

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 99

By: Brecheen

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7 COMMITTEE SUBSTITUTE

8 An Act relating to elections; requiring elections for
9 offices of county sheriff and district attorney to be
10 conducted on nonpartisan basis; providing procedures;
11 amending 26 O.S. 2011, Sections 1-105 and 5-105,
12 which relate to election procedures; amending 19 O.S.
13 2011, Section 510, which relates to qualifications
14 for the office of county sheriff; providing
15 procedures in event of death of candidate for certain
16 office; deleting requirement for registration as
17 member of political party for certain period as
18 qualification to become candidate for certain office;
19 providing for codification; and providing an
20 effective date.

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

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

25 A. Beginning with the 2016 election cycle, elections for the
26 office of county sheriff shall be conducted on a nonpartisan basis.
27 Candidates for county sheriff shall file a declaration of candidacy
28 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. Beginning with the 2016 election cycle, elections for the
4 office of district attorney shall be conducted on a nonpartisan
5 basis. Candidates for district attorney shall file a declaration of
6 candidacy with the Secretary of the State Election Board as provided
7 in Section 5-102 of Title 26 of the Oklahoma Statutes but shall not
8 declare a party affiliation.

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

17 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-105, is
18 amended to read as follows:

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

23 1. If the nominee was a candidate for county office other than
24 the office of county sheriff, the political party's central

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

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

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

23 2. In the event of the death of a candidate for the office of
24 county sheriff or the office of district attorney whose name would

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

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

1 first day of the filing period required by law. However, the
2 candidate shall be required to have registered with the newly
3 recognized party within fifteen (15) days after such party
4 recognition.

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

11 SECTION 4. AMENDATORY 19 O.S. 2001, Section 510, is
12 amended to read as follows:

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

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

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

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