for county sheriffs and district attorneys shall be
21 nonpartisan and all candidates for county sheriff and for district
22 attorney shall file as nonpartisan candidates.

23 SECTION 4. AMENDATORY 26 O.S. 2011, Section 5-105, is
24 amended to read as follows:

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

12 B. To file as an independent candidate for any state or county
13 office, other than county sheriff or district attorney, a person
14 must have been registered to vote as an independent for the six-
15 month period immediately preceding the first day of the filing
16 period prescribed by law and, under oath, so state.

17 SECTION 5. AMENDATORY 26 O.S. 2011, Section 8-101, is
18 amended to read as follows:

19 Section 8-101. The county election board shall certify a list
20 of nominees of each political party for county offices following the
21 Primary and Runoff Primary Elections. ~~The~~ Except for filings for
22 county sheriff and district attorney, the State Election Board shall
23 certify a list of nominees of each political party for the offices
24 for which the Board accepts filings of declarations of candidacy

1 following the Primary and Runoff Primary Elections. The State
2 Election Board shall certify a list of nominees for county sheriff
3 and district attorney following the Primary Election.

4 SECTION 6. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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